

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

A meeting of the Cottonwood City Council was held on Tuesday, January 2, 2024, 7:00 pm, in the Cottonwood City Office with Corey Moseng, Shawn Myers, Joel Dahl, Shannon Geihl, and Mike Horner present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; and Lyon County Sheriff Eric Wallen.

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

A motion by Joel Dahl to appoint Shawn Myer as Vice President of the City Council for 2024. Seconded by Shannin Geihl. Carried.

### 1. CITY COUNCIL COMMITTEES

- Public Works Committee (*formerly Water, Sewer, Parks & Rec, Solid Waste, and Streets committees*): **Mike Horner & Joel Dahl**
- Public Safety Committee (*formerly Fire, Ambulance, Law Enforcement, & Liquor committees*): **Joel Dahl & Shannon Geihl**
- Planning & Zoning: **Shawn Myers & Corey Moseng**
- Personnel: **Corey Moseng & Mike Horner**
- Finance Committee: **Corey Moseng & Mike Horner**
- Cottonwood Lake Committee: **Joel Dahl & Shawn Myers**
- Ad Hoc (*to be formed, as needed, temporarily for a special project or task*)
  - City Emergency Preparedness Plan: **Joel Dahl & Shannon Geihl**  
*Proposed to be comprised of two city council members, the City Administrator, Public Works Supervisor, Lakeview School representative, LCSO representative, Emergency Management Coordinator, and members of the Cottonwood Fire & Ambulance Departments.*

### 2. ECONOMIC DEVELOPMENT AUTHORITY: **Corey Moseng & Shannon Geihl**

*A seven-person board comprised of two members of the city council and four business owners of the community.*

### 3. REVOLVING LOAN FUND COMMITTEE: **Mike Horner**

*A four-person committee comprised of one member of the city council and three community members.*

### 4. HOUSING & REDEVELOPMENT AUTHORITY: **Shawn Myers**

*A five-person board, governed by the US Department of Housing and Urban Development, comprised of one member of the city council and four other members of the community.*

### 5. COTTONWOOD FIREMENS' RELIEF ASSOCIATION: **Shawn Myers**

#### **424A.04 VOLUNTEER RELIEF ASSOCIATIONS; BOARD OF TRUSTEES.**

##### ***Subdivision 1. Membership.***

- (a) *A relief association that is directly associated with a municipal fire department must be managed by a board of trustees consisting of nine members. Six trustees must be elected from the membership of the relief association and three trustees must be drawn from the officials of the municipalities served by the fire department to which the relief association is directly associated. The bylaws of a relief association which provides a monthly benefit service pension may provide that one of the six trustees elected from the relief association membership may be a retired member receiving a monthly pension who is elected by the*

*membership of the relief association. The three municipal trustees must be one elected municipal official and one elected or appointed municipal official who are designated as municipal representatives by the municipal governing board annually and the chief of the municipal fire department.*

A motion by Mike Horner to approve the 2024 board and committee designations as presented. Seconded by Shawn Myers. Carried.

**MARSHALL INDEPENDENT | Official City Newspaper**

**331A.04 Designation of A Newspaper for Official Publications**

**Subdivision 4. General circulation in locality.** *When no qualified newspaper has its known office of issue or a secondary office located within the political subdivision, then a qualified newspaper of general circulation there shall be designated.*

Due to the changes the Tri-County News has gone through in the past two years such as the company sale to an out of state production, closing all local offices, no staff attendance at meetings, and publication deadline changes that make it hard to publish anything unexpected, it is recommended to change the official newspaper for the City of Cottonwood to the Marshall Independent.

**FIRST INDEPENDENT BANK & BREMER BANK OF MARSHALL | Official City Depositories**

**118A.02 Depositories; Investing: Sales, Proceeds, Immunity.**

**Subdivision 1. Designation; delegation.**

- (a) The governing body of each government entity shall designate, as a depository of its funds, one or more financial institutions.*
- (b) The governing body may authorize the treasurer or chief financial officer to:*
  - (1) designate depositories of the funds;*
  - (2) make investments of funds under sections [118A.01](#) to [118A.06](#) or other applicable law; or*
  - (3) both designate depositories and make investments as provided in this subdivision*

**BOLTON & MENK | Official City Engineering Firm**

*Contracted service and not required for annual approval per Minnesota Statute*

**KINNER & COMPANY LTD | Official City Auditing Firm**

*Contracted service and not required for annual approval per Minnesota Statute*

**JOHN NILGES, PUBLIC WORKS DEPARTMENT | Official Deputy Weed Inspector**

*Employee of the Public Works Department that works with Mayor & Administration to enforce the City Grass and Weed Ordinances*

**DALE LOUWAGIE & JEREMY DIEKEN | Official Emergency Management Coordinators**

*Members of the Cottonwood Fire Department that are contacted regarding an emergency or public safety concern and works in coordination with the City Administrator, City Department Heads, and other Agencies to address the issue.*

**2024 OFFICIAL AUTHORIZATIONS TO CITY ADMINISTRATOR**

**118A.02 Depositories; Investing: Sales, Proceeds, Immunity.**

**Subdivision 1. Designation; delegation.**

- (b) The governing body may authorize the treasurer or chief financial officer to:*
  - (1) designate depositories of the funds;*
  - (2) make investments of funds under sections [118A.01](#) to [118A.06](#) or other applicable law; or*
  - (3) both designate depositories and make investments as provided in this subdivision*

**AUTHORIZATION OF THE CITY ADMINISTRATOR TO HANDLE THE FOLLOWING:**

1. Pay Regular City Bills Upon Receipt Prior to City Council Meeting
2. Handle Idle Investments and Funds
3. Pay Set Bond Principal and Interest

A motion by Joel Dahl to approve the 2024 designations as presented. Seconded by Mike Horner. Carried.

Council reviewed the meeting minutes from the November 21, 2023 meeting.

A motion by Shawn Myers to approve the November 21, 2023 meeting minutes. Seconded by Shannon Geihl.

Council reviewed the meeting minutes from the December 12, 2023 meeting.

A motion by Joel Dahl to approve the December 12, 2023 meeting minutes. Seconded by Mike Horner. Carried.

Council reviewed the meeting minutes from the December 28, 2023 meeting.

A motion by Joel Dahl to approve the December 28, 2023 meeting minutes. Seconded by Shawn Myers. Carried.

Council reviewed the following consent agenda items:

Resolution 2024\_0102 Fire Department Donation - \$9,000 Dean Wyffels & Adm

Resolution 2024\_0102A Ambulance Donation - \$200 Senior Citizen Center

Resolution 2024\_0102B Ambulance Donation - \$250 Rustic Acres

Resolution 2024\_0102C Ambulance Donation - \$50 Patricia Timmerman

A motion by Shawn Myers to approve the consent agenda. Seconded by Shannon Geihl. Carried.

Sheriff Wallen presented the annual Lyon County Sheriff's Reports to the city council.

Allen Olsen updated the Council on the Public Works Department. Updates include the MPCA Pond Permit, Rubin has placed ground blankets at the ponds so that the project can be started as soon as possible, some trees were removed from the Northwood ditch, and a valve by English Lutheran needs to be replaced this spring.

Bliss presented information to the city council regarding goals, missions, and values for the Cottonwood City Council to look over in 2024.

Council reviewed the December Meeting Minutes of the Cottonwood Ambulance.

Council considered the members up for reappointment on the Cottonwood Ambulance leadership who's terms are to expire January 31, 2027.

A motion by Shannon Geihl to approve Shelly Meyer as supply manager. Seconded by Shawn Myers. Carried.

A motion by Joel Dahl to approve Shelly Meyers as secretary. Seconded by Shawn Myers. Carried.

A motion by Shawn Myers to approve Sara Hubbard as Assistant Director. Seconded by Shannon Geihl. Carried.

Council reviewed the EDA Report for 2023.

**MAIN STREET PROJECT** | The demolition and site clean up of the six lots on Main Street took place in 2023. Planning with Bolton & Menk has continued to install new water & sewer lines to the lots.

In December, Bolton & Menk completed their survey of the lots to ensure that the lot lines were close to what they should be, and the new legal descriptions will be written to convert the six lots into three.

Sale prices will be factored to include all costs associated with the project.

**FORMER DENTAL BUILDING** | The building has been determined to best fit the needs of the city as the future City Office. The transfer of the building from the EDA to the City will need to take place at the first of 2024.

**PLANS FOR 2024** | Continue the sale and development of the Main Street Lots. Work in conjunction with the City to develop a Tax Abatement Plan for business development. Work in conjunction with the City to update the Comprehensive Plan of the City and plan for future Housing Development.

Council reviewed the RLF & SCDP Report for 2023.

**SMALL CITIES DEVELOPMENT** | The 2019 SCDP Loan Project has concluded. All open SCDP loans are from the 2019 Project and total \$23,318 in notes outstanding.

\$68,344 in funds are currently available for housing and business project loans.

Below shows a reconciliation by year for auditing purposes.

YEAR	DD TOTAL	TOTAL PD BY SCDP 202-0-300	TOTAL TRANS FROM GF TO SCDP 33130	DSI ANNUAL REPORT	DISCREPENCY	NOTES
2020	\$44,958.00	\$44,958.00	\$44,958.00	\$21,958.00	\$23,000.00	State FY Oct 1 to Sept 30 – discrepancy from City FY being a CY
2021	\$96,707.00	\$96,707.00	\$96,707.00	\$60,596.00	\$36,111.00	
2022	\$157,762.40	\$157,762.40	\$157,762.40	\$175,612.40	\$(17,850.00)	
2023	\$114,872.60	\$114,872.60	\$114,872.60	\$154,037.61	\$(39,165.01)	
2024	\$ -	\$ -	\$ -	\$2,095.99	\$(2,095.99)	
<b>TOTALS</b>	\$414,300.00	\$414,300.00	\$414,300.00	\$414,300.00	\$0	

REVOLVING LOAN FUND | Three notes outstanding at the end of 2023 total \$117,572.

\$354,383.00 total Revolving Loan Funds currently available for business loans.

PLANS FOR 2024 | Work in conjunction with the EDA to provide financing for incoming and existing businesses.

Council reviewed a sump pump permit for Shawn Myers.

A motion by Mike Horner to approve the sump pump permit for Shawn Myers. Seconded by Joel Dahl. Carried. Abstained by Shawn Myers.

January 16, 2024 meeting will be the water & sewer rates and schedule of fees public hearing.

Council reviewed the bills for \$19,022.50

A motion by Shawn Myers to approve the bill payment totaling \$19,022.50. Seconded by Joel Dahl. Carried.

A motion by Shawn Myers to adjourn the city council meeting. Seconded by Shannon Geihl. Carried at 755pm.

## JANUARY 16, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, January 16, 2024, 7:00 pm, in the Cottonwood City Office with Shawn Myers, Shannon Geihl, and Mike Horner present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; and Lyon County Sheriff's Deputy Matt Boettger.

Vice President Shawn Myers called the meeting to order and led in the Flag Pledge.

Deputy Boettger presented the sheriff's office monthly activity report.

Allen Olsen updated the Council on the impeller replacement on Northwood Drive by Tri-State Pump.

Council reviewed the Annual Meeting Minutes of the Cottonwood Fire Department and Cottonwood Firemen's Relief Association.

Council reviewed a special alcohol permit application for the Fruin Family.

A motion by Shannon Geihl to approve the special alcohol permit. Seconded by Mike Horner. Carried.

A motion by Mike Horner to close the regular meeting. Seconded by Shannon Geihl.

A motion by Shannon Geihl to open the public hearing on water and sewer rate increases and the 2024 schedule of fees. Seconded Mike Horner. Carried at 7:05PM.

The rates for the water utility system shall be set at a base of \$12.00 and a usage of \$6.00 per thousand gallons. The rates for the sewer utility system shall be set at a base of \$20.00 and a usage of \$8.00 per thousand gallons. The rates shall take effect February 01, 2024 to be billed in accordance with the January 2024 utility usage.

The 2024 schedule of fees were presented as follows:

### **CITY OF COTTONWOOD FEE SCHEDULE**

#### **I. COTTONWOOD COMMUNITY CENTER RATES**

##### **Special Community Event**

Bloodmobile.....	Free
Local Government Organization.....	Free
Local Business Organization .....	\$25.00
Non-Profit Organization/Fundraiser .....	\$25.00

##### **Small Party Event**

One-Day Rental .....	\$100.00
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##### **Large Event**

*Package includes reservation for up to three days*

Multi Day Rental.....	\$500.00
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### **Alcohol**

*If alcohol will be present at any Cottonwood public facility event, the fee shall apply to all – including events being serviced from a licensed establishment. Refund will be made with deposit as long as the City has received all required documentation for alcohol to be served prior to the event.*

Refundable Liquor Deposit.....\$250.00

### **Deposits**

*Deposit will be made at the time of booking and check will be cashed. Once event has concluded and facility has been inspected and cleaned based on check list on application, deposit amount will be refunded via mail. If key is not returned timely, cleaning check list is not met, or there is damage found then deposit will not be returned.*

Community and Small Events .....\$100.00

Large Events .....\$500.00

## **II. CITY SERVICES & PENALTY RATES**

### **Administrative Fees**

Animal License .....\$10.00

Potentially Dangerous Dog License.....\$25.00

Lifetime Animal License .....\$100.00

Plumbing License.....\$15.00

Tobacco License. ....\$15.00

Garbage Hauling Permit .....\$50.00

On-Sale Liquor License .....\$1500.00

Off-Sale Liquor License .....\$200.00

Sunday Liquor License .....\$200.00

### **Planning & Zoning Fees**

Zoning Permit (Up to \$4999.99 value) .....\$50.00

Zoning Permit (Over \$5000.00 value) .....\$100.00

Shoreline Alteration Permit .....\$100.00

Variances.....\$300.00

Conditional Use Permits .....\$100.00

Planned Unit Development .....\$150.00

Amendments to Zoning Ordinance .....\$100.00

Zoning Permit Extension (Up to \$4999.99 value) .....\$50.00

Zoning Permit Extension (Over \$5000.00 value) .....\$100.00

### **Staff and Equipment Fees**

*Rates are billed at a minimum of one (1) hour.*

One (1) Man Hour.....\$50.00

Weed Wacker.....\$50.00

Chop saw/ Chainsaw.....\$50.00

Metal Detector .....\$20.00

Snow Blower/Road Patrol.....\$100.00

Street Sweeper .....\$100.00

Mower.....\$100.00

Pull Behind Generator.....\$100.00

Pumps.....\$100.00

Dump Truck/Plow Truck .....	\$150.00
Loader/Skid Steer/Hoist Truck .....	\$200.00
Vactor Jetter Truck .....	\$300.00
Large Parking Lot Sanding .....	\$150.00
Small Parking Lot Sanding .....	\$75.00

#### **Fines & Penalties**

Nonsufficient Funds (NSF) Returned Check .....	\$30.00
Appeal Hearing & Animal Licensing Violation .....	\$100.00
Winter Parking Violation .....	\$20.00
Sump Pump Violation .....	\$50.00 per month
Zoning Violations .....	\$200.00 plus double application fee
Public Nuisance & Junk Violation .....	\$200.00 plus additional abatement fees
Alcohol Policy Violation .....	\$500.00
All Other City Code Violations .....	\$100.00

### **III. WATER & SEWER RATES**

*Water & Sewer Rates shall be set by the Cottonwood City Council per Resolution each year and updated with the fee schedule.*

#### **Base Rates**

Water Usage per 1,000 Gallons .....	\$6.00
Water Base per Month .....	\$12.00
Sewer Usage per 1,000 Gallons .....	\$8.00
Sewer Base per Month .....	\$20.00
Sewer Only per Month .....	\$11.00
Bulk Water per 1,000 Gallons .....	\$25.00
Rural Water per 1,000 Gallons .....	\$9.00
Rural Sewer per 1,000 Gallons .....	\$11.00
Cottonwood Country Club Water .	\$90.00 per month (Rural Rate for 10,000 gallons)
School Ballfield Water .....	\$2.00 per 1000 Gallons (For 1st 150,000 Gallons)
School Ballfield Excess Water .....	\$4.60 per 1000 Gallons (For all excess of 150,000 Gallons)

#### **New Connections**

*Charges are for all new hook-ups within the City of Cottonwood. Sewer connection shall increase \$30.00 per year. Water connection shall increase by \$10.00 per year. Various areas of the City have experienced special assessments due to water supply needs for housing additions, therefore for each area of the City designed under new water connection the following equation shall be used:*

*\$150 x % paid by prior assessment = \$ off base connection price*

New Sewer Connection .....	\$1410.00
New Water Connection .....	\$310.00
○ Lots 10-20, Block 2 & Lots 12-24, Block 1 of Lakeview Estates (50%) .....	\$235.00
○ Lots 1-9, Block 2 & Lots 1-11, Block 1 of Lakeview Estates (33%) .....	\$260.50
○ Idso Addition & Second (100%) .....	\$160.00
○ Northwood Addition & First (100%) .....	\$160.00



○ Empty Bel-Mar Lots (33%) .....	\$260.50
○ South of 750 West First Street South (100%).....	\$160.00
○ Southeast Addition (100%).....	\$160.00

#### IV. EMERGENCY SERVICES & CALL RATES

##### **Fire Calls**

*Fire call rates are billable for two (2) hours with additional per hour rate set for calls exceeding two (2) hours.*

Grass & Trash Fires .....	\$1000.00
Structural Fires.....	\$1000.00
Vehicle Fires .....	\$1000.00
Chief's Page .....	\$100.00
Assist Ambulance Service at Vehicle Accident (Includes Extractions) .....	\$1000.00
False Alarms .....	\$500.00
Controlled Fires without Permits .....	\$1500.00
Power Outage (Transformer) .....	\$1000.00
Ice and Water Rescue.....	\$1000.00
Hazmat Charge (Plus Lost and Destroyed Equipment) .....	\$2500.00
Foam (Per 5 Gallons) .....	\$200.00
Call Charge Rate Per Hour After 2Hr. ....	\$350.00

##### **Ambulance Calls**

Basic Life Support Transport.....	\$1250.00
Advanced Life Support Transport .....	\$1500.00
Transport Mileage.....	\$24/mile
Lift Assistance .....	\$100.00
Advanced Life Support Intercept.....	\$1500.00
Advanced Life Support Level 2 Additional Rate .....	\$250.00
Hazmat (Plus Lost and Destroyed Equipment).....	\$2500.00
Multi-Patient Discount.....	(2 Patients- 20%) (3 Patients- 30%)

#### V. EMERGENCY SERVICES PAY RATE

##### **Ambulance Wages**

Director .....	\$1000.00 annually
Assistant Director.....	\$500.00 annually
Supply Manager .....	\$125.00 annually
Secretary .....	\$125.00 annually
Senior Vehicle Custodian .....	\$500.00 annually
Secondary Vehicle Custodian .....	\$250.00 annually
Meeting Attendance .....	\$20.00 per hour
Training Sessions .....	\$20.00 per hour
Ambulance Runs .....	\$20.00 per hour
On Stand-by .....	\$20.00 per hour

##### **Fire Department Wages**

Chief.....	\$1000.00 annually
Emergency Services Coordinator .....	\$500.00 annually
Assistant Chief.....	\$500.00 annually

Secretary .....	\$300.00 annually
Captain .....	\$500.00 annually
Truck Captains .....	\$20.00 per hour
Meetings.....	\$20.00 per hour
Training Sessions .....	\$20.00 per hour
Fire Calls .....	\$20.00 per hour

A motion by Mike Horner to close the public hearing. Seconded by Shannon Geihl. Carried.

A motion by Shannon Geihl to open the regular meeting. Seconded by Mike Horner. Carried at 715pm.

Bliss updated the City Council on the Rains Property – to proceed with the process, the council will need to determine if they want to pursue an order to raze.

A motion by Shannon Geihl to move forward with the order to raze. Seconded by Mike Horner. Carried.

Council reviewed the following Ordinance:

#### **ORDINANCE NO. 2024-1**

### **AN ORDINANCE FOR THE CITY OF COTTONWOOD AUTHORIZING THE ADOPTION OF PERSONNEL POLICIES AND EMPLOYEE HANDBOOK BY RESOLUTION**

**WHEREAS**, the City of Cottonwood needs to adopt Personnel Policies and Employee Handbook.

**NOW, THEREFORE**, the City Council of the City of Cottonwood, Minnesota ordains:

Section 1. The City Council is authorized to adopt Personnel Policies and Employee Handbook by Resolution.

Section 2. All prior ordinances pertaining to subjects treated in the Personnel Policies and Employee Handbook shall be deemed repealed.

Passed by the City Council of Cottonwood, Minnesota this sixteenth day of January, 2024.

A motion by Mike Horner to approve Ordinance 2024-01. Seconded by Shannon Geihl. Carried.

The City Council reviewed the following policies for the employees of the city:

- Public Works On-Call Policy
- DOT and Non-DOT Drug and Alcohol Policy
- Out of State Travel Policy

FMLA Policy  
Cottonwood Job Descriptions  
Classification and Compensation Plan

A motion by Shannon Geihl to approve the employee policies as presented. Seconded by Mike Horner. Carried.

Council reviewed pay increases presented from the personnel committee.

A motion by Mike Horner to approve the pay increases as presented by the personnel committee. Seconded by Shannon Geihl. Carried.

Council reviewed the following Resolution:

**RESOLUTION NO. 2024\_0116**  
**A RESOLUTION APPROVING THE RATE INCREASE**  
**OF THE COTTONWOOD WATER AND SEWER UTILITIES**

**WHEREAS**, the City of Cottonwood is generally authorized to make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products pursuant to Minnesota Statutes Section 412 for the benefit of its citizens and is specifically authorized to set utility rates.

**WHEREAS**, the City of Cottonwood has incurred increased costs relative to the operation of its water and sanitary sewer utility system, including but not limited to general operation and maintenance expenditures as well as additional debt payments in relation to system improvements

**WHEREAS**, additional money is needed to maintain a positive cash flow in the Water and Sewer Enterprise Funds, including funding the depreciation accounts, and the increasing monthly costs.

**WHEREAS**, The City Council deems it necessary to increase the current water and sewer rates for utility customers.

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

1. The rates for the water utility system shall be set at a base of \$12.00 and a usage of \$6.00 per thousand gallons.
2. The rates for the sewer utility system shall be set at a base of \$20.00 and a usage of \$8.00 per thousand gallons.
3. The rates shall take effect February 01, 2024 to be billed in accordance with the January 2024 utility usage.

Passed by the City Council of Cottonwood, Minnesota this sixteenth day of January 2024.

A motion by Shannon Geihl to approve Resolution 2024\_0116. Seconded by Mike Horner. Carried.

Council reviewed the following Resolution:

**RESOLUTION NO. 2024\_0116A**  
**A RESOLUTION ADOPTING THE 2024 SCHEDULE OF FEES FOR SERVICES PROVIDED**  
**BY DEPARTMENTS OF THE CITY OF COTTONWOOD**

**WHEREAS**, the City Council of Cottonwood is the official governing body of the City of Cottonwood, Minnesota; and

**WHEREAS**, the City Council has full authority over the financial affairs of the City; and

**WHEREAS**, the City Council has been provided with a proposed schedule of fees for services provided by departments of the City of Cottonwood; and

**WHEREAS**, the City Council is empowered to approve a schedule of fees for services provided by departments of the City; and

**WHEREAS**, the City Council has reviewed the schedule of fees for services provided by departments of the City; and

**WHEREAS**, the City Council finds that it is appropriate to approve the schedule of fees.

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

1. That the proposed schedule of fees for services provided by departments of the City, which is attached hereto and incorporated herein, is hereby adopted.
2. That the proposed schedule of fees will be effective at adoption of this resolution.

Passed by the City Council of Cottonwood, Minnesota this sixteenth day of January 2024.

A motion by Shannon Geihl to approve Resolution 2024\_0116A. Seconded by Mike Horner. Carried.

Upcoming public hearing on February 6, 2024 for a rezoning request from Jon Schmidt.

A motion by Mike Horner to approve the bill payment totaling \$8,789.75. Seconded by Shannon Geihl. Carried.

A motion by Mike Horner to adjourn the city council meeting. Seconded by Shannon Geihl. Carried at 748pm.

## FEBRUARY 6, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, February 6, 2024, 7:00 pm, in the Cottonwood Fire Hall with Shawn Myers, Shannon Geihl, Mike Horner, and Corey Moseng present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Public Works Technician, John Nilges; Fire Chief, Jeremy Dieken; Bolton & Menk Engineers, Kent Louwagie and John Graupmann; Lyon County Sergeant, Steve Louwagie; and Lyon County Sheriff's Deputy, Ben Kelly. Present from the community was Jon Schmidt.

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

Sergeant Louwagie presented the sheriff's office monthly activity report and introduced the newest member of the Lyon County Sheriff's Office, Deputy Ben Kelly.

Allen Olsen updated the Council on spring preparations with pump repairs and that West Central Communications has repaired the siren by Legend Cabinetry.

Chief Dieken updated the Council on the FEMA Grant for air packs and new compressor system. They should be delivered in March.

Council reviewed the January Meeting Minutes of the Cottonwood Ambulance Service.

Council reviewed the consent agenda consisting of a Resolution accepting a donation to the Ambulance from Dean & Jeanette Boerboom in the amount of \$400.00

A motion by Shannon Geihl to approve the consent agenda. Seconded by Mike Horner. Carried.

A motion by Mike Horner to close the regular meeting. Seconded by Joel Dahl. Carried.

A motion by Shannon Geihl to open the public hearing for a request to rezone property. Seconded by Joel Dahl. Carried at 7:05pm

Bliss presented information from Jon Schmidt for the rezoning of parcels 22-106010-0, 22-106016-0, and 22-106017-0 from multi-residential to commercial. Notice was sent to neighboring properties per ordinance requirements, no comments were received.

A motion by Mike Horner to close the public hearing. Seconded by Shannon Geihl. Carried.

A motion by Joel Dahl to open the regular meeting. Seconded by Shanno Geihl. Carried at 716pm.

Bliss provided the following information for follow up:

SENIOR CENTER | In 1971 the Senior Center was purchased from North Star Mutual Insurance Company on Contract for Deed over a 5-year period totaling \$30,000. Neither at the time of purchase nor at the time of completing the CFD was the purchase ever officially recorded with

Lyon County. There also was never an official deed completed for the transaction. Cable completed a Warranty Deed that North Star has completed. The deed was completed so that neither entity would have to take care of the deed tax that would accompany filing a 1971 purchase in 2024.

Following the filing of the Warranty Deed, the continuation of the abstract will take place and a closing date can be established.

CITY OFFICE | The final contractor will be submitting a bid and plans to review bids will take place at the meeting on February 16<sup>th</sup>.

Cable has completed a Quit Claim Deed that the EDA has approved to convey the building over to the City.

RAINS PROPERTY | Notice has been issued to the property's mortgage holder and posted on the property providing information that on February 16<sup>th</sup> the City will be considering a Resolution that will order the razing or repairing of the property. The property owner and mortgage holder have the option to appear before the City Council to present a evidence as to why the property should not be razed or a plan to either raze or repair.

Council reviewed the first pay request for the wastewater pond structure project totaling \$18,050.00.

A motion by Joel Dahl to pay the first pay request in the amount of \$18,050.00. Seconded by Shawn Myers. Carried.

Bolton & Menk Engineers presented information to recap the discussion regarding water supply and treatment options and describe potential solutions to the issue. To recap, the city's water supply wells have low water quality. The water is very hard, with extremely high manganese and moderate iron levels. Hardness has been tested at 45 grains. Softened water is typically 10-12 grains of hardness. Manganese levels have been tested at 1.6 mg/L, and health advisory limit is 0.3 mg/L. We anticipate the Department of Health will eventually require the city to issue a public notice regarding the high manganese levels.

Council discussed the timelines that we would be looking at for the different water supply options. The timeline would need to be quick as the application for the Emerging Contaminants Grant is in May and Lincoln Pipestone Rural Water will need a response on commitment by June to lock in a lower rate.

The council would like to see everyone notified about a public hearing so that everyone has a chance to attend the meeting. The best time would be March 12<sup>th</sup> with a 600pm work session and a public hearing set for 730pm.

Bliss presented the following information for the Administrator Report:

LEGISLATION BILL FOR BONDING | The bill requesting Cottonwood be included in funding

of bonding dollars for up to \$8 Million has been finalized for introduction. Senator Dahms office also had the companion bill for the House done as well. The bill cannot be introduced until session starts on Monday, February 12, in which it will receive a number and be referred to the Capital Investment Committee. More information will most likely not be available until late April.

CITY MISSION, GOALS, & VISION | Just an item on the agenda to revisit if there are any new thoughts on some of the items

KINNER & CO ENGAGEMENT LETTER | Presented in the packet is the engagement letter for the 2023 auditing year.

RESOLUTION 2015-8A | In looking for Senior Center documents for Cable, I came across a Resolution establishing a no parking zone on West 4<sup>th</sup> Street on either side of the West Prairie Apartments-St. Mary's Church parking entrance. Upon review of the location, there is not any designation with either signs or curb painting that has designated this area as a "No parking Zone." Therefore, with the Resolution being 9 years old without any action being taken after its passage – is this something that should be rescinded?

COUNTY ARPA FUNDS | I attended the county meeting this morning and put in the formal request for the \$100,000 funds for the pond structure project.

NEW HIRE | I am requesting the council to allow me to extend an offer to the new office hire at an hourly wage of \$20.00.

A motion by Mike Horner to approve the Kinner & Co Engagement Letter. Seconded by Joel Dahl. Carried.

Council discussed Resolution 2015-8A and advised Al and Teather to do a little more investigating and bring back information to the Council.

Council member Horner stated that Bliss has the salary survey to operate between for the new hire position.

A motion by Shawn Myers to allow for the City Administrator to extend an offer to an office staff new hire. Seconded by Shannon Geihl. Carried.

Bliss presented new items for the council's consideration:

XCEL ENERGY FRANCHISE AGREEMENT | The franchise agreement with Xcel will need to be renewed before June 6, 2024. The council will need to determine if they want to renew an agreement with or without franchise fees.

Included is the rate schedule for Xcel Energy of all the communities with franchise fees.

The new agreement is drafted with fees and without fees, these were sent to the Council in a

separate email.

PERSONNEL POLICY | Following the January 16<sup>th</sup> Meeting where an ordinance was approved per the recommendation of the City Attorney, the new personnel policy is now in need of being approved by the City Council.

The policy has been developed from the template presented through the League of Minnesota Cities and has been through the review of the Personnel Committee.

A motion by Joel Dahl to proceed with a franchise agreement that does not include a franchise fee. Seconded by Mike Horner. Carried.

Council reviewed the personnel policy and its accompanying resolution:

**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.

A motion by Joel Dahl to approve Resolution 2024\_0206A. Seconded by Mike Horner. Carried.

Council reviewed the 2024-2025 tobacco license for the Cottonwood Coop.

A motion by Mike Horner to approve the license. Seconded by Shannon Geihl. Carried.

Council reviewed the 2024-2025 waste hauler permit for Southwest Sanitation.

A motion by Shawn Myers to approve the permit. Seconded by Shannon Geihl. Carried.

Council reviewed the 2024-2025 waste hauler permit for Sweetman Sanitation.

A motion by Shannon Geihl to approve the permit. Seconded by Mike Horner. Carried.



Council reviewed the 2024-2025 plumbing license for Cottonwood Coop.

A motion by Shannon Geihl to approve the permit. Seconded by Joel Dahl. Carried.

Council reviewed the special permit for alcohol for Gunnick customer appreciation.

A motion by Joel Dahl to approve the special permit. Seconded by Shawn Myers. Carried.

Council reviewed the following resolution for the 2024 elections:

**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.

A motion by Mike Horner to approve Resolution 2024\_0206B. Seconded by Shawn Myers. Carried.

Council reviewed the following resolution for the request for rezoning:

**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.

A motion by Shawn Myers to approve Resolution 2024\_0206C. Seconded by Shannon Geihl. Carried.

Council reviewed the following resolution for property addressing in Cottonwood:

**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.

A motion by Shannon Geihl to approve Resolution 2024\_0206D. Seconded by Mike Horner. Carried.

Council discussed the following items involving the regular meeting of the council and elections:

**MARCH 5<sup>TH</sup> | PRESIDENTIAL NOMINATION PRIMARY**

NEW DATE: Tuesday, March 12, 2024, and plan not to meet March 19, 2024 unless urgent

**NOVEMBER 5<sup>TH</sup> | GENERAL ELECTION**

NEW DATE: Thursday, November 7, 2024

A motion by Shawn Myers to move the regular council meetings to the suggested dates due to election conflicts. Seconded by Joel Dahl. Carried.

A motion by Joel Dahl to approve the bill payment totaling \$29,292.80. Seconded by Shawn Myers. Carried.

Council reviewed settlement documents presented by the city attorney.

A motion by Shawn Myers to approve the settlement agreement. Seconded by Shannon Geihl.  
Carried.

A motion by Shawn Myers to adjourn the city council meeting. Seconded by Shannon Geihl.  
Carried at 846pm.

FEBRUARY 20, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, February 20, 2024, 7:00 pm, in the Cottonwood Fire Hall with Shawn Myers, Shannon Geihl, and Mike Horner present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; and Lyon County Sheriff's Sergeant Adam Connor. Present from the community was Patrick Glimsdal.

Vice President Shawn Myers called the meeting to order and led in the Flag Pledge.

Council reviewed the minutes from the January 2, 2024 meeting.

A motion by Mike Horner to approve the meeting minutes. Seconded by Joel Dahl. Carried.

Council reviewed the minutes from January 16, 2024 meeting.

A motion by Shannon Geihl to approve the meeting minutes. Seconded by Mike Horner. Carried.

Bliss presented the following items for follow up:

RAINS PROPERTY | Resolution ordering the raze of the property is included with this memo.

SENIOR CENTER | No update.

WEST 4<sup>TH</sup> STREET SOUTH PARKING | After measuring, the new resolution will propose no parking within 20 feet to the south and 50 feet to the north of the West Prairie and St. Mary's Parking Lot entry.

CITY OFFICE | After tabulating the bids received from contractors and factoring in additional work that would be needed with the project, the project cost with each contracting bid exceeds the threshold for competitive bidding laws.

Council reviewed Resolution 2024\_0220

**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.

A motion by Mike Horner to approve Resolution 2024\_0220. Seconded by Shannon Geihl. Carried.

Council reviewed Resolution 2024\_0220A

**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,**

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

A motion by Mike Horner to approve Resolution 2024\_0220A. Seconded by Shannon Geihl. Carried.

Council rescinded the previous Resolution 2015-8A with a motion from Mike Horner. Seconded by Joel Dahl. Carried.

Council discussed the bids that came in from contractors for the renovations of the former dental building into the new city hall, the costs came in over procurement laws that have triggered the need to reject all bids and look at the costs again.

Patrick Glimsdal was present to comment on the building, stating that it was too good to dispose of but still had issues. He proposed the city give land to him to construct a facility to sell back to the City for the price it would take to renovate the former dental building.

Bliss stated to keep in mind the procurement laws are pretty clear on making sure we are following competitive bidding laws.

Council member Horner suggested that a list of wants versus needs be put together and presented to the council to change some discussion on costs for the renovation.

Council then reviewed Resolution 2024\_0220B

**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,**

The City Council hereby rejects all bids received.

Bolton & Menk shall aid in the project planning and specifications of the project.  
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

A motion by Mike Horner to approve Resolution 2024\_0220B. Seconded by Joel Dahl.  
Abstained by Shannon Geihl. Carried.

Sergeant Connor presented the monthly incident report to the council.

Allen Olsen updated the council on the Public Works Department.

Council reviewed the financials presented by Bliss.

Bliss presented Resolution 2024\_0220C that pertained to no parking on West 2<sup>nd</sup> Street between Main Street and the Fire Hall.

The resolution was tabled so more clarification can be obtained.

Council reviewed the 2024-2025 waste hauler permits for Waste Management and Olson Sanitation as well as the 2024-2025 plumbing license for ET Cooling and Jeseritz Construction.

A motion by Mike Horner to approve the permits and license. Seconded by Joel Dahl. Carried.

Council reviewed Resolution 2024\_0220D

**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.

A motion by Shannon Geihl to approve Resolution 2024\_0220D. Seconded by Joel Dahl. Carried.

Council reviewed the stipulations for dismissal from the city attorney.

A motion by Mike Horner to accept the stipulations for dismissal. Seconded by Joel Dahl. Carried.

A motion by Joel Dahl to adjourn the city council meeting. Seconded by Shannon Geihl. Carried at 800pm.

## MARCH 12, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, March 12, 2024, 7:30 pm, in the Cottonwood Community Center with Shawn Myers, Shannon Geihl, Mike Horner, Joel Dahl, and Corey Moseng present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Public Works Technician, John Nilges; Public Works Foreman, Randy Fenger; Deputy Clerk, Amy Louwagie; Fire Chief, Jeremy Dieken; Bolton & Menk Engineers, Kent Louwagie and John Graupmann; Lyon County Sergeant Steve Louwagie, Eric Wallen; Lincoln Pipestone Rural Water Director, Jason Overby; and Lincoln Pipestone Rural Water Board Member, Bill Ufkin. Present from the community: Stacy Abraham, Steve Lee, Elaine Meyer, Don Timm, Jeanne Timm, Brenda Olson, Ione Olson, Ralph Olson, Rhonda Heairet, Alex Dequaine, Steven Bucholz, Shelby Bucholz, Richard Cobbs, Lenore Cobbs, Larry Nilges, Vonnie Nilges, Mitchell Johnson, Phyllis Johnson, Steve Alm, Delbert Geihl, Nellie Geihl, Brad St. Aubin, John Lenz, Ellen Lenz, Donna Sanders, Deb Kerkvliet, Kelvin Listul, Krista Listul, Brad Beebout, Christy Beebout, Joyce Viaene, Austin Schmidt, Hunter Kvistad, Josh Fragodt, Chris Dahl, Andrew Praus, Steven Michelson, Patrick Glimsdal, Damien Javens, Tyler Jeseritz, Jeanette Prust, Tricia Jensen, Jay Sletten, Chris Sletten, Chris Fenske, Galen Prairie, Austin Eckstrom, Jan Timmerman, Bev Isaackson, and Larry Isaackson. Present via zoom was Dave Planting, Todd & Kristi St. Aubin, Mary Ann Horner, Jessica Stolen, and Dan Louwagie. Meeting was also broadcasted live on Facebook.

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

A motion by Shawn Myers to close the regular council meeting. Seconded by Shannon Geihl. Carried.

A motion by Joel Dahl to open the public hearing on drinking water. Seconded by Mike Horner. Carried at 7:30PM.

John Graupmann presented information on the current quality of the drinking water, the different options available to Cottonwood, and the financial breakdown of each option.

Information was presented by the City, Lincoln Pipestone Rural Water, and Bolton and Menk.

Questions were answered from those in attendance as well as comments made by the public. There was also poll taken by show of hand of those present and which option they preferred. The show of hands heavily reflected a favor of Lincoln Pipestone Rural Water.

A motion by Joel Dahl to close the public hearing. Seconded by Mike Horner. Carried at 9pm.

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

Council reviewed the meeting minutes from February 6, 2024.

A motion by Mike Horner to approve the meeting minutes from February 6, 2024 with the amendment of adding Joel Dahl present on the roster. Seconded by Joel Dahl. Carried.

Council reviewed the meeting minutes from February 20, 2024.

A motion by Shawn Myers to approve the meeting minutes from February 20, 2024. Seconded by Shannon Geihl. Carried.

Bliss presented the following information for follow up:

RAINS PROPERTY | Mortgage holder has been served the Order to Repair or Raze. Owner, Joe Rains, was not able to be found – therefore the Order to Repair or Raze shall be posted in the paper for 4 weeks to satisfy the requirements before moving forward.

SENIOR CENTER | No update.

CITY OFFICE | No update.

WEST 2<sup>ND</sup> STREET SOUTH PARKING | Chief Dieken is in attendance to present the information.

Chief Dieken updated the Council on the need for the resolution for no parking on the west side of West 2<sup>nd</sup> Street South.

A motion by Joel Dahl to approve Resolution 2024\_0312 No Parking on West 2<sup>nd</sup> Street South. Seconded by Shawn Myers. Carried.

Sergeant Louwagie presented the monthly incident report.

Council reviewed the 2<sup>nd</sup> pay application for the WW Pond Structure project in the amount of \$29,177.48.

A motion by Mike Horner to approve Pay Application No. 2. Seconded by Joel Dahl. Carried.

Bliss presented a questionnaire to the council for the Lyon County All Hazard Mitigation Plan. The request would be that each council member fill out the questionnaire and return it ASAP so that Bliss can fill out the questionnaire for the county.

Council reviewed the February Meeting Minutes of the Cottonwood Fire Department.

Council reviewed the location for the post office and Resolution 2024\_0312A Assigning an Address to the lot.

A motion by Shawn Myers to approve Resolution 2024\_0312A. Seconded by Shannon Geihl. Carried.

Council reviewed the special dates and upcoming hearings.

Council reviewed the concerned citizen log.

Council reviewed the bills totaling \$20,159.30.

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 Shannon Geihl.  
Carried at 925pm.

## MARCH 21, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Thursday, March 21, 2024, 5:30 pm, in the Cottonwood Fire Hall with Shawn Myers, Shannon Geihl, Mike Horner, and Corey Moseng present. Also, present was City Administrator, Teather Bliss; and Public Works Supervisor, Allen Olsen. Present from the Marshall Independent, Deb Gau. Present from the community was Casey Benson.

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

Council discussed any input that they or staff heard from the public following the hearing on drinking water.

All feedback received was positive on the presentations and how well out together the public hearing was, feedback also reflected favor in Lincoln Pipestone Rural Water.

Council member Dahl was appreciative of the handouts and mailer, the information was great for the public.

A motion by Mike Horner to proceed with Lincoln Pipestone Rural Water. Seconded by Shawn Myers. Carried.

The next steps will be to determine what the courses of action will be moving forward to get the water system ready for the conversion to Lincoln Pipestone Rural Water.

A motion by Shawn Myers to adjourn the city council meeting. Seconded by Shannon Geihl. Carried at 540pm.

## 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.

## APRIL 16, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday April 16, 7 pm, in the Cottonwood Fire Hall with Shannon Geihl, 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 Sheriff Wallen. Present from Lyon County Assessor's Office was Braden Wyffels and Mark Buysee. Council member not present Shawn Myers.

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

A motion by Mike Horner to close the regular council meeting. Seconded by Joel dahl. Carried.

Sheriff Wallen presented the monthly incident report.

A motion by Shannon Geihl to open the public hearing on Local Board of Appeals and Equalization. Seconded by Joel Dahl. Carried.

Lyon County Assessor, Mark Buysse, presented the 2024 preliminary estimated market values for Cottonwood. Total 2024 preliminary estimated market value is \$110,420,700 for Cottonwood which is an increase of \$7,858,000. From October 1, 2022 to September 30, 2023 there were 13 sales in Cottonwood that make up the valuations for the 2024 estimated market values. These values are for taxes payable in 2025.

No individuals from the community attended the meeting about their preliminary estimated market value.

A motion by Mike Horner to open the regular city council meeting. Seconded by Shannon Geihl. Carried.

Bliss presented the follow up items:

RAINS PROPERTY | Currently in the 30-day waiting period following the newspaper posting for Mr. Rains. May 6th is the deadline for repairing or razing in which time Attorney Matt Gross will appeal to the courts for an order to allow the City to begin the razing process.

PUBLIC NOTICE FOR WATER | Included with the memo is a printout of the notice for review, it is also under review with MDH.

SENIOR CENTER | All files are removed.

CITY OFFICE | Collecting new quotes. Ace was on site today doing measurements for flooring.

Allen Olsen requested approval for a new valve by English Lutheran for \$5,700.

Also informed that at this time he will not be bringing on summer help.

Olsen updated the council on the Ponds. Rubin has the splitter done.

A motion by Mike Horner to approve valve. Seconded by Shannon Geihl. Carried.

Bliss requested a motion of approval for Reishus Park Shoreland Work for \$5,000 with the following included in the work to be done by Jeseritz Construction  
100 feet long. Sand excavation 5 feet into OHW. 1-foot-deep excavation of dirty sand. Replace with clean sand.

Excavation above OHW and replacing with clean sand.

150 feet of 7/8 rock to protect tree roots

275 feet long – natural vegetation. No OHW work or excavation. Clearing foreign debris and allowing for vegetation to grow undisturbed throughout aquatic and transition area.

A motion by Joel Dahl to approve the Shoreland work by Jeseritz Construction. Seconded by Shannon Geihl. Carried.

Bliss gave an update on the RLF, SCDP, And Economic Development as follows:

EDA | The EDA has begun the process of listing the lots for sealed bids. I am currently working on the bid package that will be advertised in the newspaper and on the public site LOIS.

RLF | Currently the Committee has called the loan from Handeland Chiropractic and as listed in the financials, are sitting at \$363,120.87 of cash on hand. \$100,00 of which has to remain in the account to bear interest from the original MIF created through Mid Continent Cabinetry.

SCDP | No update

A motion by Joel Dahl to close the public hearing at 7:45pm. Seconded by Mike Horner. Carried.

Council reviewed the following resolution 2024\_0416 Approving Xcel Energy Franchise Agreement and Ordinance.

RESOLUTION NO. 2024\_0416

A RESOLUTION ADOPTING A FRANCHISE AGREEMENT BETWEEN THE CITY OF COTTONWOOD AND NORTHERN STATES POWER COMPANY FOR OPERATION OF A PUBLIC UTILITY WITHIN THE CITY OF COTTONWOOD

WHEREAS, Northern States Power Company has requested an updated franchise agreement with the City of Cottonwood that contains up to date terms and language for Northern States Power Company to be authorized to construct, operate and maintain a Public Utility within the City of Cottonwood;

WHEREAS, the City's attorney has reviewed said franchise agreement and recommends its adoption;

WHEREAS, this franchise agreement shall serve as the guidelines for Grantee's non-exclusive use of the streets and dedicated easements within the Service Area for the construction, operation and maintenance of the Public Utility, upon the terms and conditions set forth within;

WHEREAS, this franchise agreement shall be the controlling document for Northern States Power Company's franchise with the City of Cottonwood and will take precedence over conflicting or duplicated language in City of Cottonwood Ordinance 2004-2 (Electricity Franchise Ordinance).

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

1. The Franchise Agreement for Northern States Power Company to operate and maintain a Public Utility in the City of Cottonwood is hereby approved and adopted.
2. The Franchise Agreement shall be in effective after the adoption and publication of Ordinance 2024-01.

A motion by Joel Dahl to approve Resolution 2024\_0416. Seconded by Mike Horner. Carried. Council reviewed a building permit 2024\_04 for James Guerrant to put up a chain link fence on partial back and side of yard.

A motion by Mike Horner to approve building permit 2024\_04. Seconded by Shannon Geihl. Carried.

Council requested for city staff to look into water prior to the new and new water meters.

A motion by Joel Dahl to approve the bill payment totaling \$29,384.31. Seconded by Mike Horner. Carried.

A motion by Joel Dahl to adjourn the city council meeting. Seconded by Shannon Geihl. Carried at 7:56pm

## MAY 7, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday May 7, 7 pm, in the Cottonwood Fire Hall with Shannon Geihl, Mike Horner, Joel Dahl, Shawn Myers, and Corey Moseng present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Stg. Louwagie. Present from the public was Tam French, Todd Nelson, Shannon Nelson, Doug Winn, and Bolten and Menk Engineer, Kent.

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

Council reviewed the minutes from the April 2, 2024 meeting.

A motion by Shawn Myers to approve the meeting minutes from April 2, 2024. Seconded by Shannon Geihl. Carried.

Council reviewed the minutes from the April 16, 2024 meeting.

A motion by Shannon Geihl to approve the meeting minutes from April 16, 2024. Seconded by Joel Dahl. Carried.

Stg. Louwagie presented the monthly incident report.

Council reviewed the Fire Department Meeting Minutes in April and the consideration to approve Ashton Percy to the Cottonwood Fire Department.

A motion by Mike Horner to approve Ashton Percy as a new hire on the Cottonwood Fire Department. Seconded by Joel Dahl. Carried.

Council reviewed the Ambulance Service Meeting Minutes in April and the consideration to approve Kenzi Herrick and Katie Ewing to the Cottonwood Ambulance Service.

A motion by Shawn Myers to approve Kenzi Herrick and Katie Ewing to the Cottonwood Ambulance Service. Seconded by Shannon Geihl. Carried.

A motion by Shannon Geihl to close the regular council meeting. Seconded by Mike Horner. Carried.

A motion by Joel Dahl to open the public hearing on Zoning Request. Seconded by Shawn Myers. Carried.

Application for a variance from Section 701 of the Zoning Ordinance of the City of Cottonwood to zone the property as commercial. The request is being proposed by Tam French.

A motion by Shawn Myers to close the public hearing on Zoning Request. Seconded by Shannon Geihl. Carried.



A motion by Shannon Geihl to open the regular council meeting. Seconded by Mike Horner. Carried at 7:09pm.

Bliss presented the following follow-up information:

RAINS PROPERTY | Motion for Default and Summary Enforcement of Hazardous Building filed May 6, 2024.

PUBLIC NOTICE FOR WATER | Included with the memo is the final draft of the notice for review. We will host an informational meeting on June 4, 2024 starting at 530pm that an MDH Environmental Surveillance and Assessment Section representative will answer questions from the public.

SENIOR CENTER | Closing will be done through the mail.

CITY OFFICE | Still waiting on the quote from Ace.

A motion by Mike Horner to remove the following under PUBLIC NOTICE FOR WATER:

If you have an in-home treatment option and want to ensure it is removing manganese, the following option will be provided:

A form will be supplied online and in the City Office requesting the Public Works Department to perform a manganese test in your home.

Seconded by Joel Dahl. Carried.

Olsen presented information to the city council on the following:

From the 2022 and 2023 budget, a total of \$163,766 of budgeted projects that were not completed was carried into the streets fund balance. The projects have consisted of the mill & overlay of Lake Street and the completion of Shoreview Pass and Tom Christy Lane.

Included with the memo is a quote from Duininck to do a 2' mill and overlay on Lake Street for \$79,451.00. This work is in the street plan presented by Bolton & Menk as the top priority road to get done.

This would leave \$84,315 from 2022 and 2023 in reserves for the continued planning of Shoreview Pass and Tom Christy Lane.

More information on the street pavement management plan will be discussed later in the agenda.

RECOMMENDATION | Approve the quote from Duininck for Lake Street.

A motion by Shawn Myers to approve Lake Street Mill and Overlay Quote to be done by Duininck. Seconded by Joel Dahl. Carried.

Bolten and Menk Engineer, Kent Louwagie gave an update which included the following:

### **1. Water Supply / Manganese / LPRW Connection**

We have submitted two funding applications to MN Public Facilities Authority (PFA) for the 2025 Project Priority List (PPL) for the Drinking Water Revolving Fund (DWRF). One application was for the connection to Lincoln Pipestone Rural Water (LPRW). The other was for water main replacement on Main Street. The Intended Use Plan (IUP) will be published by PFA this fall, which will show the ranking, and therefore funding eligibility, of each application.

We have a meeting scheduled with Jason from LPRW on May 9th to discuss the agreement, connection plans, timeline, and other relevant details.

## **2. Lead Service Line (LSL) Inventory**

We recently received the agreement with Minnesota Department of Health (MDH) to perform the lead service line inventory for the city. This inventory is required by MDH to be completed. The cost will be covered by grant funds issued by MDH. Data will be entered into a GIS application for ease of access. The initial LSL inventory is due to MDH by July 15. We anticipate that a mailing will be sent to all property owners with a water service connection in the coming weeks.

## **3. Wastewater Pond Control Structures Rehab**

The majority of the construction is completed, including the main splitter structure and a new slide gate gear box on structure 7. Water levels in the ponds have been too high recently to replace the remaining slide gates planned for replacement.

During construction, it was noted that the existing forcemain is in poor condition. Replacement of this pipe was included in the Phase 1 application for Clean Water Revolving Fund funding. That application is eligible for loan funding, and the city could pursue a forcemain replacement project if desired.

## **4. Tom Christy Lane & Shoreview Pass**

We are revising the proposed design based on recent discussion with city staff and will present a proposed layout with an estimated cost soon. Spot repair of the heaved and uneven pavement at the north end of Shoreview Drive is also being considered.

## **5. Pavement Management Plan**

A draft report has been developed and shared with staff. We are in the process of incorporating the proposed infrastructure improvements into the recommendations included in the pavement management plan.

## **6. CW Reishus Park**

We are planning to assist in developing a master plan for the proposed improvements at the park. A meeting is scheduled for May 9th to discuss the anticipated scope and associated costs.

## **7. Downtown Reconstruction**

Replacement of the watermain on Main Street from West 2nd Street to East 1st Street was included in the DWRP 2025 PPL application that was recently submitted. We will continue discussing this potential project with the Lyon County engineer.

## **8. Infrastructure Improvements**

We will continue working with city staff to identify the most pressing needs and applying for appropriate funding. It generally appears that the largest issues with the sanitary sewer may not be located in the same areas as the largest issues with the water system. The city may want to consider pursuing individual projects for each utility system.

Kent asked for the consideration to Approve Pay Application No. 3 for \$112,942.52.

Wastewater Treatment Facility Improvements

City of Cottonwood, Minnesota

Project No.: 0W1.131130

Pay Application No. 3 for the above-referenced project: the pay application is based on work completed to date and the schedule of values provided by the contractor as required in the contract documents. We are recommending, at this time, payment to Rubin Construction, LLC in the amount of \$112,942.52 with the total remaining construction cost plus retainage of

\$66,030.00. This pay application includes the invoice for the remaining equipment to be installed, that is currently stored at the pond system.

A motion by Shawn Myers to Approve Pay Application No. 3 for \$112,942.52. Seconded by Mike Horner. Carried.

Kent asked for the consideration to approve Part 1 of Change Order No 1 & Pay \$6,141.00.

The attached change order proposal is the cost to replace lengths of forcemain at the pond system. These are a result of unforeseen conditions from existing buried pipes. The change order is split into two parts. The first is a 20-ft. segment of pipe that the contractor already changed while they were working on the splitter structure. When they excavated the splitter structure to replace it, the forcemain was exposed and holes in the pipe were discovered. Once holes in wastewater forcemains are discovered, they must be replaced. Instead of waiting for formal approval, the contractor replaced the forcemain while it was exposed. The cost to replace this 20-ft. length of pipe was \$6,141.00. Bolton & Menk recommends this be paid to the contractor to reimburse them.

A motion by Joel Dahl to approve Part 1 of Change Order No 1 & Pay \$6,141.00. Seconded by Shawn Myers. Carried.

Bliss presented the financial report:

GENERAL FUND | Expenses in General Fund are operations. Property Tax Revenue will come in mid- to late May totaling around \$305,000. Local Government Aid will come in mid-July totaling \$188,856.50.

AMBULANCE | Large unbudgeted expenses include \$3,309 for the repair to NIBP issues with the Lifepak and \$2,870.15 to repair to the air ride suspension compressor on 921.

FIRE DEPARTMENT | Unbudgeted expenses in the repair of the Rescue Van that is up for sale - \$5,698.00. All fire contracts are paid.

DEBT SERVICE | Debt Levy Revenue will come in at the same time as property taxes and should total around \$102,564.00 – it will not offset the expenditures due to the 2016 Streets Project principal being due in February versus later in the year but the 105% tax levy from 2023 will cover as the FB for the 2016 Streets Project is sitting at \$110,000 which is what covers the \$107,000 February payment.

WATER | 2016 Water Bond payment and 2021A Water Bond payment total \$75,265.50.

SEWER | Final pond payment to PFA due in August for \$57,635.55.

As requested by the Council, Bliss presented the utility sales information:

At the time of the meter switch out in 2021 there were 51 Critical Leaks and 60 Leaks (Critical & Intermittent) that were over 25 days. When the data was pulled for the leaks that had been occurring for 25+ days – the amount of water leaking in the month of July was 120,000 gallon which was \$600 a month in additional revenue. This information does not include leaks occurring less than 25 days.

Based on the revenue generated in 2021, the budget was set to reflect that revenue. With the correction of leaks that extended past 25 days, we see the decrease in revenue and

water usage.

Since the meter switch and the actions taken to correct leaks, we are currently at 17 Critical Leaks for May 2024 with 9 of those leaks being over 25 days.

RLF, SCDP, & ECONOMIC DEVELOPMENT UPDATE presented by Bliss on the bid package information follows:

ADVERTISEMENT FOR BIDS PROPERTY AT  
32 WEST MAIN & 20 WEST MAIN STREET  
COTTONWOOD, MINNESOTA 56229

The Cottonwood Economic Development Authority is accepting sealed bids for the purchase of the bare lots located at 32 West Main Street and 20 West Main Street.

The lot located at 32 West Main Street is 6,897 square feet and zoned for central business district commercial use.

The lot located at 20 West Main Street is 16,933 square feet and zoned for central business district commercial use.

Complete bid packages can be picked up at the City Office located at 78 West Main Street or by request at [teather@cityofcottonwoodmn.gov](mailto:teather@cityofcottonwoodmn.gov)

Bids should be sent to the City Administrator, Attention EDA, PO Box 106 Cottonwood, Minnesota 56229. The bids will require an official bid packet, business plan, and a \$2,000 payment of bid security included with submission. Sealed bids will be received until 5:30pm on Tuesday, July 2, 2024. Bids will be opened and read aloud at 5:31 p.m. on Tuesday, July 2, 2024 in the City Office at 78 West Main Street.

The bidder must meet all bid package requirements, or the bid will be rejected. The \$2,000.00 bid security payment shall be in the form of cashier's check or money order. The City/EDA reserves the right to reject any and all bids for any reason.

For more information contact Teather Bliss at the City of Cottonwood at (507) 423-6488

Published in the Marshall Independent on: May 11, May 25, June 15, and June 29

Council reviewed the building permit 2024\_05 Justin Gustman at 32 East Park Street for a shed.

A motion by Shawn Myers to approve building permit 2024\_05 at 32 East Park Street. Seconded by Mike Horner. Carried.

Council reviewed the building permit 2024\_06 Alan and Barbara Grube at 169 West 5<sup>th</sup> St N to pour cement on where existing cement pavers had been placed, remove, and replace existing deck, and put a privacy fence up.

A motion by Joel Dahl to approve building permit 2024\_06 at 169 West 5<sup>th</sup> St N. Seconded by Shannon Geihl. Carried.

Council reviewed the following Resolution 2024\_0507 Finding of Facts:

**RESOLUTION NO. 2024\_0507**  
**A RESOLUTION ADOPTING FINDINGS OF FACT AND REASONS FOR**  
**\_\_\_\_\_ FOR VARIANCE APPLICATION OF TAM FRENCH**  
**FACTS**

1. Tam French is the owner of parcel 22-148041-0 in Cottonwood, Minnesota and,
2. The subject property is legally described as; *.75 acres pt e2 ne4 between st to lake 370' on st to cd #2 ex 1.25 a m or l to gilb*
3. Tam French has applied to the city for a variance at the above parcels of land for the zoning 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 May 7, 2024.
6. On May 7, 2024 the City Council of the City of Cottonwood \_\_\_\_\_ the variance.

A motion by Shawn Myers to approve Resolution 2024\_0507 Finding of Facts. Seconded by Shannon Geihl. Carried.

Council reviewed the following Resolution 2024\_0507A Assigning an Address:

**RESOLUTION 2024\_0507A**  
**A RESOLUTION ASSIGNING ADDRESSES WITHIN THE**  
**CORPORATE CITY LIMITS OF COTTONWOOD, MINNESOTA**

WHEREAS, parcel 22-148041-0 is located within the corporate city limits of Cottonwood, Minnesota and

WHEREAS, the City Council has the authority to determine property 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 22-148041-0 shall be assigned the address, 301 Barstad Road North

Passed by the City Council of Cottonwood, Minnesota this seventh day of May 2024.

A motion by Joel Dahl to approve Resolution 2024\_0507A Assigning an Address. Seconded by Shannon Geihl. Carried.

The council asked the status of the dangerous dog, Lady, and update followed as microchip and spay with paperwork has happened and fence is in progress.

Council also requested an update with Chippewa County.

Council reviewed bills totaling \$63,831.11.

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

No members of the public were to be heard from.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 8:04pm.

## JUNE 4, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, June 4, 2024, 5:30pm, in the Cottonwood Community Center with Corey Moseng, Joel Dahl, Mike Horner, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; and Administrative Assistant Katie Ewing. Shannon Geihl was absent. Present from the public was Bolten and Menk Engineer, Kent Louwagie, Minnesota Department of Health Daniel Pena and Lucas Hoffman.

The public hearing opened at 5:30pm. A public hearing was held– MDH Q&A PUBLIC NOTICE ON MANGANESE regarding the notice that went out May 7, 2024.

No members of the public showed up to ask questions. MDH did answer questions the public had asked prior to the hearing.

- Is it safe to bathe in water with manganese? MDH response is that the particles are too large to pass through a water softener, so if there is a softener they shouldn't be able to pass through. The particles need to dissolve in water and are not small enough to be absorbed through the skin.
- Does manganese cause learning disabilities? MDH couldn't answer the question because they don't do the studies, it would be a question for Minnesota Department of Education.

A motion by Shawn Myers to close the public hearing MDH Q&A PUBLIC NOTICE ON MANGANESE. Seconded by Mike Horner. Carried at 610pm.

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

The council reviewed the minutes from the May 7, 2024 meeting. A motion by Joel Dahl to approve the minutes from the May 7, 2024 meeting. Seconded by Shawn Myers. Carried.

Council reviewed the consent agenda consisting of Resolution 2024\_0604A donation to the Cottonwood Fire Department from Nutrition Link for \$10, Resolution 2024\_0604B donation to the Cottonwood Fire Department from Joleen Marczak for \$20, Resolution 2024\_0604C donation to the Cottonwood Ambulance from Nutrition Link for \$10, and Resolution 2024\_0604D donation to the Cottonwood Ambulance from Joleen Marczak for \$20.

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

Rebecca presented the 2023 audit to the council.

A motion by Shawn Myers to approve the 2023 audit. Seconded by Joel Dahl. Carried.

Sheriff Wallen presented the monthly incident report to the City Council.

Sheriff's Department made aware of ATVs and exhibition driving, especially by underage riders.

Bliss presented the follow-up information:

RAINS PROPERTY| The City will need to decide if it wants to let the property go to public auction or file a request with the county so that the City/EDA can assume ownership.

Currently the property has entered tax forfeiture with a total outstanding due of \$3,868.59 from 2020-2024 as well as \$7,474.66 in special assessments from abatement in 2023. Currently in 2024 the City has \$2,772.74 in paid legal fees and \$450.00 to date of mowing expenses incurred. The cost for demolition of the property would be \$15,000.00.

Attorney Matt Gross has filed a notice of lis pendens on the property so that it is marked as having legal action against it from the City and we currently have a court date for the Order to Raze set for June 26th.

If the City wants to let it go to public auction and allow another individual to purchase the property, we will lose the special assessment costs of \$7,474.66, the legal fees we have paid on the property for 2024, and the mowing costs for 2024. The process of cleaning up the property would then start over with the new owner.

If the City/EDA takes possession of the property, the cleaning up process can continue, and the property can then turn around and be sold for economic development purposes.

**RECOMMENDED ACTION** | A motion for the City/EDA to request the County hold the Rains property from public auction and acquired by the City/EDA.

A motion by Joel Dahl to approve the EDA taking ownership of Rains Property. Seconded by Shawn Myers. Carried

**SENIOR CENTER** | Closing still underway. The City made \$100 on the open-door sale.

**CITY OFFICE** | No update.

**LIBRARY GARAGE** | Recent information has come to light about the wall and roof that the garage shares with the building to the east that will make tearing down the garage not possible. Quotes are being collected on how to fix the west cement block wall issue and to clean up the garage area for storage.

Al Olsen presented information to the Council on the Public Works Department that Rubin Construction had completed the work at the ponds.

Olsen also had met with LPRW about a meter house at the wells.

Kent updated the council on lead service line inventory.

Bliss presented the council with the legislation update:

1. LOCAL GOVERNMENT

a. Small Cities Transportation Assistance – \$20,390 for Cottonwood in July. This is a one-time allotment until the Transportation Fund can be set up that was passed in 2023.

b. Government entities are required to report cybersecurity incidents to Department of Information Technology Services. Developed by September 30th.

2. EMS SERVICES (HF4738)

a. \$24 Million in Rural Emergency Ambulance Service Aid

b. EMSRB has been replaced with the Office of Emergency Medical Services with the Director being appointed by the Governor.

c. BLS variance application available to allow an EMT to tend to patient and a non-clinical individual to drive.

3. CANNABIS LEAGALIZATION

- a. Retail/dispensary license limits in cities – 1 for every 12,500 population. Municipal dispensaries do not count against this requirement due to legislation trying to make sure local governments do not “box out” individual owned dispensaries.
  - b. Lottery System created. Municipalities can bypass.
  - c. Preapproval process for social equity applicants.
  - d. Preapproved applicants can begin cultivating immediately.
  - e. Interim ordinance can prohibit businesses up to January 1, 2025.
4. HOUSING
  - a. \$3M reduction to Workforce Homeownership Program to support Community Stabilization
  - b. \$70M appropriated for FY25 for Community Stabilization
  - c. Increase in tenant protection laws
  - d. Manufactured Housing Infrastructure Grant funds increased
5. LAND USE – ENVIRONMENT
  - a. \$5M for community tree planting.
  - b. 2026 – State Residential Energy Code must stay consistent with International Energy Conservation Code to achieve 70% reduction in net home energy consumption by 2038.
  - c. Tyler v Hennepin County on tax forfeiture property
6. EARNED SICK & SAFE TIME
  - a. Exemption for paid on-call firefighters and volunteer ambulance
  - b. Expanded to include all employee leave used for personal illness or injury
  - c. Expanded to include funeral or legal matters arising after death of a family member.
7. PAID MEDICAL LEAVE
  - a. Rate change from .7% to .88% of payroll to cover the cost of the program.
8. BONDING BILL
  - a. No bill passed. All bills will have to start from square one in next session.
9. LEGISLATION HALTED (FOR NOW) – ALL WILL RETURN NEXT SESSION
  - a. Land use and Zoning Preemption
    - Strictly prohibits local government authority of zoning and land use pertaining to residential development.
      - i. Missing Middle Housing Bill
        1. Eliminate ability to set minimum lot sizes and lot density, up to 10 units possible on lot no matter the lot size.
        2. Eliminate ability to set parking standards.
        3. Eliminate architectural design standards.
      - ii. Multi-family residential development allowed in Commercial.
      - iii. People Over Parking Act – Eliminate ability to impose minimum parking restriction.
      - iv. Emergency shelters allowed in any zoning area.
  - b. Requirement of all cities to adopt State Building Code.
  - c. Ability for City’s to Franchise broadband



- d. Open Meeting Law Changes
  - Requirement to record attorney-client privilege closed meetings
  - Increased fines
  - Required public comment period
  - Remote participation allowed from non-public locations

The council reviewed the May Meeting Minutes of the Fire Department.

Bliss gave an update on the following:

EDA | By now the word is out that Ben Andersen is selling the Hardware Store. I have been working with Ben on different options to ensure that the hardware store remains in Cottonwood.

The Cottonwood EDA has received \$15,000 in grant funds being administered through the Community and Economic Development Associates (CEDA). I met with our area representative on Monday to discuss Cottonwood and get a few ideas on what the funds could go towards in Cottonwood.

RLF | No update.

SCDP | No update.

Council reviewed the following Resolution 2024\_0604 DPS ECN ARMER Grant

**RESOLUTION NO. 2024\_0604 RESOLUTION APPLYING FOR THE DEPARTMENT OF PUBLIC SAFETY EMERGENCY COMMUNICATION NETWORK DIVISION FOR FUNDING FROM THE 2024-2026 ALLIED RADIO MATRIX FOR EMERGENCY RESPONSE (ARMER)**

**BE IT RESOLVED** that City of Cottonwood acts as legal sponsor for the project contained in the Allied Radio Matrix for Emergency Response application to be submitted on June 28, 2024 and that the City Administrator is hereby authorized to apply to the Department of Public Safety Emergency Communication Network for funding of this project on behalf of the Cottonwood Fire Department and Cottonwood Ambulance Service.

**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 inventory, operation, maintenance, and replacement of the proposed project for its design life.

**BE IT FURTHER RESOLVED** that City of Cottonwood has not incurred any costs and has not entered into a written purchase agreement to acquire the equipment described in Attachment A of this 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 equipment 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 June 4, 2024.

A motion by Mike Horner to approve Resolution No. 2020\_0604 DPS ECN ARMER Grant. Seconded by Joel Dahl. Carried.

The council reviewed the bids for the tree maintenance on Front Street. Resolution 2024\_0604E Award of RFP for Tree Maintenance on Front Street.

A motion by Shawn Myers to approve RUGGED TREE SERVICE LLC for \$11,500 for Resolution 2024\_0604E Award of RFP for Tree Maintenance on Front Street. Seconded by Mike Horner. Carried

Council reviewed the following Resolution 2024\_0604F Grant Navigator Funds. RESOLUTION NO. 2024\_0604F

A RESOLUTION AUTHORIZING APPLICATION FOR GRANT NAVIGATION SUPPORT FOR THE CITY.

WHEREAS, the League of Minnesota Cities (“LMC”) has created a pilot Grants Navigation Program (“Program”) in which LMC will provide grants up to \$5,000 per city to use with industry partners to ease the process of identifying matching funds to city projects and aid in the grant application projects.

WHEREAS, the Program is limited to providing services to help obtain grant funding for one project per city.

WHEREAS, the Program is limited to providing support in obtaining grant funding, and LMC does not provide funds to implement projects.

WHEREAS, the City of Cottonwood (“City”) wishes to apply to the Program to for support in finding grant funding for Housing Expansion Needs (“Project”).

WHEREAS, the City recognizes that if approved, any funds received through the Program must be used in a manner consistent with the conditions above as well as all other conditions or limitations of the Program.

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

1. The City names Teather Bliss as its fiscal agent (“Fiscal Agent”) for the purposes of applying to the Program on behalf of the City.
2. The City authorizes the Fiscal Agent to act on its behalf when communicating with LMC in all matters related to the Program application for the Project.
3. If the City is awarded a grant under the Program, it agrees to use the funds to engage with industry partners who will aid in the grant matching and application process consistent with the terms and conditions of the Program.
4. If a state, federal, foundation, or nonprofit grant match is not found, or is applied to but not awarded, the City will seek feedback on why the project was not eligible and report back to the LMC with these findings consistent with the terms and conditions of the Program.
5. If a state, federal, foundation, or nonprofit grant is awarded, a project assessment will be submitted to LMC within six months of the application's approval and then periodically until after project completion consistent with the terms and conditions of the Program.

Passed by the City Council of Cottonwood, Minnesota this fourth day of June, 2024.

A motion by Mike Horner to approve RESOLUTION NO. 2024\_0604F Grant Navigator Funds. Seconded by Joel Dahl. Carried.

Council reviewed the following Building Permits 2024\_07 – 2024\_09 Non-Impervious Fence (Reviewed by P&Z).

A motion by Mike Horner to approve Building Permit 2024\_07 – 2024\_09 Non-Impervious Fence. Seconded by Joel Dahl. Carried.

Council reviewed Building Permit 2024\_10 Concrete Patio.

A motion by Joel Dahl to approve Building Permit 2024\_10 Concrete Patio. Seconded by Mike Horner. Carried.

The council reviewed the May bills of \$71,386.10 plus the addition of audit services of \$18,000.

A motion by Joel Dahl to approve the total of bills \$89,386.10. Seconded by Mike Horner. Carried.

Doug Winn was present to discuss the property violation sent to him regarding the accumulation on both properties. Winn informed the council that everything on his property was for sale.

The council discussed the need to maintain his property and the important of compliance or else the council will move forward with the next steps.

A motion was made by Joel Dahl to extend the deadline by two weeks, June 21, 2024. Seconded by Mike Horner. Opposed Shawn Myers.

A motion by Shawn Myers to adjourn the meeting. Seconded by Joel Dahl. Carried at 802pm.

## JUNE 18, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, June 18, 2024, 7pm, in the Fire Hall with Joel Dahl, Mike Horner, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; and City Clerk, Amy Louwagie. Mayor, Corey Moseng was absent.

Vice Mayor, Shawn Myers called the meeting to order and led in the Flag Pledge.

The council reviewed the minutes from the June 4, 2024 meeting. A motion by Mike Horner to approve the minutes from the June 4, 2024 meeting. Seconded by Shannon Geihl. Carried.

Council reviewed the consent agenda consisting of Resolution 2024\_0618 donation to the Cottonwood Ambulance for \$2,320.00 in memory of Kathy Martin.

A motion by Joel Dahl to approve the consent agenda Resolution 2024\_0618. Seconded by Mike Horner. Carried.

Bliss presented the follow-up information:

RAINS PROPERTY | Formal request has been made to the County to hold the property from public auction. The letter was sent electronically as well as by certified mail. Letter is provided with this memo.

SENIOR CENTER | Officially done

CITY OFFICE | No update.

LIBRARY GARAGE | No update.

PROPERTY VIOLATIONS | A copy of the current violation notices have been sent to your emails to ensure data practices compliances in a public meeting.

Two residential properties have deadlines of July 1st and one commercial property had an extension granted with a deadline of June 21st.

Sheriff Wallen presented the monthly incident report to the City Council.

Bliss presented information to the Council on the Public Works Department that the 2<sup>nd</sup> pond still has too many total suspended solids (TSS).

Bliss presented the engineer report for a change order form.

Council reviewed the Change Order Form.

A motion by Joel Dahl to approve the Change Order. Seconded by Shannon Geihl. Carried.

Bliss also presented the LPRW Agreement and Connection Information.

Bliss presented the administrative report:

GENERAL FUND | Property Tax Revenue came in totaling \$364,336.59 bringing the General Fund to a gain of \$11,966.60. Local Government Aid will come in mid-July totaling \$188,856.50.

AMBULANCE | The remainder of the ARPA funds from the County were received in the amount of \$21,988.84. The funds were used to pay off the 2019A Equipment Bond for 920 in the amount of \$27,659.44.

DEBT SERVICE | Debt Levy Revenue was received totaling \$128,632.17. All debt funds are sitting at gains with the exception of the 2016 Street Bond though it has decreased from a negative \$106,016.00 in May to \$73,414.53 in June.

WATER | Water funds are still showing a loss from the bond payment earlier in the year but there has been a decrease from \$44,975 to \$27,558.67.

SEWER | Final pond payment to PFA due in August for \$57,635.55. Sewer did see a drastic decrease in its gains from May falling from \$31,022.86 to \$753.94. The change is due to engineering fees for the WW Pond Project.

OVERALL | The major funds of the City saw a decrease in its net loss from \$317,704.10 in May to \$33,298.10 in June.

The council reviewed the June Meeting Minutes of the Fire Department.

EDA | Chelsey Reed applied for the opening spot on the EDA.

A motion by Shannon Geihl to approve Chelsey Reed for the opening on the EDA Board. Seconded by Mike Horner. Carried.

Bliss presented the following:

STATE DEMOGRAPHER | I received the 2023 Population and Household Estimates from the State Demographer. The state is reporting a population of 1,151 and a household estimate of 473. I have received data from Xcel Energy on premise count and will be running it against our utility information to see if there is a discrepancy for a challenge to the state.

Since Cottonwood has only added homes and the 2021 Housing Survey showed a need for housing with a steady growth, the decline in population and households does not make sense.

The challenge has to be submitted by June 24, 2024.

Council reviewed the drafts of **ORDINANCE NO. 2024-02 AN ORDINANCE RELATING TO SURFACE WATER MANAGEMENT** and **ORDINANCE NO. 2024-03 AN ORDINANCE RELATING TO INFLOW & INFILTRATION OF THE CITY SANITARY SEWER SYSTEM.**

Council reviewed the following **RESOLUTION NO. 2024\_0618A A RESOLUTION ORDERING THE REPAIR OR REMOVAL OF HAZARDOUS CONDITIONS LOCATED AT 37 WEST 2ND STREET NORTH & 215 WEST MAIN STREET**

**WHEREAS**, pursuant to Minn. Stat. §§ 463.15 and 463.261, the City Council of Cottonwood finds the property located at 37 West 2nd Street North & 215 West Main Street to be in hazardous conditions for the following reasons:

- 1. §92.15 (A):** The general condition and appearance of your properties annoys, injures, or endangers the safety, morals, comfort, or repose of a considerable number of members of the public.
- 2. §92.16 (E):** The properties have accumulations of refuse and debris in various locations.
- 3. §92.16 (H):** Your properties contain noxious weeds, long, unkempt, and unmaintained grass and other growths of vegetation.
- 4. §92.18 (L):** Numerous machines have accumulated on the properties for years that have been left unguarded and unsecured.

**5. §92.18 (N):** Both properties contain accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from accumulation.

**6. §92.20:** Multiple vehicles or machinery being kept on both properties that are inoperable, partially dismantled, kept for parts as a source of repair, or not properly licensed.

**7. §92.21:** Portions of the building located at 37 West 2<sup>nd</sup> Street is missing siding and bares deteriorating sub surfaces.

**8. §92.38(A):** Grass, weeds, and other vegetation on both properties is in excess of 12 inches in height.

**WHEREAS,** the conditions listed above are more fully documented in the violation letter and photographed exhibits prepared by the City Administrator on April 26, 2024, a copy of which is attached to this resolution as Exhibit A.

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

**1.** That pursuant to the foregoing findings and in accordance with Minn. Stat. §§ 463.15 and 463.261, the council orders the record owners of the above hazardous property or their representatives to make the following corrections on the property at 37 West 2<sup>nd</sup> Street North:

**a. §92.15 (A):** Repair, maintenance, and upkeep of the entire property is required.

**b. §92.16 (E):** Cleaning up of all refuse and discarded debris laying around the property.

**c. §92.16 (H):** Removal, trimming, maintaining, and proper discarding of all noxious and overgrown vegetation on the property.

**d. §92.18 (L):** Immediate securing of all machinery and vehicles on the property by either means of locking up or securing inside a building.

**e. §92.18 (N):** Removal of all furnishings, machinery, building materials, hazardous entrapments, rubbish, and all other accumulations around the exterior of the property.

**f. §92.20:** Removal and disposal of unlicensed and inoperable vehicles; Light Blue Oldsmobile, Red Van, and White Chevy Crane Truck.

**g. §92.21:** Repair of the exterior of the dwelling.

**h. §92.38(A):** Removal, trimming, and maintaining of all overgrown grass on the property.

**2.** That pursuant to the foregoing findings and in accordance with Minn. Stat. §§ 463.15 and 463.261, the council orders the record owners of the above hazardous property or their representatives to make the following corrections on the property at 215 West Main Street:

**i. §92.15 (A):** Repair, maintenance, and upkeep of the entire property is required.

**j. §92.16 (E):** Cleaning up of all refuse and discarded debris laying around the property.

**k. §92.16 (H):** Removal, trimming, maintaining, and proper discarding of all noxious and overgrown vegetation on the property.

**l. §92.18 (L):** Immediate securing of all machinery and vehicles on the property by either means of locking up or securing inside a building.

**m. §92.18 (N):** Removal of all furnishings, machinery, building materials, hazardous entrapments, rubbish, and all other accumulations around the exterior of the property.

**n. §92.20:** Removal and disposal of unlicensed and inoperable vehicles; Black Chevy Pickup, Dump Truck,

**o. §92.20:** Removal and disposal of dismantled machinery; Rear truck axel located in northwest corner of property.

**p. §92.38(A):** Removal, trimming, and maintaining of all overgrown grass on the property.

**3.** That the repairs listed above must all be made within **twenty (20) days** after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and regulations and done pursuant to proper permits from the city.

**4.** That a motion for summary enforcement of the order will be made to the District Court of Lyon County in which the hazardous buildings or properties is situated unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. § 463.18, which is **twenty (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 **twenty (20) 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 be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.22, 463.21, and 463.161.

**7.** That the city attorney is authorized to serve this order upon the owner of the premises at 37 West 2<sup>nd</sup> Street North and 215 West Main Street and all lienholders of record.

**8.** That the city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. §§ 463.15 and 463.261.

A motion by Mike Horner to approve RESOLUTION NO. 2024\_0618A Order to Raze. Seconded by Joel Dahl. Carried.

Council was presented with LeRoy's Alcohol License for Sunday Liquor Sales and On-Sale License.

A motion by Mike Horner to approve LeRoy's Alcohol License. Seconded by Joel Dahl. Carried.

Council reviewed the following Building Permits 2024\_11 in ground pool with a splash deck and safety fence and 2024\_12 replace existing deck with concrete patio and sidewalk to garage (Reviewed by P&Z).

A motion by Mike Horner to approve Building Permit 2024\_11 in-ground pool with a splash deck and safety fence. Seconded by Shannon Geihl. Carried.

A motion by Joel Dahl to approve Building Permit 2024\_12 replace existing deck with concrete patio and sidewalk to garage. Seconded by Shannon Geihl. Carried.

The council reviewed the June bi-monthly bills of \$16,148.26.

A motion by Mike Horner to approve the total of bills \$16,148.26. Seconded by Joel Dahl. Carried.

A motion by Joel Dahl to adjourn the meeting. Seconded by Shannon Geihl. Carried at 806pm.



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

A meeting of the Cottonwood City Council was held on Tuesday, July 2, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Mike Horner, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Engineer Kent Louwagie. Present from the public was Andrew Kolander, Feed Mill Manager of FCE.

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

The council reviewed the minutes from the June 18, 2024 meeting. A motion by Shawn Myers to approve the minutes from the June 18, 2024 meeting. Seconded by Shannon Geihl. Carried.

Bliss presented the following information regarding a concern for who should be maintaining the Railway Street between Main Street and Prairie Street:

**HISTORY** | On August 5, 1980 the council moved forward with the installation of additional storm sewer line down Railway Street from the Farmers Elevator Mill to the County Ditch Totaling 1,500 feet of 12-inch storm sewer line. Nothing has been found in the minutes or in the Lyon County Recorder's Office indicating that an easement was done.

At a Council Meeting on April 6, 1982 Members of the Cottonwood Elevator and Coop Oil Boards were present to request that the City provide maintenance services to their roadways on the railroad right-of-way due to the fact that the roadways are extensively used by the general public. DeSmet introduced the **RESOLUTION THAT THE CITY PROVIDE ROAD MAINTENANCE SERVICES TO THE PUBLICALLY TRAVELED ROADWAYS LOCATED IN THE RAILROAD RIGHT-OF-WAY THROUGH THE ELEVATOR, LUMBER YARD, AND FERTILIZER PLANT YARD BY BLADING AND GRADING THE GRAVEL, SNOW PLOWING, AND OTHER INCIDENTAL ROAD MAINTENANCE JOBS.** Davis seconded. Carried.

**PURPOSE OF TOPIC** | It has been brought up multiple times to the City Office and Public Works about who owns Railway Street and that if it is owned by the Elevator, they would like to assume responsibility for it and control the flow of traffic through it. The week of June 24th I was notified that the elevator ordered upwards of ten thousand dollars of crushed granite for Railway Street and that if it is the responsibility of the City then we would be getting a bill from FCE for the crushed granite.

**RESOLUTION** | Because of the issues this topic has brought forward several times over the past few years and the research showing that the Railway is not City property and is only maintained because of a Resolution from 1982, the request would be that the Resolution be rescinded, and the City no longer maintain Railway Street from Main Street to Prairie Street. If services of blading, grading, or snow removal are needed then it will be on a billing basis just as we do with businesses in town for salt sand. From Main Street to Norseth Boulevard would still need to be maintained by the City as it does have multiple lines running through it as well as primary access to the Water Tower.

Manager Andrew Kolander represented the FCE to discuss the FCE-Railway Street between Main Street and Prairie Street.

After discussion on steps going forward it was agreed that the FCE, public works Allen, and City Administrator will set up a meeting time and come up with a plan moving forward when it comes to snow removal, rights-of-way, and utilities of the alleyways and Cottonwood Street. At that meeting a location for placement of signage for Cottonwood Street would be determined.

Sheriff Wallen also stated that private property signs would help with being able to help with trespassing when someone does drive onto the property.

A motion by Joel Dahl to rescind the previous resolution, RESOLUTION THAT THE CITY PROVIDE ROAD MAINTENANCE SERVICES TO THE PUBLICALLY TRAVELED ROADWAYS LOCATED IN THE RAILROAD RIGHT-OF-WAY THROUGH THE ELEVATOR, LUMBER YARD, AND FERTILIZER PLANT YARD BY BLADING AND GRADING THE GRAVEL, SNOW PLOWING, AND OTHER INCIDENTAL ROAD MAINTENANCE JOBS. Seconded by Mike Horner. Carried.

City Administrator shall prepare a Maintenance Agreement with the Building Center and Legend Cabinetry for the road maintenance from Main Street to Norseth Boulevard due to critical infrastructure access by the City. Agreements shall be ready for approval at the July 16th Council meeting. Easement shall be done and recorded for the 1,500 feet of 12-inch storm sewer line that runs from Prairie Street to the County Ditch.

Bliss presented the Veterans Park update; funding has been started along with the final design completed.

Bliss presented the follow up items:

RAINS PROPERTY | Order to Raze has been granted by the court and can take place after July 15. I am waiting to hear from the county on steps to proceed. Jeseritz Construction cost to raze property totals \$14,500.00.

Council will review after waiting period is over. Tabled.

CITY OFFICE | Quotes and breakdown included with this memo. The total for services comes to \$137,384 with ARPA and budgeted funds totaling \$142,616.

Council reviewed the quotes and had some questions regarding some of the bids.

Council made note that a contract with quoted prices be made and a no change order.

A motion by Joel Dahl to approve the city office project. Seconded by Shawn Myers. Carried. Opposed by Mike Horner. Abstained by Shannon Geihl.

LIBRARY GARAGE | Estimates included with this memo to either repair or remove.

Council reviewed the proposal and wants to look into other options first. Tabled.

PROPERTY VIOLATIONS | Resolution 2024\_0618A Ordering the Repair and Removal of Hazardous Conditions Located at 37 West 2nd Street North and 215 West Main Street was served to the property owner on June 24, 2024. Making the deadline for remedy set for July 15, 2024.

Sheriff Wallen presented the monthly incident report to the City Council.

Public Works supervisor Allen Olsen informed the council on the following:

No parking signs by the firehall were put up and the curbs had been painted.

Council asked that the signs be readjusted to face the roadway.

Rugged Tree Service finished the tree clean up on Front Street and it went well.

The secondary pond was too full, and chemicals were picked up to be able to let it go.

The Prairie Street storm line is backing up again and once able to do so, public works will attempt to flush the line.

Preparation for Coming Home Days has begun.

Bolton and Menk engineer Kent Louwagie presented information on LPRW and the agreement between the City and LPRW.

A motion by Mike Horner to approve the agreement between LPRW and the City. Seconded by Joel Dahl. Carried.

Louwagie also presented the evaluation plans that were done for leaking ponds and I&I that is required for the PCA Pond Permit.

Bliss presented the administrative report as follows:

CITY PROPERTY | There is a piece triangular grass property between West 1st Street South and the tree dump road that the City owns. It has not been in the City's name, nor has it had a parcel number, so I asked for the County to assist in doing some research on the property as we have mowed it for decades.

This is what Mark Buysse and Mark Volz came up with:

Parcel 22-148071-0 shall be assigned to this property. This property was forfeited to the State of MN on October 24, 1989, and then was transferred on state deed #0173772 back on July 13, 1990. I do not believe this was ever created in the tax system since its implementation for whatever reason. We will get this input into tax, and you will be receiving statements for this property moving forward.

There is not a lot more that is able to be found and it will need a new legal description or to be surveyed.

RECOMMENDATION |

Have the property surveyed by Bolton & Menk and then sold for public purchase.

A motion by Shawn Myers to approve First Street property to be surveyed by Bolton and Menk. Seconded by Shannon Geihl. Carried.

No update for the RLF, SCDP, AND EDA.

Council reviewed the following:

CHD PARADE ROUTE | Map attached to the memo. Closure of roads for the CHD Parade on July 13th.

CHD STREET DANCE | Closure of West First Street from Barstad Road to Main Street from Friday, July 12th to Monday, July 15th.

CHD ACTIVITIES | Closure of West Cottonwood Street from West First Street to West Second Street on Saturday, July 13th.

BLOCK PARTY | Closure of Front Street from Fifth Street to Fourth Street on Monday, August 5th from 5PM to 9PM.

A motion by Joel Dahl to approve the Coming Home Days parade permit. Seconded by Mike Horner. Carried.

A motion by Shawn Myers to approve the road closures for Coming Home Days and during the Block Party. Seconded by Shannon Geihl. Carried.

Council reviewed the following resolution, RESOLUTION NO. 2024\_0702 A RESOLUTION PERMITTING THE LAKEVIEW BOOSTER CLUB CHARITABLE GAMBLING ORGANIZATION TO CONDUCT OFF-SITE GAMBLING.

WHEREAS, the Lakeview Booster Club Charitable Gambling Organization. License No. 035466, has submitted an application for a Minnesota Lawful Gambling Application to Conduct Off-Site Gambling;

WHEREAS, such Off-Site Gambling Application is to be used for the Lawful Gambling at the following location;

142 West Main, the Cottonwood Community Center, in Cottonwood, Minnesota;

WHEREAS, the City of Cottonwood has no objections to the Applicant conducting the Lawful Gambling;

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

The Lakeview Booster Club Charitable Gambling Organization is approved to conduct Off-Site Gambling as stated on the Minnesota Lawful Gambling Application.

A motion by Shawn Myers to approve Resolution 2024\_0702 Resolution Approving Offsite Gambling. Seconded by Joel Dahl. Carried.

The council reviewed the permit for ROW WORK- XCEL ENERGY.

A motion by Mike Horner to approve the ROW WORK- XCEL ENERGY permit. Seconded by Shawn Myers. Carried.

The council reviewed the end of June bi-monthly bills of \$29,994.17.

A motion by Joel Dahl to approve the total of bills \$29,994.17. Seconded by Shawn Myers. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 849pm.

## JULY 23, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, July 2, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Administrative Assistant Katie Ewing; and Engineer Kent Louwagie; Sargent Louwagie. Present from the public was Chuck and Stacey Broberg, Cody St. Aubin, Nathan Lund, and Ernie Viaene. Absent was council member Mike Horner, and public works supervisor, Allen Olsen.

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

The council reviewed the minutes from the July 2, 2024 meeting. A motion by Shawn Myers to approve the minutes from the July 2, 2024 meeting. Seconded by Shannon Geihl. Carried.

Bliss presented a follow up regarding FCE:

### MESSAGE

### RECAP |

Minutes from April 4, 2023 Meeting: Bliss discussed Railway Street with the Council as it has been a topic brought up again in regard to the speeders that come through the elevator and road conditions. The elevator was going to look through their property documents because it does appear that the road belongs to the elevator and is not a public roadway, but it will be verified and brought back to Council for an update.

Minutes from July 2, 2024 Meeting: Manager Andrew Kolander represented the FCE to discuss the FCE-Railway Street between Main Street and Prairie Street.

After discussion on steps going forward it was agreed that the FCE, public works Allen, and City Administrator will set up a meeting time and come up with a plan moving forward when it comes to snow removal, rights-of-way, and utilities of the alleyways and Cottonwood Street. At that meeting a location for placement of signage for Cottonwood Street would be determined.

Sheriff Wallen also stated that private property signs would help with being able to help with trespassing when someone does drive onto the property.

A motion by Joel Dahl to rescind the previous resolution, RESOLUTION THAT THE CITY PROVIDE ROAD MAINTENANCE SERVICES TO THE PUBLICALLY TRAVELED ROADWAYS LOCATED IN THE RAILROAD RIGHT-OF-WAY THROUGH THE ELEVATOR, LUMBER YARD, AND FERTILIZER PLANT YARD BY BLADING AND GRADING THE GRAVEL, SNOW PLOWING, AND OTHER INCIDENTAL ROAD MAINTENANCE JOBS. Seconded by Mike Horner. Carried.

City Administrator shall prepare a Maintenance Agreement with the Building Center and Legend Cabinetry for the road maintenance from Main Street to Norseth Boulevard due to critical infrastructure access by the City. Agreements shall be ready for approval at the July 16th Council meeting. Easement shall be done and recorded for the 1,500 feet of 12-inch storm sewer line that runs from Prairie Street to the County Ditch.

### POST JULY 2ND MEETING |

T-Posts placed at the end of both alleyways on July 3rd and multiple complaints have come in from citizens residing along there. No records of locates exist for the t-post placement and contact with the City has not been had since the meeting.

Upon review of the placement of the t-posts, it appears that they are inside the alleyway ROW. Because communication had not been done with the City that this was going to occur, there has not been any information passed along to utility companies or emergency services about access.

On July 15th Al and Teather went onsite to look at the location of the t-posts to see if they lined up with the electrical poles because normally, they sit on the property line. Upon examination it did appear that the t-posts were close to ten feet inside the alleyway. At that point we discussed that a survey request would be put into Bolton & Menk to determine the ROWs, property lines, and utility locations.

Bliss asked the council to re-rescinding of the motion previously rescinded on July 2<sup>nd</sup>, 2024 until things get sorted because Andrew Kolander was not authorized to speak on behalf of FCE for the  
RESOLUTION THAT THE CITY PROVIDE ROAD MAINTENANCE SERVICES TO THE  
PUBLICALLY TRAVELED ROADWAYS LOCATED IN THE RAILROAD RIGHT-OF-WAY  
THROUGH THE ELEVATOR, LUMBER YARD, AND FERTILIZER PLANT YARD BY BLADING  
AND GRADING THE GRAVEL, SNOW PLOWING, AND OTHER INCIDENTAL ROAD  
MAINTENANCE JOBS.

A motion by Shawn Myers to re-rescind RESOLUTION THAT THE CITY PROVIDE ROAD  
MAINTENANCE SERVICES TO THE PUBLICALLY TRAVELED ROADWAYS LOCATED IN THE  
RAILROAD RIGHT-OF-WAY THROUGH THE ELEVATOR, LUMBER YARD, AND FERTILIZER  
PLANT YARD BY BLADING AND GRADING THE GRAVEL, SNOW PLOWING, AND OTHER  
INCIDENTIAL ROAD MAINTENANCE JOBS. Seconded by Joel Dahl. Carried.

Mayor Moseng opened the discussion to the public.

The public voiced their concerns, questions, and comments to the council regarding Railway Street, and the alleyways running off of Railway Street.

Bliss presented the follow-ups information:

RAINS PROPERTY| No update.

CITY OFFICE| No update.

LIBRARY | No update.

PROPERTY VIOLATIONS| No update.

Sergeant Louwagie presented the monthly incident report to the City Council.

Allen Olsen was not present to give a Public Works update, there was nothing to address.

Kent, city engineer, gave a brief update on the emergency survey that took place on Monday July 22, 2024.

Kent also informed that Bolten and Menk will be going around town to collect the rest of the water service line inventory from those that did not have it sent in on July 5, 2024 on either Thursday or Friday of this week.

The council reviewed the July meeting minutes for the Fire Department.

The council reviewed the June meeting minutes for the Ambulance.

The council reviewed Resolution 2024\_0723 RESOLUTION ACCEPTING GRANT NAVIGATOR FUNDING for \$5,000.

A motion by Shawn Myers accepting Resolution 2024\_0723 RESOLUTION ACCEPTING GRANT NAVIGATOR FUNDING for \$5,000. Seconded by Shannon Geihl. Carried.

Discussion for future meetings on how to go about late building permits was discussed and a plan on what to do for those not following their permits is being planned.

The council reviewed the end of month July bills.

A motion by Joel Dahl to approve end of month July bills. Seconded by Shawn Myers. Carried.

Bliss presented the idea of matching the Cottonwood Area Food Pantry's community donation for what it stood at of 75 donors of \$100 giving a total of \$7,500. Donation money is sent aside in the budget.

A motion by Shannon Geihl to approve a matching donation of \$7,500 to the Food Pantry. Seconded by Joel Dahl. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 807pm.

## AUGUST 6, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, August 6, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Shannon Geihl, Mike Horner and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sherriff Wallen.

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

The council reviewed the minutes from the July 23, 2024 meeting. A motion by Shawn Myers to approve the minutes from the July 2, 2024 meeting. Seconded by Joel Dahl. Abstained Mike Horner. Carried.

Council reviewed the consent agenda consisting of Resolution 2024\_0806 Donation to the Cottonwood Ambulance for \$100.00 from Dean Boerboom family.

A motion by Joel Dahl to approve the consent agenda Resolution 2024\_0806. Seconded by Shannon Geihl. Carried.

Council reviewed the consent agenda consisting of Resolution 2024\_0806A Donation to the Cottonwood Fire Department for \$100.00 from Dean Boerboom family.

A motion by Shawn Myers to approve the consent agenda Resolution 2024\_0806A. Seconded by Joel Dahl. Carried.

Bliss presented the follow up items:

**RAINS PROPERTY** | Still waiting for the public auction process with the County to complete before the City can take action.

**CITY OFFICE** | Neil has started the HVAC work in the building, we will be installing a smaller water heater for around \$200 cheaper than the one originally quoted. Johnson Dental is looking at taking some of the equipment, the remainder will be used for scrap metal. Once that is complete, I will contact Ace to start the floor work. They can only give \$50 man hour as an estimate because they do not know if there is any additional floor work that will need to be done, it is not expected as the initial inspection showed a good subfloor – the additional will only be added if there is major glue build up, moving of furnishings, etc. The way the carpet appears to be coming up easily, tear up costs will be around that \$200 price.

**LIBRARY GARAGE** | Tabling until next meeting.

**FCE** | Preliminary property survey complete and included with the memo.

**ROAD CLOSURE** | A citizen called before the council meeting in regard to having the road closed on Front Street between 4<sup>th</sup> Street and 5<sup>th</sup> Street for a block party that original date was cancelled due to being rained out. The citizen said their new date would be Thursday, August 15, 2024.

**DISCUSSION** | A consideration for the road closure on a Thursday, which is when the community's garbage is serviced. The end of 5<sup>th</sup> Street, West Central Sanitation has to back down because there is no room to turn around at the end of the road, so to close the road down people must be made available incase they need to get down the road.

**RECOMMENDATIONS** | Two people must be made available to move the cones and tables if West Central Sanitation needs access. If not followed future requests for this road closure will be denied. As well as planning for the future with a backup date. Thursdays should not be closed, and all factors are considered when it comes to the community and when a road can be closed.

A motion by Mike Horner to close Front Street between 4<sup>th</sup> Street and 5<sup>th</sup> Street. Seconded by Joel Dahl. Carried



Al Olsen presented the public works department update:

STATE AID FOR ROADS | The 2024 State Road Aid payment for Small Cities was received totaling \$18,529.50. These funds can be utilized to pay for the road repairs being estimated by Fuller Paving for \$14,517.23.

CURB REPAIRS | Repairs to the curb along FCE property on Main Street is quoted at \$4200 to put back pre-water main break, it will probably end up being 20 feet more than quoted so the price would be \$5600.

RECOMMENDATION | Approval of Fuller Paving estimate and utilizing the State Aid funds. Council decision on curb replacement.

A motion by Shawn Myers to approve Fuller Paving for road repairs. Seconded by Mike Horner. Carried.

No curb was suggested.

Sheriff Wallen presented the July Report.

Wallen presented the new contract with the sheriff's department for the next three years:

2025: 3% increase of 2024 rate. Annual rate of \$105,312.00. Monthly rate = 12 equal payments of \$8,776.00.

2026: 3.15% increase of 2025 rate. Annual rate of \$108,663.60. Monthly rate = 12 equal payments of \$9,052.80.

2027: 3.25% increase of 2026 rate. Annual rate of \$112,147.20. Monthly rate = 12 equal payments of \$9,345.60.

A motion by Joel Dahl to approve the new contract for three years. Seconded by Shawn Myers. Carried.

Olsen gave an update that the hydrant on the corner of East 1<sup>st</sup> Street South and East Main Street in front of English Lutheran Church has been installed and working.

Olsen also updated that on August 13, 2024, Duininck will start to mill of the road on Lake Street. They will be back to tar the road on August 16, 2024.

Bliss presented an update on the AMI, it is not reading like it should and the company is sending someone to take a look. It is all still covered under the warranty.

Bliss gave an update on the financial report:

GENERAL FUND | Local Government Aid will come in mid-July totaling \$188,856.50. State Aid for Roads was received for \$18,529.50.

WATER | Water funds are still showing a loss from the bond payment earlier in the year but there has been a decrease from \$27,559 to \$6,220. Currently both water revenue and expenditures are sitting at 60% completion.

SEWER | Final pond payment to PFA done \$57,635.55. This payment has sent sewer into a current loss of \$37,092.88.

OVERALL | The major funds of the City saw a decrease in its net loss from \$33,298.10 in June to \$18,495.38 in July.

Bliss updated the pledge collateral.

Bliss presented the 2025 budget process:

**BUDGET TIMELINE** | The two main deadlines for the budget are as follows: Preliminary Certification on or before September 30 and Final Certification on or before December 20.

**BUDGET WORK SESSIONS** | With the memo I included the budget memo that department heads received so you can see dates that were provided. I have a few soft dates set for adoptions and a few dates set for work sessions.

2025 Capital expenses work session with department heads present: August 20th at 600pm

Preliminary budget work session: September 3rd at 600pm

Preliminary budget adoption: September 17th

Final budget work session: November ?

Truth in Taxation: December 3rd

**BUDGET WORKSHEETS** | I have provided each of you with a 2025 Budget worksheet. These worksheets are for priorities that pertain to you as a council member that you see around town or as a future asset for Cottonwood.

Council had conflicts with dates, so a new tentative schedule was created:

The fire department just received a grant from DuPont of \$5,000 from wildland gear and hoses.

The council reviewed that the fire department had applied for State Farm Good Neighbor Firefighter Safety Grant Program for new hose and wildland gear.

The council reviewed the July meeting minutes for the Ambulance.

The council reviewed the water supply plan, RESOLUTION 2024\_0806B Water Use Restrictions:

RESOLUTION NO. 2024\_0806B

**A RESOLUTION ESTABLISHING WATER USE RESTRICTIONS AND DESIGNATING AUTHORITY TO ENFORCE WATER USE RESTRICTIONS**

WHEREAS, the City Municipal Water Supply may reach critical levels due to peak usage or other water emergency, and

WHEREAS, a water shortage may lead to lack of adequate water pressure and could cause serious fire protection problems, and

WHEREAS, the City of Cottonwood has the authority to implement watering restrictions in order to comply with any state declarations and to assure the safety and wellbeing of the citizens of Cottonwood, and

WHEREAS, the City of Cottonwood shall follow the water use categories as set forth in Minnesota Statute 103G.261, and

WHEREAS, water uses such as lawn sprinkling, vehicle washing, golf courses, and other recreational watering are considered non-essential and shall be the first to receive restrictions, and

WHEREAS, the DNR Water Supply Plan requires that cities have policies and procedures in place in the event that water use restrictions are needed.

THEREFORE, BE IT RESOLVED

1. The Mayor or City Administrator, working with the Public Works Supervisor, has the authority to enact water use restrictions.
2. When a water use restriction is in place, properties with an odd address shall use non-essential watering, when necessary, only on odd-numbered calendar days, and those even-numbered addresses shall use non-essential watering only on even-numbered days.
3. On those days, there shall be no non-essential water use between the hours of 10:00 a.m. and 6:00 p.m.
4. Municipal water users who have been notified of these restrictions, and who violate the water restriction guidelines, shall first be notified of the violation through a door hanger and any continued violations shall be fined \$100 for each day the violation occurs.
5. The fine will be issued immediately upon finding the violation.

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

A motion by Joel Dahl to approve RESOLUTION NO. 2024\_0806B. Seconded by Shawn Myers.  
Carried.

The council reviewed RESOLUTION 2024\_0806C Appointment of Election Judges:

RESOLUTION NO. 2024\_0806C

A RESOLUTION APPOINTING ELECTION JUDGES FOR THE  
STATE PRIMARY ELECTIONS

WHEREAS, the State Primary Election will be held on the thirteenth of August 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, Katie Ewing, Melanie Olsen, Sue Morton, Krista Listul, Janel Kuester, Patty Ebnet, Shannon Geihl, Evonne Nilges, Kyle Jarcho, Richard Cobbs, Lenore Cobbs, Cameron Fallers, Wendy Leach, and Jennifer Swanson are to be appointed as election judges for the State Primary Elections
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 August 2024.

A motion by Shawn Myers to approve RESOLUTION NO. 2024\_0806C. Seconded by Mike Horner. Carried.

Planning and Zoning preapproved building permit 2024\_13 and 2024\_14 non-impervious surface permit.

The council reviewed both permits.

A motion by Mike Horner to approve building permit 2024\_13 prefab shed at 82 East Cottonwood Street. Seconded by Shannon Geihl. Carried.

A motion by Joel Dahl to approve non-impervious permit 2024\_14 replace blacktop for concrete at 35 West 5<sup>th</sup> Street South. Seconded by Shannon Geihl. Carried.

Change of date for mid-month meeting to August 27, 2024 at 7pm at the fire hall.

The council reviewed the bills totaling \$15,889.06.

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

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 740pm.

## AUGUST 27, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, August 27, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Mike Horner and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; City Engineer, Kent Louwagie; and Sheriff's Department, Sergeant Louwagie. Absent was council member Shannon Geihl. Present from the public was Derek Dahl, to present insurance renewal.

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

The council reviewed the minutes from the August 6, 2024 meeting. A motion by Shawn Myers to approve the minutes from the August 6, 2024 meeting. Seconded by Mike Horner. Carried.

Derek Dahl, agent from Insurance Service Agency presented the 2024-2025 Property Casualty Insurance Renewal.

The overall package cost is \$66,974.

Inland marine changed from \$100,000 to \$250,000.

The only equipment left on mobile equipment is the street sweeper at \$270,000.

We have 3<sup>rd</sup> party cyber protection.

Sergeant Louwagie presented the monthly incident report to the City Council.

Public works supervisor, Olsen requested from the council to buy the tires for \$8,000 that was budgeted.

A motion by Joel Dahl to approve buying new tires for \$8,000. Seconded by Shawn Myers. Carried.

Olsen also made a request to approve the previously budgeted trade of the snow blower.

A motion by Shawn Myers to approve the trade and purchase of a snow blower. Seconded by Mike Horner. Carried.

Olsen presented an update for the following:

The valve had been installed by English Lutheran Church.

Curb stop locating for lead service line inventory is finishing up as deadline is August 31, 2024.

Fuller Paving finished.

Duininck's finished.

Engineer, Kent Louwagie presented the following updates:

1. Lead Service Line (LSL) Inventory  
Finishing up to meet the deadline of August 31.
2. Wastewater Pond Control Structures Rehab  
Work is completed.
3. Tom Christy Lane & Shoreview Pass  
Plan to add project into 2025 budget.
4. CW Reishus Park  
Make a motion to approve Bolten and Menk to be involved in oversight of the project.
5. Downtown Reconstruction  
Considering incorporating this into a larger infrastructure project.
6. Infrastructure Improvements

We will work with city staff to identify a recommended project scope for the city council's consideration.

7. Railway Street

The survey has been completed but need to figure out easements. Public works will be cleaning out storm sewer pipes and plan to televise.

8. North Star parking lot

Unsure of what is causing the pavement to settle, a request for a proposal from AET has been made to investigate further.

Bolton and Menk presented the comprehensive plan to assist the C.W. Reishus Park Improvements – Final Design and Construction Administration with 7 phases.

A motion by Shawn Myers to approve the hiring of Bolton and Menk for the comprehensive planning of C.W. Reishus Park Improvements. Seconded by Joel Dahl. Carried.

The Fire department received the DNR Grant for \$5,000 for Wildland Gear and Fire Hose.

The step van was sold on an online auction, Mn Bid for \$5,000.00 and will be picked up later this week.

The council reviewed the Ambulance Meeting Minutes for August.

The council reviewed the following resolutions:

RESOLUTION 2024\_0827

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

WHEREAS, parcel 22-148041-1 is located within the corporate city limits of Cottonwood,  
Minnesota and

WHEREAS, the parcel is a dedicated park, C.W. Reishus Park, owned by the City and

WHEREAS, the City Council has the authority to determine property 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 22-148041-1 shall be assigned the address, 379 Barstad Road North

A motion by Mike Horner to approve Resolution 2024\_0827. Seconded by Shawn Myers. Carried

RESOLUTION 2024\_0827A

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

WHEREAS, parcels 22-134005-0 and 22-134006-0 are located within the corporate city limits  
of Cottonwood, Minnesota and

WHEREAS, the current assigned addresses are 20 West First Street North and 10 West First

Street North and

WHEREAS, the current assigned addresses are not a proper assignment for the GIS system for Lyon County and E911 services and

WHEREAS, the City Council has the authority to determine property 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 22-134005-0 shall be re-assigned the address, 120 West 1st Street North
2. Parcel 22-134006-0 shall be re-assigned the address, 110 West 1st Street North

A motion by Joel Dahl to approve Resolution 2024\_0827A. Seconded by Shawn Myers. Carried

#### RESOLUTION 2024\_0827B

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

WHEREAS, parcel 22-010006-0 is located within the corporate city limits of Cottonwood, Minnesota and

WHEREAS, the current assigned address is 895 East 4th Street South and

WHEREAS, the current address is not a proper assignment for the Lyon County GIS system and E911 services and

WHEREAS, the City Council has the authority to determine property 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 22-010006-0 shall be re-assigned the address, 102 East 4th Street South

A motion by Shawn Myers to approve Resolution 2024\_0827B. Seconded by Mike Horner. Carried.

#### RESOLUTION 2024\_0827C

A RESOLUTION DECERTIFYING TAX INCREMENT FINANCING DISTRICT NO. 24 (HOUSING) – TIF 2D BLADHOLM ASSISTED LIVING PROJECT OF THE CITY OF COTTONWOOD

WHEREAS, on May 2, 1998, the City of Cottonwood (City) established Tax Increment

Financing (TIF) 2D Bladholm Assisted Living Project (the District) and

WHEREAS, Minnesota Statutes §469.174 through §469.1799 (TIF Legislation) authorizes the City Council to decertify a tax increment financing district on any date after all the bonds and other obligations have been satisfied and

WHEREAS, the established decertification date for the District is December 31, 2024 and

WHEREAS, the City desires by this Resolution to decertify the District with an effective date of December 31, 2024 by which all taxing jurisdictions will benefit from an increased tax base effective for taxes payable in 2025 and

WHEREAS, the City Council acknowledges that any receipt of tax increment from Lyon County for the District after December 31, 2024 shall be declared and returned to Lyon County as excess tax increment.

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

1. The City Administrator is authorized and directed to provide Lyon County with documents related to decertification of the District, to submit the Confirmation of Decertified TIF District form to the Office of the State Auditor and take any other steps required for a decertification date of December 31, 2024.

2. The City Administrator is authorized and directed to determine the amount of excess tax increment in the account for the District and to return all excess tax increment to Lyon County for redistribution to other taxing jurisdictions.

A motion by Shawn Myers to approve Resolution 2024\_0827C. Seconded by Joel Dahl. Carried.

City council meeting scheduled for Tuesday, September 3, 2024 was requested to be moved until Tuesday, September 10, 2024 at 7pm in the Firehall.

A motion by Shawn Myers to approve moving the meeting to Tuesday, September 10, 2024. Seconded by Joel Dahl. Carried.

A motion by Mike Horner to approve bills totaling \$115,358.67. Seconded by Shawn Myers. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Mike Horner. Carried at 830pm.



## SEPTEMBER 10, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, September 10, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Mike Horner, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sheriff's Department, Sargeant Connor.

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

The council reviewed the minutes from the August 27, 2024, meeting.

A motion by Shawn Myers to approve the minutes from the August 27, 2024, meeting. Seconded by Joel Dahl. Carried.

Sargeant Connor presented the Sherriff report.

Public works supervisor, Allen Olsen made a request to purchase a new valve exerciser for \$2,700.

A motion by Joel Dahl to approve a new valve exerciser for \$2,700. Seconded by Shawn Myers. Carried.

Engineer Kent was absent, but Teather showed an email Kent had sent earlier in the day showing the blueprint of the Tom and Christy Lane project.

Administrator Teather presented the updates for the new office and invited the council to look after the meeting.

The council reviewed the September Fire meeting minutes.

The council reviewed the following permits.

Building permit 2024\_15 for replacing a deck with an 18x18 concrete patio on 36 West 5<sup>th</sup> Street South.

ROW permit 2024\_16 between Front Street and Main Street.

A motion by Shannon Geihl to approve building permit 2024\_15. Seconded by Joel Dahl. Carried.

A motion by Mike Horner to approve ROW permit 2024\_16. Seconded by Shannon Geihl. Carried.

Reminder that the normally scheduled council meeting will still be held September 17, 2024 at 7pm at the Firehall.

A motion by Joel Dahl to approve bills totaling \$20,357.59. Seconded by Shawn Myers. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 7:20pm.

## SEPTEMBER 17, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, September 17, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Mike Horner, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sheriff's Department, Sheriff Wallen.

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

The council reviewed the minutes from the September 10, 2024, meeting.

A motion by Shawn Myers to approve the minutes from the September 10, 2024, meeting. Seconded by Joel Dahl. Carried.

Bliss presented the follow up items:

City office: updates on renovation and chart with project budget.

FCE: The council discussed Railway Street.

Sheriff Wallen presented the Sherriff report.

Public works supervisor, Allen Olsen asked for approval of a bid for a tree that needs to be cut down to look at a leak happening at the curb stop under the tree.

A motion by Shawn Myers to approve Brian's Tree Service for \$969.00. Seconded by Joel Dahl. Carried.

Olsen gave an update that the storm sewer lines were jetted from the ditch to Prairie Street.

Bliss presented the administration report:

Clean up day will be held on September 20<sup>th</sup>, 2024, and September 21<sup>st</sup>, 2024, because the city pays for the cost a request was made to approve the dates.

A motion by Shawn Myers to approve clean up days. Seconded by Shannon Geihl. Carried.

Bliss presented information about the EAB treatment.

The council reviewed the different ways to go about treatment and would like to look at this for a possibility for 2025 with more information.

Bliss presented the following resolutions:

RESOLUTION NO. 2024\_0917

### ADOPTION OF 2025 PRELIMINARY TAX LEVY AND BUDGET

BE IT RESOLVED, by the City Council of the City of Cottonwood, County of Lyon, Minnesota, that the following sums of money be levied for the current year, collectible in 2025, upon the taxable property in the City of Cottonwood, for the following purposes:

General Fund Levy

\$663,000.00

EDA Special Levy

\$15,000.00

Principal & Interest on 2012 City Maintenance Shop Lease

\$21,819.00

Principal & Interest on 2016 Fire Hall/Ambulance Garage Lease

\$54,558.00

Principal & Interest on 2016A GO Improvement Bonds

\$126,525.00

Total Proposed Certified Tax Levy

\$880,902.00

BE IT RESOLVED, by the City Council of the City of Cottonwood, County of Lyon, Minnesota, that the attached document is hereby approved as the 2025 Preliminary Tax Levy of the City of Cottonwood.

IN WITNESS WHEREOF, the City of Cottonwood, Minnesota, by its City Council, has caused this Resolution to be executed on its behalf by the signatures of the Mayor and City Administrator and has caused this Resolution to be certified to the County Auditor of Lyon County, Minnesota, as of the date set forth below.

A motion by Mike Horner to approve Resolution No. 2024\_0917. Seconded by Shawn Myers. Carried.

## **RESOLUTION NO. 2024\_0917A**

### **ADOPTION OF 2025 PRELIMINARY BUDGET SUMMARY**

BE IT RESOLVED, by the City Council of the City of Cottonwood, County of Lyon, Minnesota, that the information provided below is hereby approved as the 2025 Preliminary General Fund Budget of the City of Cottonwood.

#### **2025 PRELIMINARY BUDGET SUMMARY**

<b>DEPARTMENT</b>	<b>TWENTY-FOUR</b>	<b>TWENTY-FIVE</b>
<b>PROPERTY TAX LEVY</b>	\$ 610,000.00	\$ 663,000.00
<b>GENERAL FUND</b>	\$ 489,967.00	\$ 590,405.00
<b>DEBT SERVICES</b>	\$ 215,791.00	\$ 211,171.00
<b>GENERAL &amp; DEBT REVENUES</b>	\$ 1,315,758.00	\$ 1,464,576.00
<b>GENERAL ADMINISTRATION</b>	\$ 430,240.00	\$ 321,293.00
<b>PUBLIC SAFETY</b>	\$ 124,590.00	\$ 140,122.00
<b>PUBLIC WORKS</b>	\$ 426,840.00	\$ 606,037.00
<b>RECREATION</b>	\$ 117,536.00	\$ 177,450.00

<b>DEBT SERVICES - PRINCIPAL</b>	\$ 179,000.00	\$ 144,000.00
<b>DEBT SERVICES - INTEREST &amp; FEES</b>	\$ 74,000.00	\$ 51,960.00
<b>DEBT SERVICE FUND BALANCES</b>	-\$ 37,209.00	\$ 0.00
<b>GENERAL &amp; DEBT EXPENSES</b>	\$ 1,314,997.00	\$ 1,440,862.00
<b>GENERAL PROFIT &amp; LOSS</b>	<b>\$ 761.00</b>	<b>\$ 23,714.00</b>

IN WITNESS WHEREOF, the City of Cottonwood, Minnesota, by its City Council, has caused this Resolution to be executed on its behalf by the signatures of the Mayor and City Administrator and has caused this Resolution to be certified to the County Auditor of Lyon County, Minnesota, as of the date set forth below.

A motion by Shawn Myers to approve Resolution No. 2024\_0917A. Seconded by Joel Dahl. Carried.

The council reviewed the following permit:

Building permit 2024\_16 for cement patio and landscaping at 50 Tom Christy Lane.

A motion by Shannon Geihl to approve building permit 2024\_16. Seconded by Joel Dahl. Carried.

A motion by Shawn Myers to approve bills totaling \$123,907.88. Seconded by Joel Dahl. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 7:45pm.

## OCTOBER 1, 2024 MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, October 1, 2024, 7pm, in the Fire Hall with, Joel Dahl, Mike Horner, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sheriff's Department, Deputy Kelly and Deputy Hoffman. Absent was Mayor Corey Moseng.

Shawn Myers called the meeting to order and led in the Flag Pledge.

The council reviewed the minutes from the September 17, 2024, meeting.

A motion by Mike Horner to approve the minutes from the September 17, 2024, meeting. Seconded by Shannon Geihl. Carried.

Council reviewed the following resolutions:

### RESOLUTION 2024\_1001 AMBULANCE DONATION - \$3,000 NORMANIA TOWNSHIP

#### RESOLUTION NO. 2024\_1001A 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, Normania Township has offered to contribute the amount of Three Thousand Dollars to the Cottonwood Ambulance Service.

WHEREAS, the terms or conditions apply to the donations, if any, are as follows; for the purchase of a new ambulance.

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.

## RESOLUTION 2024\_1001D AMBULANCE DONATION - \$500 CITY OF HANLEY FALLS

### RESOLUTION NO. 2024\_1001D 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, City of Hanley Falls has offered to contribute the amount of Five Hundred Dollars to the Cottonwood Ambulance Service.

WHEREAS, the terms or conditions apply to the donations, if any, are as follows; for the purchase of a new ambulance.

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.

A motion by Joel Dahl to approve both Resolution 2024\_1001 and 2024\_1001D. Seconded by Mike Horner. Carried.

Deputy Kelly presented the Sherriff report for September.

Public works supervisor, Allen Olsen presented an update on the following:

The Barstad/Main Street hydrant and water tower hydrant were repaired with Jeff Dale.

The hydrants were all flushed across the town on Monday, September 30, 2024.

The curb stop on 5<sup>th</sup> Street has been repaired by Jeseritz Construction.

The flow control was calibrated on Main, Northwood, Shoreview 1, and Ozzy lift stations.

John is testing for his Class D wastewater license this week.

Hydrant on Grant Street is going to be abandoned.

Bliss presented the engineering report:

American Engineering & Testing Proposal - the council recommended that the city would pay the quoted price of \$8,800 but ask if North Star would pay a portion of the testing.

A motion by Mike Horner to pay the quoted total but ask north star to cost share. Seconded by Joel Dahl. Carried.

Bliss presented the administrative report:

MN PCA Letter – the letter asked for a plan moving forward that needs to be submitted in 30 days. A draft of the letter will be ready at the next meeting.

Draft Review of Inflow & Infiltration Ordinance and Accompanying Documents – after discussion of the draft it was agreed to remove the fee portion and add the escrow portion. The draft has been reviewed and approved by the city attorney.

Draft Review of Mobile Food Unit Ordinance and Accompanying Documents- the draft has been sent to the city attorney and should be put in place starting in 2025 upon council approval.

Financial Memo-

GENERAL FUND | Profit and loss at this point in the year is at (233,013.51) – following property taxes and Local Government Aid the only revenues being received are for Water and Sewer. Large expenditures in August and September are \$94,000 in street maintenance, \$11,000 in office renovation, \$10,000 railway survey, and \$67,000 in league insurance. Remainder is regular operating expenses.

WATER | The funds have made a positive turn from August's (6,219.81) total. The fund is currently \$10,079.65.

SEWER | Sewer has seen a transition from August's (37,092.88) total to a (17,902.95) total. A reduction in the deficit of \$19,189.93.

Fire Department report

The council reviewed the purchase of two new refrigerators for \$2,000 for the fire hall to be reimbursed by the Relief Association.

A motion by Shannon Geihl to approve the purchase of two refrigerators for \$2,000. Seconded by Joel Dahl. Carried.

Cottonwood Fire and Ambulance received the ARMER grant of \$50,000.

EDA update:

The EDA now has a Facebook site, and a link attached for the LOIS site. LOIS has the three parcels listed on it.

Council reviewed the following resolutions:

RESOLUTION 2024\_1001A | The current park known as Veterans Park, Canon Corner, etc. currently does not have an address assigned with the City or Lyon County. In order to continue seeking funding for park upgrades, the property needs an official address assigned. The address was confirmed with Lyon County to ensure that it works for GIS mapping and E911.

RESOLUTION 2024\_1001B | The current park known as Veterans Park, Canon Corner, etc. currently does not have an officially assigned name with the City or Lyon County. To continue seeking funding for park upgrades, the property needs an official name assigned. The American Legion was asked for the name they would like assigned to the park.

RESOLUTION 2024\_1001C | The reaffirming of the address for the residential property at 217 East 2nd Street South is a request by the property owner and Lyon County due to the utility companies having the address 242 East 2nd Street South assigned and will not change to the correct address without City verification.

A motion by Joel Dahl to approve the above resolutions. Seconded by Mike Horner. Carried.

Consideration for road closure for HALLOWEEN HUSTLE | Closure of West 1st Street North from West Main to Front Street on October 26, 2024.

A motion by Shannon Geihl to approve road closure. Seconded by Joel Dahl. Carried.

The council reviewed the building permits 17, 18, and 19.

A motion by Mike Horner to approve the above permits with condition that 19 pays the fee. Seconded by Joel Dahl. Carried

Notice of November 5 meeting to be moved to Thursday, November 14, 2024, at 7pm in the fire hall.

Bills for end of September were reviewed.

A motion by Shannon Geihl to approve bills totaling \$8,628.33. Seconded by Mike Horner. Carried.

A motion by Joel Dahl to adjourn the meeting. Seconded by Shannon Geihl. Carried at 8pm.



## OCTOBER 15, 2024, MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, October 15, 2024, 7pm, in the Fire Hall with, Corey Moseng, Joel Dahl, Mike Horner, Shannon Geihl, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; City Engineer, Kent Louwagie; and Sheriff's Department, Sherri Wallen. There were 6 members from the Lions Club present, Donald Kuehl, Greg Janachovsky, David Janssen, Wayne Radloff, Patty Peterson, and Gary Peterson.

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

The council reviewed the minutes from the October 1, 2024, meeting.

A motion by Shawn Myers to approve the minutes from the October 1, 2024, meeting. Seconded by Shannon Geihl. Carried.

Council reviewed the following resolutions:

RESOLUTION 2024\_1015 FIRE DONATION - \$1,399 FALL OPEN HOUSE

RESOLUTION NO. 2024\_1015 RESOLUTION ACCEPTING DONATION TO THE COTTONWOOD FIRE DEPARTMENT

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, various donors have offered to contribute the amount of One Thousand Three Hundred Ninety-Nine to the Cottonwood Fire Department.

WHEREAS, the terms or conditions apply to the donations, if any, are as follows; use for the purchase of tools and equipment.

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.

A motion by Joel Dahl to approve Resolution 2024\_1015. Seconded by Mike Horner. Carried.

RESOLUTION 2024\_1015A AMBULANCE DONATION - \$1,000 LUCAS TOWNSHIP

RESOLUTION NO. 2024\_1015A 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, Lucas Township has offered to contribute the amount of One Thousand Dollars to the Cottonwood Ambulance Service.

WHEREAS, the terms or conditions apply to the donations, if any, are as follows; Use for the purchasing of a new ambulance.

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.

A motion by Shannon Geihl to approve both Resolution 2024\_1015A. Seconded by Shawn Myers. Carried.

Members of the Lions Club from local clubs presented information on what the Lions are and how they help the community. The members want to help the City of Cottonwood bring back the Lions club. It would take 21 interested people to get it started.

Administrator Bliss was at the Lyon County Commissioners meeting this morning to see what is happening with the Rains property. It will be listed for sale on a public site for two weeks by the county, then deferred back to the City of Cottonwood by mid-December if unsold.

Sherriff Wallen presented the Sherriff report for the first 15 days of October.

Bliss presented the administrative report:

Bliss attended the Lyon County Commissioners meeting this morning to see what the county was doing for ordinance regulating cannabis businesses.

Bliss drafted an ordinance to fit Cottonwoods needs better by being more specific with zoning, if the council did not like the county's.

The council reviewed both ordinances.

The council plans to go with a city ordinance rather than deferring to county. The council members are to review the city ordinance and get back to Bliss as soon as possible with revisions so a draft can be ready by the next council meeting.

Public works supervisor, Allen Olsen presented an update on the following:

Jetting of sewer lines should be finished this week.

The hydrant on Grant Street was removed.

Jeseritz Construction in the past years have allowed the public works to use dump truck, this year 2024-2025 winter it will be \$1,500 per month once so choose to use equipment for snowfall.

Engineer Kent, presented the engineering report:

Kent went over the MPCA notice of Violation Response and going through it, minor changes were made and will be submitted.

Kent discussed the lead service line inventory, and that there is a grant out there, MPCA Resiliency Grant. He requested that the council consider hiring Bolten and Menk to write up the grant for a cost of \$6,000.

A motion by Joel Dahl to approve hiring Bolten and Menk for a cost of up to \$6,000 to write up the MPCA Resiliency Grant. Seconded by Mike Horner. Carried.

Fire Department Report:

Consideration to Approve Estimate from Emergency Apparatus - \$1,625.00. This would be to add a second heater to the pump panel of 904 to try to take the risk away of freezing up the gauges on the control panel of the truck. They have had to replace one so far this year.

A motion by Shawn Myers to approve the purchase of a second heater for the cost of \$1,625.00. Seconded by Shannon Geihl. Carried.

The council reviewed the October Fire meeting minutes.

The council looked at the financial report for the SCDP and the RLF.

The council reviewed the following:

Consideration to Approve Ordinance 2024-03

ORDINANCE NO. 2024-03

AN ORDINANCE RELATING TO INFLOW & INFILTRATION OF THE CITY SANITARY SEWER SYSTEM

The City Council of the City of Cottonwood, Minnesota hereby ordains:

GENERAL PROVISIONS.

172.30 Applicability.

This ordinance shall apply to all water entering the sanitary sewer system unless explicitly exempted by the City. The City and its representatives are authorized to administer, implement, and enforce the provisions of this ordinance.

172.31 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clear water means storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.

Sewer service lateral means all sewer service pipes that extend from the municipal sewer main to the structure that it serves.

Permanently Installed Discharge Line means a line which provides for year-around discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer. It shall consist of a rigid discharge line, without quick connections for altering the path of discharge and, if connected to the City storm sewer line, include a check valve. It shall not be capable of connection or reconnection to the municipal sanitary sewer system.

#### 172.32 Compatibility with Other Regulations.

This ordinance is not intended to modify or repeal any other ordinance, rules, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

#### 172.33 Prohibition Against Discharge into the Sanitary Sewer System.

No person shall discharge or cause to be discharged into the municipal sanitary sewer collection system, or infiltrate into the sanitary sewer system any clear water because of a sump pump, defective plumbing, a defective sewer service lateral or by any other means.

#### 172.34 Clear Water Connection Regulations.

Any dwelling, structure or building that has a discharge system to remove groundwater from its foundation, roof, property perimeter, etc. must have a permanently installed discharge line.

#### 172.35 Inspection.

By a date established by the City Council, every person owning improved real estate, or contractors and builders who are building a structure connected to the City's sanitary sewer system, shall obtain an inspection of each building located on such property by an inspector designated by the City. The purpose of this city inspection shall be to confirm that there is no prohibited discharge into the municipal sanitary sewer system including conditions of the sewer service lateral.

This inspection requirement may also be met by having the property owner contract with a licensed plumber to complete the inspection. The plumber must inspect the property's sump pump, sewer service lateral, and groundwater drainage system, by means of televising and upon completion, return an inspection form provided by the City documenting the results of the inspection. All costs associated with an inspection by a privately retained plumber shall be the responsibility of the property owner.

Unless the property owner already has a valid certificate of compliance issued by the City for the property, the owner or owner's representative is required to complete an inspection and obtain a certificate of compliance issued by the City before such property is offered for sale, gifted or transferred, and before the owner or owner's representative enters into any contract for deed or other transaction changing the party responsible for the property.

A certificate of compliance shall be issued by the city upon successful completion of an inspection. A certificate of compliance shall be valid for ten years.

#### 172.36 Corrections.

Upon notice that the discharge of clear water on a property is not in compliance with this ordinance, the owner or occupant of the property shall cease from discharging clear water in violation of this ordinance and shall make the necessary repairs and corrections to discharge the clear water in accordance with this ordinance. Discharge of clear water in compliance with this ordinance shall be completed within 240 days of the date of noncompliance, or as determined by the public works supervisor. A second inspection of the property will be completed after 120 days following the notice of noncompliance.

#### 172.37 Violations.

A monthly surcharge in an amount duly adopted by the City Council and set forth in the City's fee schedule shall be assessed against any property on which clear water is discharged in violation of this ordinance. The monthly surcharge will be charged on the property's municipal

utility billing statement if one or more of the following conditions apply:

- (a) an inspection as required herein has not been allowed by the property owner or occupant or a certificate of compliance has not been issued by the city within 60 days after the city's notice of inspection;
- (b) the property owner or occupant fails to make the sewer line clean out readily available for the inspection;
- (c) the necessary corrections have not been made within the time specified; and
- (d) the property owner or occupant reconnects a clear water discharge line to the municipal sanitary sewer system after it has been previously disconnected at the cities or a court's direction. A surcharge will be assessed for every month during which the property is not in compliance.

#### 172.38 Temporary Waivers.

The City may grant a temporary waiver from the provisions of this section where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver must be first submitted to the city administrator specifying the reasons for the temporary waiver.

If a temporary waiver is granted, the property owner shall pay an additional fee for sewage service charges based on the number of gallons discharged into the City's sanitary sewer system as estimated by the city administrator.

The city administrator, in conjunction with the public works supervisor may set conditions for the temporary waiver. The city administrator may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The city administrator must give a five-day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this ordinance.

#### 172.39 Escrow Agreement.

In the event a temporary waiver is requested due to the transfer of ownership taking place when the ground is frozen or the seller cannot make the appropriate corrections, the proposed purchaser may take occupancy prior to the issuance of a certificate of compliance. This may happen by executing a written agreement between the seller and proposed purchaser. The

purchaser shall have one (1) year from the date of closing to complete the necessary corrective action. In order to obtain approval of a pending certificate of compliance, an escrow shall be established, with the City or title company conducting the closing, at 1.5 times the estimated cost to complete the corrective action.

#### 172.40 Appeals.

Applications for appeal of any administrative determination made pursuant to this Ordinance shall be addressed in writing to the city administrator within 30 days of the determination.

Applications shall at a minimum identify the property for which the appeal is sought, the name of the property owner, and describe in detail the determination which is being appealed. Within 60 days of receipt of the application, the City Council shall make its decision on the matter and send a written copy of such decision to the property owner by mail.

#### 172.41 Severability and Validity.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of other provisions or application of this ordinance.

#### Consideration to Approve Realtor Letter, I&I Inspection Documents, Escrow Agreement, and I&I Checklist

Dear Cottonwood Area Realtors

Re: Ordinance 2024-03 Inflow & Infiltration of the City Sanitary Sewer System

Please be advised that according to Section 172.35 of the City of Cottonwood Ordinance, any property in the city being sold must first be inspected to assure compliance. A certified inspector must be allowed to inspect the property to confirm there are no prohibited discharges (i.e. foundation drains, sump pumps) going into the sanitary sewer system of the City. The inspector shall also televise the property's sanitary sewer line from all structures to the City's sanitary sewer main. An inspection report and digital copy of the televising shall be provided to the City that will determine the compliance of the property.

Any property owner who denies the inspection will be subject to a monthly surcharge as provided for under Section 172.37.

As required under regulations and notices from the Minnesota Pollution Control Agency, the City of Cottonwood is attempting to reduce and eliminate I&I (Inflow & Infiltration) of unpolluted

water or stormwater into the city sanitary sewer system. If a property is found to be discharging I&I water into the sanitary sewer system, it will be the responsibility of the property owner to eliminate the prohibited discharge or install a sump pump that shall discharge outside.

Included with this letter you will find a list of companies that can complete the inspection as well as complete the necessary repairs for compliance with the City of Cottonwood.

Also included is a copy of Ordinance 2024-03, a permit application, and the inspection report that is completed by the inspector.

Please make sure to provide this information to homeowners that are selling their home.

If you have any questions, please do not hesitate to contact our office at the information listed above.

## Consideration to Approve Clear Water Discharge Waiver Policy & Request Document

### CLEAR WATER DISCHARGE TEMPORARY WAIVER REQUEST

#### 1. INTRODUCTION

The City of Cottonwood recognizes the importance of maintaining a functional and efficient sanitary sewer

system while also considering the economic burden and structural integrity concerns faced by property owners.

In light of this, the city council hereby establishes a policy to address temporary waivers related to clear water

discharging into the municipal sanitary sewer system.

#### 2. PURPOSE

This policy aims to provide guidelines for granting temporary waivers to property owners who face economic

hardship and structural constraints in disconnecting or correcting prohibited discharges into the municipal sanitary sewer system, as required by Ordinance No. 2024-03.

#### 3. CRITERIA FOR TEMPORARY WAIVER CONSIDERATION

The following criteria shall be considered when evaluating requests for a temporary waiver:

a. Economic Hardship: Property owners must demonstrate that compliance with the ordinance would impose a significant financial burden. A significant financial burden for the purposes of this policy would be any collective cost greater than \$5,000.

b. Structural Integrity Concerns: Property owners must provide evidence that disconnecting the prohibited discharge would compromise the structural integrity of the building.



c. Feasibility: The city will assess whether compliance with the ordinance is currently possible and economically feasible.

d. Environmental Conditions: The city will take into consideration the time of year in which the correction

of the prohibited discharge.

e. Sump Pumps: The city will consider the weather conditions and its impact on individual property's sump pump discharging outside.

#### 4. APPLICATION PROCESS

Property owners seeking a temporary waiver must submit a written application to the City Council, outlining

the reasons for the temporary waiver request and providing supporting documentation as per the criteria outlined in section 3.

A one-time fee will be associated with this temporary waiver request, as detailed within the municipal fee schedule.

#### 5. COUNCIL REVIEW AND DECISION

Upon receiving a temporary waiver application, the City Council will review the request during a public meeting. The council will consider all relevant factors and may request additional information from the applicant if necessary. The decision to grant or deny a temporary waiver shall be made by a majority vote of the

council members present.

CLEAR WATER DISCHARGE

TEMPORARY WAIVER REQUEST

Cottonwood City Council

78 West Main Street – PO Box 106

Cottonwood, Minnesota 56229

Telephone: (507) 423-6488 extension 3

#### 6. GRANTING OF TEMPORARY WAIVER

If the City Council determines that the criteria for temporary waiver consideration have been met, a temporary

waiver shall be granted exempting the subject property from enforcement of the relevant ordinances. The temporary waiver shall be documented in writing and shall remain in effect unless and until conditions change

as outlined in section 7.

## 7. CONDITIONS OF TEMPORARY WAIVER

a. Regarding structural integrity, the temporary waiver shall run with the land and be binding on any future

owners or assigns of the property. If the structure ever becomes damaged or destroyed to the extent that compliance with the ordinance becomes feasible, the temporary waiver shall become null and void.

b. In the event the temporary waiver is requested during a transfer of ownership, a written escrow agreement shall be completed with a deadline for correction one (1) year from execution.

c. Additional fees for sanitary sewer charges based on the estimated gallons discharged into the municipal sanitary sewer shall be applied.

d. Temporary waivers approved for sump pump purposes shall be valid annually from November 15 – April 15.

## 8. ENFORCEMENT AND COMPLIANCE

Property owners granted a temporary waiver are responsible for adhering to all other applicable ordinances and

regulations. Failure to comply with the conditions of the temporary waiver may result in enforcement actions by

the city.

## 9. AMENDMENTS

The City Council reserves the right to amend or revise this policy as deemed necessary to ensure the effective

administration of temporary waiver requests.

## 10. CONCLUSION

By adopting this policy, the City of Cottonwood aims to balance the need for maintaining sanitary sewer systems with the concerns of property owners, ensuring fair and reasonable treatment in granting temporary

waivers related to foundation drains.

## 11. EFFECTIVE DATE

This policy shall take effect immediately upon adoption by the City Council.

A motion by Shawn Myers to approve Ordinance 2024-03; Realtor letter, I&I Inspection Documents, Escrow Agreement and I&I Checklist; and Clear Water Discharge Waiver Policy and Request Document. Seconded by Joel Dahl. Carried.

The council reviewed:

Consideration to Approve Appeal Process and Application

APPLICATION FOR APPEAL

## APPEAL HEARING FACT SHEET

Appeal hearings provide a forum to review City-issued orders and develop recommendations for the consideration of the City Council. Appellants not satisfied with the recommendation of the Hearing Office will have an opportunity to be heard before the City Council if they wish to appeal further. Appellants not satisfied with the decision of the City Council may pursue alternative legal actions.

### Appeal Applications

Applications are available online at <https://www.cityofcottonwoodmn.gov/documents>, available for pick up at the City Office, or mailed by request when calling 507-423-6488. Applications may be submitted in person or by mail at City of Cottonwood, ATTN City Council, 78 West Main Street PO Box 106, Cottonwood MN 56229. Applications should be filed within ten (10) business days of the date of the notification that is being appealed.

### Scheduling Your Appeal Hearing

The date and time of the hearing for those applications submitted in person will usually be set at that time. Mailed applications will be copied and returned to the appellant with the date and time clearly indicated on the form. Generally, appeal hearings are scheduled on the first Tuesday of the month following the receipt of the application. Once an appeal hearing has been scheduled, it may only be rescheduled once. Additional rescheduling will only be done by referral from the City Council.

If you are appealing an order to raze a nuisance, the appeal date and time is automatically listed within the order.

This does not apply to appealing special assessments as those shall be done in writing at or before the final assessment hearing.

### HEARINGS ARE ONLY HELD THE FIRST TUESDAY OF THE MONTH

6:00pm Hearing Officer Appeal Hearing

7:05pm City Council Appeal Hearing

### What to Expect at the Hearing

For each appeal, City Staff will give a report, and appellants will be given time to present information, provide testimony, photos, or other documentation. The Hearing Officer will take all of the information into account to develop a recommendation for Council consideration.

Occasionally, a decision cannot be made at the hearing and the matter will be tabled to allow the

appellant and/or staff time to gather more information. The hearings are quite informal, but it is still expected that cellphones and pagers are turned off.

A motion by Shawn Myers to Appeal Process and Application. Seconded by Shannon Geihl. Carried.

The council reviewed the consideration to Approve Public Comment Request Form. The council has tabled this.

The Council reviewed the consideration to Approve Special Permit for Alcohol—Cottonwood Co-op on December 14, 2024. Liability has been purchased for the alcohol.

A motion by Shawn Myers to approve special permit for alcohol for the Cottonwood C-op on December 14, 2024. Seconded by Mike Horner. Carried.

Council asked city staff about the sidewalk by English Lutheran Church.

Future meeting notice:

Notice of November 5 meeting to be moved to Thursday, November 14, 2024, at 7pm in the fire hall.

November 14 first meeting and canvassing of election results and to review cannabis ordinance for public hearing.

November 19 at 6pm will be a budget work session.

Bills for mid-October were reviewed. \$33,494.62 GF- \$127.67 FD - \$661.64 AMB - \$2757.78 WTR - \$1803.46 SWR.

A motion by Joel Dahl to approve bills totaling \$38,845.17. Seconded by Mike Horner. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 8:32pm.

## NOVEMBER 15, 2024, MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Thursday, November 14, 2024, 7pm, in the Fire Hall with Corey Moseng, Joel Dahl, Mike Horner, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Administrative Assistant Katie Ewing; and Sheriff's Department, Sherriff Wallen. Members of the public that were present, Rhonda Nelson, Wayne Erbes, Jim Munson, Sandy Munson, and Patrick Glimsdal.

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

The council reviewed the minutes from the October 15, 2024, meeting.

A motion by Mike Horner to approve the minutes from the October 15, 2024, meeting. Seconded by Joel Dahl. Carried.

The council reviewed the following resolutions:

### **RESOLUTION NO. 2024\_1114B**

#### **A RESOLUTION ACCEPTING A DONATION TO THE CITY OF COTTONWOOD**

**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**, *the Cottonwood Splashpad & Park Improvement Community Group* has offered to contribute the amount of *Two Thousand Seven Hundred Eighty-Seven Dollars and Sixteen Cents* to the City of Cottonwood.

**WHEREAS**, the terms or conditions apply to the donations, if any, are as follows; *improvements and expenses for the CW Reishus Park Improvement Project*.

**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.

A motion by Mike Horner to approve Resolution No. 2024\_1114B. Seconded by Shawn Myers. Carried.

### **RESOLUTION 2024\_1114**

#### **RESOLUTION CANVASSING THE CITY ELECTION OF 2024 AND ANNOUNCING THE RESULTS.**

**WHEREAS**, A Meeting of the City Council of the City of Cottonwood, Minnesota, was held at Cottonwood Fire Hall in said City on November 14th, 2024, at 7:00 p.m. The following members of the Council were present: Mayor, Corey Moseng; Council member Mike Horner;

Council member Shannon Geihl, Council member Shawn Myers, and Council member Joel Dahl.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD, MINNESOTA IT IS FOUND AND DETERMINED THAT AT THE CITY ELECTION HELD ON NOVEMBER 5TH, 2024 AS FOLLOWS:

1. The following votes were cast for Mayor: Corey Moseng (571) \*Write Ins (40)

Corey Moseng was declared elected Mayor for a term of two (2) years.

2. The following votes were cast for City Council. (Two- Four Year Terms): Shannon Geihl (549) Mike Horner (508) \*Write Ins (20)

Shannon Geihl and Mike Horner were declared elected Council Members for a term of four (4) years;

3. Total number of persons who voted: 667

4. Total number of absentee ballots received: 92

5. Total number of persons registered at 7 AM on Election Day: 754

6. Total number of persons who registered on Election Day: 59

A motion by Joel Dahl to approve Resolution 2024\_1114. Seconded by Mike Horner. Carried.

Bliss presented the follow-up memo:

CITY OFFICE | Current financials included for the office renovation. A new line has been added for A1 Cleaning, they are estimating \$1500 as a cost to clean the ducts once we are at the substantial completion phase.

LYON COUNTY ALL HAZARD MITIGATION PLAN | Meeting #2 for the Lyon County All Hazard Mitigation Plan was conducted on the 13th and the final plan should be ready for presentation at the end of the year.

I had changes made to item #14 to include language about stormwater system upgrades in areas of town where there is under sizing or deteriorated lines, that will help with FEMA grants under “Section 404 Flood Reduction”.

Once the plan is approved, FEMA assistance is available for the 5-year span of the plan and having language in the plan targeting Cottonwood’s priority and strategy will help with funding.

Bliss presented the administration report:

EDA update | A plan has been put together for presentation to the City Council for the main street lots in which the lots would be sold for less than \$10,000 and the remaining funds would be recuperated from the tax generated by the developed lots. A clause in the purchase agreement between the EDA and the buyer would outline that the lot would need to be developed within one year of purchase or the lot returns to the EDA.

Final Draft – Cannabis Ordinance | Public hearing set for December 3<sup>rd</sup>, 2024

Winter Parking Discussion | EDA lots used for tenant parking to expire April 15, 2025, or if lot(s) sell. Which ever occurs first.

A motion by Joel Dahl to approve winter parking for 2024-2025 in the EDA lots, unless lot(s) sell. Seconded by Shawn Myers. Carried.

Bliss presented the Engineer report:

Northwood Lift Station Memo

Lead Service Line Notices and Inventory: letters were sent out, 503 letters were sent with unknown material, 9 letters were sent with lead notice, and 3 letters were sent with galvanized notice.

The council reviewed the November Fire meeting minutes.

The council reviewed Resolution 2024\_1114A.

### **RESOLUTION 2024\_1114A**

#### **A RESOLUTION OPTING TO INCREASE THE BENEFIT LEVEL FOR FIREFIGHTERS WHO ARE VESTED IN THE STATEWIDE VOLUNTEER FIREFIGHTER PLAN**

**The City Council of the City of Cottonwood, Minnesota, does ordain:**

**WHEREAS**, The City previously authorized the fire department to join the Statewide Volunteer Firefighter Plan administered by the Public Employees Retirement Association (PERA); and

**WHEREAS**, The City requested and obtained a cost analysis of increasing the benefit level for firefighters who are vested in the Statewide Volunteer Firefighter Plan from PERA not more than 120 days ago; and

**WHEREAS**, The City understands that Minnesota statutes do not have provisions for a decrease in benefit levels; and

**WHEREAS**, The City highly values the contributions of the City of Cottonwood Fire Department members to the safety and well-being of our community and wishes to safeguard their pension investments in a prudent manner.

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

1. The City hereby approves an increase in the benefit level for firefighters who have completed at least 5 years of good time service credit as a member of the Statewide Volunteer Firefighter Plan administered by PERA at the \$2,000.00 benefit level per year of service, effective January 1, 2025; and
2. The City Clerk/Administrator and Mayor are hereby authorized to execute all documents

necessary to effectuate the intent of this resolution.

A motion by Shawn Myers to approve Resolution 2024\_1114A. Seconded by Joel Dahl. Carried.

The council reviewed the October Ambulance meeting minutes.

Future special meetings and public hearings:

TNT notice

Tuesday November 26 Budget Work Session -- 6pm

Tuesday December 3<sup>rd</sup> – Cannabis Public Hearing

Office will be closed Thursday, November 28, 2024.

A motion by Joel Dahl to approve bills that have been paid prior. Seconded by Shawn Myers. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Mike Horner. Carried at 8:13pm.



DECEMBER 3, 2024, MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, December 3, 2024, 7pm, in the Fire Hall with Corey Moseng, Shannon Geihl, Mike Horner, and Shawn Myers present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sheriff's Department, Sherriff Wallen. Members of the public; Eric Schwankl, Jen Schwankl, and Dr. Stacy.

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

The council reviewed the minutes from the November 14, 2024, meeting.

A motion by Mike Horner to approve the minutes from the November 14, 2024, meeting. Seconded by Shawn Myers. Carried.

The council reviewed the following resolutions:

**RESOLUTION NO. 2024\_1203**

**A RESOLUTION ACCEPTING A DONATION TO THE COTTONWOOD FIRE DEPARTMENT.**

**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**, *Brad Bossuyt* has offered to contribute the amount of *Three Hundred Dollars* to the Cottonwood Fire Department.

**WHEREAS**, the terms or conditions apply to the donations, if any, are as follows; *the purchase of grain rescue equipment*.

**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.

A motion by Shawn Myers to approve Resolution No. 2024\_1203. Seconded by Shannon Geihl. Carried.

**RESOLUTION NO. 2024\_1203A**

**A RESOLUTION ACCEPTING A DONATION TO THE COTTONWOOD FIRE DEPARTMENT.**

**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**, *Connie Pehrson* has offered to contribute the amount of *One Hundred Dollars* to the Cottonwood Fire Department.

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

A motion by Shannon Geihl to approve Resolution 2024\_1203A. Seconded by Mike Horner. Carried.

**RESOLUTION NO. 2024\_1203B**

**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**, *Connie Pehrson* have offered to contribute the amount of *One 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.

A motion by Shannon Geihl to approve Resolution 2024\_1203B. Seconded by Mike Horner. Carried.

Sherriff Wallen presented the Sherriff's department report for November.

Olsen presented the public works update:

Olsen talked with Rick Jeseritz about insurance for public works for the use of his snowplow, the public works crew is covered under Jeseritz insurance to use the equipment.

Sterling has the snowblower, doing maintenance, it will be ready to be picked up next day.

DSG has been on site doing scada upgrades.

John and Randy have been cleaning up the shop and doing maintenance.

Olsen made a request for a backup recirculating pump. The current is about 6 years old and runs 24/7 from November-April or until weather is warm enough. A new pump is about \$1,200.

A motion by Mike Horner to approve the purchase of a backup pump. Seconded by Shannon Geihl. Carried.

A motion by Shawn Myers to close the Regular Meeting at 7:05pm. Seconded by Shannon Geihl. Carried.

A motion by Shawn Myers to open the Public Hearing-Cannabis Ordinance at 7:05pm. Seconded by Shannon Geihl. Carried.

THE COTTONWOOD CITY COUNCIL HAS CALLED A PUBLIC HEARING FOR TUESDAY, DECEMBER 3, 2024 AT 7:05PM FOR THE FOLLOWING ITEM:

AN ORDINANCE REGULATING CANNABIS BUSINESSES IN THE CORPORATE CITY LIMITS OF THE CITY OF COTTONWOOD.

The council reviewed the Cannabis Ordinance.

No members of the public were present.

A motion by Shawn Myers to open the Regular meeting at 7:08pm. Seconded by Mike Horner. Carried.

Bliss presented the follow up memo:

Budget work session |

**Preliminary to Final Budget Summary Information:**

The tax levy amount decreased \$15,000 from \$678,000 to \$663,000.

Expenses in the General Fund decreased \$18,300 from \$1,459,162 to \$1,440,862

The changes from the preliminary are as follows:

Line 77 General Administration - \$7500 decrease

Line 86 Public Safety - \$5000 decrease

Line 97 Public Safety - \$500 decrease

Line 100 Public Safety - \$2900 decrease

The City's tax levy would increase 5.15% from the 2024 final tax levy. The preliminary net tax capacity is \$1,189,006 which is a 5.26% increase from the 2024 final net tax capacity. The preliminary levy divided by the preliminary net tax capacity is resulting in an anticipated local tax rate of 73.4% which would be a 1.51% decrease from 74.91% in 2024.

**EMS Final Budget Summary:**

Both Fire and Ambulance will have the addition of a City/Service funded Aflac Cancer Plan, the addition of this does not affect the health of the funds. Both have capital improvements built into the 2025 budget in which the funding is available through either call revenue or savings funds.

**Water and Sewer Budget Summary: the Road to Healthy Funds Starts NOW**

With the increase in rates and analysis of revenue versus expenditures, both funds should be able to build \$50,000+ in a healthy profit to be put towards future capital infrastructure projects. Water fund profit is planned for a 2026 water tower project that will rehab the interior of the large tower. Bolton & Menk assessed the towers this year and rated the interior as fair to very poor. The expected cost estimate for the dry interior is \$95,000 and the wet interior is \$75,000. Included with the information is a 26 Year Rate analysis that factors in a debt repayment beginning in 2028.

City Office | a financial report on current expenditures was shown.

Bliss presented the financial memo:

TAX SETTLEMENT | The December property tax settlement has been received and is included with the memo.

GENERAL FUND | Profit and loss at this point in the year is at (\$172,272) – the revenue from Local Government Aid has not been received yet which will total \$188,856.50.

WATER | The funds continue their positive growth. The fund is currently \$40,505.57.

DEBT SERVICES | Debt services are all now at a profit. Upon looking into the tax statement, I discovered that the County was reporting funds on the wrong lines. The debt levies of the Fire Hall and 2016 GO Bond were switched.

SEWER | Sewer has seen a transition from August's (\$37,092.88) total to a (\$17,902.95) total. A reduction in the deficit of \$7,124.

The council reviewed the November Ambulance meeting minutes.

EDA | EDA lot purchase agreement is being fine-tuned and will be reviewed by the city attorney.

Bliss and Dr. Stacy with the Lakeside Companion Animal Clinic have been working to update the Stray Cat Program. The program allowed stray cats to be brought in and cared for before either being released back, if in good health, or euthanized if seen as the best fit. Recently there have been issues on people bringing in felines that were unknown if they were a pet or a stray at the cost of the City of Cottonwood and Lakeside Companion Animal Clinic. A new program to ensure the stray feline population is better controlled by a Trap-Neuter-Release program. A designated person(s) will be responsible for traps and only those felines trapped will be treated. The noticeable area with a large number of strays is by the elevator. The TNR program will help care for the felines that may be sick and get them off the streets and help stop reproducing to gain control of the stray population.

Bliss presented a new food truck ordinance.

The council eliminated the criminal and background check and would like to see a tiered fee schedule.

The public hearing was open and with no one to speak a consideration to approve Ordinance 2024-05 Regulating Cannabis Businesses.

A motion by Shawn Myers to approve Ordinance 2024-05 Regulating Cannabis Businesses. Seconded by Shannon Geihl. Carried.

A motion by Shawn Myers to close the Public Hearing-Cannabis Ordinance at 7:37pm. Seconded by Mike Horner. Carried.

The council made the request to help with animal overflow, at the new office, if there could be an overflow for animals Dr. Stacy receives.

Future meeting includes Truth and Taxation Hearing and Special Assessment Hearing on Tuesday, December 17, 2024, at 7pm.

The council reviewed the bills for November.

A motion by Mike Horner to approve bills that have been paid prior and current bills. Seconded by Shawn Myers. Abstained by Shannon Geihl. Carried.

A motion by Shawn Myers to adjourn the meeting. Seconded by Shannon Geihl. Carried at 7:43pm.

## DECEMBER 17, 2024, MEETING MINUTES OF THE CITY COUNCIL

A meeting of the Cottonwood City Council was held on Tuesday, December 17, 2024, 7pm, in the Fire Hall with Shawn Myers, Shannon Geihl, Mike Horner, and Joel Dahl present. Also, present was City Administrator, Teather Bliss; Public Works Supervisor, Allen Olsen; Administrative Assistant Katie Ewing; and Sheriff's Department, Sherriff Wallen. Absent was Corey Moseng

Shawn Myers called the meeting to order and led in the Flag Pledge.

The council reviewed the minutes from the December 3, 2024, meeting.

A motion by Shannon Geihl to approve the minutes from the December 3, 2024, meeting. Seconded by Mike Horner. Carried.

The council reviewed the following resolutions:

### **RESOLUTION NO. 2024\_1217D**

#### **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**, *Linda Magnuson* have offered to contribute the amount of *Five Hundred and Fifty 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.

A motion by Joel Dahl to approve Resolution 2024\_1217D. Seconded by Shannon Geihl. Carried.

Sherriff Wallen presented the Sherriff's department report for the 1<sup>st</sup> half of December.

The council reviewed the Fire December meeting minutes.

A motion by Mike Horner to close the Regular Meeting. Seconded by Joel Dahl. Carried at 7:05pm.

A motion by Shannon Geihl to open the Public Hearing—Truth and Taxation. Seconded by Mike Horner. Carried at 7:05pm.

### **Setting a Local Government Budget & Understanding Your Proposed Tax Statement**

**\*Please note that this meeting is NOT to discuss your property valuations. That meeting is called the Local Board of Appeals & Equalization which takes place in April.\***

**WHEN DOES THE BUDGET PROCESS BEGIN** | The City begins the process in July where anticipated revenues and expenditures are calculated, including desired projects for administration, public safety, public works, facilities, and parks and recreation.

**HOW DOES THE BUDGET PROCESS RELATE TO MY TAXES** | After Local Government Aid and various city fees are calculated, the City determines how much tax will need to be levied to make up the gap to balance the budget.

**WHAT IS INCLUDED IN THE LEVY AMOUNT** | The City levies for general fund operations and public purpose debt only, a levy will never include funds for water or sewer operations and/or debt. Currently the City of Cottonwood levies for the General Fund, Economic Development, Lease for the Public Works Shop, Fire Hall, and the 2016 Streets Project.

**HOW DOES THIS RESULT IN MY PROPOSED TAX STATEMENT** | The City will certify what is called the “Preliminary Tax Levy” or proposed tax to Lyon County on or before September 30th of each year. When determining the preliminary levy, it is important to understand that once certified to the County the amount of levy can only decrease **NEVER** increase. So final tax levy will always be equal or less than the preliminary levy.

On September 17th the City certified the preliminary levy for \$880,902 that reflected a General Fund need of \$663,000, an Economic Development need of \$15,000, and Debt payments of \$202,902. This resulted in a proposed 6.12% levy increase from the final levy in 2023.

**WHAT MAKES UP THE 6.12% INCREASE** | The general operations needs were proposed to increase \$220,796 from 2024-2025. For the debt levy, debt can only be levied at 105% to make future payments. (ie \$70,000 debt payment is levied at \$73,500).

**WHAT TAKES PLACE BETWEEN JULY & NOW** | The preliminary levy will transition to a final certification on or before December 20th, three months after the preliminary certification and five months after the start of the budgeting process.

In the five-month period, the profit & loss of the current year can be better evaluated in which the General projects that were planned for can either be worked into the current year or determined better suited for a capital plan. This allows the general fund levy amount to decrease.

**WHAT DOES THE 2025 FINAL LEVY LOOK LIKE** | The anticipated general operations costs have been able to come down as we have progressed through the 2<sup>nd</sup> half of 2024 and the anticipated projects will be sought from other funding sources.

Therefore the final levy will be certified at a 5.15% increase from 2024-2025, a .97% decrease from the preliminary tax levy that was set in September.

The council reviewed the Truth and Taxation.

No members of the public were present.

A motion by Shannon Geihl to open the Regular meeting. Seconded by Mike Horner. Carried at 7:10pm.

Bliss presented the follow-up memo:

**Final Review of Mobile Food Unit Ordinance & Application**

- Changes made to application from December 3, 2024 Meeting.
- Addition of a Site Map
- Section 175.34 Changes – added two permit types versus only an annual option.
- Section 175.37 Changes – Removed 21-day operation limit under Performance Standards.

- Section 175.37 Changes – Removed the prohibition of hooking up to public utilities under Performance Standards.
- Section 175.37 Changes – Changes language of requiring independent power supply to if used under Performance Standards (c).

#### Summary Publication of Ordinance

Statutory cities must publish all ordinances in order for them to take effect.

The council may opt to publish the title and summary of the ordinance if:

- The ordinance is lengthy or includes charts or maps.
- The council determines that publication of the title and summary would clearly inform the public of the intent and effect of the ordinance.
- The council approves summary publication by a four-fifths vote.

The summary must clearly indicate that the published material is only a summary and that the full text of the ordinance is available for inspection during regular office hours at the city office and any other location that the council designates, or by means of standard or electronic mail ([Minn. Stat. § 412.191, subd. 4](#)).

SUMMARY | The Ordinance enacted for Mobile Food Units is 6 pages with a location map used for references. The summary publication was sent to the City Attorney to ensure it meets the statutory requirements.

RECOMMENDATION | Approval of summary publication so that the ordinance can be published within the required 30 days of its passage.

### **ORDINANCE NO. 2024-04**

#### **AN ORDINANCE OF THE CITY OF COTTONWOOD, MINNESOTA, ENACTING A NEW DIVISION, MOBILE FOOD UNITS, IN CHAPTER 175, BUSINESS REGULATIONS.**

The City Council of the City of Cottonwood, hereby ordains:

#### **175.30 PURPOSE**

This ordinance is intended to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses and public property.

#### **175.31 DEFINITIONS**

**MOBILE FOOD UNIT.** Shall mean a self-contained food service operation, located in a motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or a mobile food unit as defined in Minnesota Statute § 157.15, subdivision 9.

**VENDING CART.** A self-contained mobile device of sufficiently lightweight construction so that it can be moved from place to place by one adult without any auxiliary power where food and other permitted goods are dispensed to the public, either with or without charge.

**PERMITTEE.** Any person issued a Mobile Food Unit or Vending Cart permit.

#### **175.32 LICENSE AND PERMIT REQUIRED**

It is unlawful for any person to operate a Mobile Food Unit or Vending Cart in the city without first obtaining a license from Lyon County or the State of Minnesota, and a permit issued by the city under this Division.

#### **175.33 EXEMPTIONS**

(A) Community events approved and licensed or permitted by the City Council shall be exempted from the provisions of this ordinance provided that participating vendors are covered by the event license or permit and are otherwise compliant with the Minnesota Department of Health standards.

(B) Mobile food units serving ice cream and/or similar frozen snacks are allowed to operate within the public right-of-way in any residential zoning districts and do not require a City-issued permit under this Division.

(C) A Mobile Food Unit or Vending Cart may operate in a private commercial or industrial parking lot and on private residential property, with the written consent of the private property owner, without a City-issued permit under this Division.

#### **175.34 PERMITTING**

(A) There shall be two types of permits as follows:

(1) A limited, one-time operation permit allowing Mobile Food Units and Vending Carts to operate in the City

(2) An unlimited, annual permit allows a Mobile Food Unit or Vending Cart operations in the city for any number of days during a calendar year.

(A) All annual permits expire on December 31 following the date of issue.

(B) Permits are non-transferable. Proof of permit shall be displayed at all times in the mobile food unit.

(C) *Permit fees.* Fees for permits are determined in the city's fee schedule, as adopted and updated from time to time by resolution.

#### **175.35 PERMIT APPLICATIONS**

An application for a Mobile Food Unit or Vending Cart permit shall be filed, along with the required fee, with the City Clerk-Administrator. The application shall be made on a form approved by the city and shall contain information requested by the city, including, but not limited to, the following:

(A) A copy of each related license issued by Lyon County and/or the State of Minnesota Department of

Health required to operate a Mobile Food Unit or Vending Cart.

(B) A certificate evidencing the insurance coverage consistent with the requirements of Section 175.36.

(C) A site plan that includes the location of the site where the food truck/trailer will be set up.

#### **175.36 INSURANCE**

(A) No permit shall be granted, nor be effective, until the applicant files with the city a certificate of insurance by an insurance company authorized to do business in the State of Minnesota, evidencing the following forms of insurance:

(1) Commercial general liability insurance, with a limit of not less than one million five hundred thousand dollars (\$1,500,000) each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than two million dollars (\$2,000,000).

(2) Automobile liability insurance with a limit of not less than two million dollars (\$2,000,000) combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired, and non-owned vehicles.

(3) Food products liability insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence.

(4) Public liability insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence.

(5) Property damage insurance, with a limit of not less than one million dollars (\$1,000,000) each occurrence.

(6) Workers compensation insurance (statutory limits) or evidence of exemption from state law; and



(7) The city shall be endorsed as an additional insured on the certificate of insurance and any umbrella/excess insurance if the applicant intends to operate its mobile food unit on public property.

(B) Permittees may achieve the insurance limits and coverage required in this Section through a combination of primary and excess or umbrella liability insurance, provided such primary and excess or umbrella liability insurance policies result in the same or greater coverage as the coverages specifically required under this Section, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. The excess or umbrella policy shall not require the exhaustion of the underlying limits only through the actual payment by the underlying insurers.

(C) The Certificate of Insurance shall state that the insurance has been endorsed to require that the city be notified ten (10) days in advance of cancellation of the policy or a material modification of a coverage term.

### **175.37 CONDITIONS OF PERMIT**

(A) A Mobile Food Unit or Vending Cart may only operate as set forth in the following:

(1) *Locations.* A Mobile Food Unit or Vending Cart may only operate in the locations set forth in this paragraph and as specified in the permit.

(a) On private property in any non-residential zoning district, with the written consent of the owner of such property.

(b) In a city park, or on city-owned property and rights-of-way adjacent to city parks or within any non-residential zoning district, with prior written approval by the city as specified in the permit and any additional park or other permits which may apply to such operations.

(c) The City Clerk-Administrator shall maintain an official map showing permitted locations as defined by this Article.

(2) Performance Standards. A mobile food unit permit holder is subject to the following performance standards:

(a) A Mobile Food Unit or Vending Cart unit permit holder shall operate in strict compliance with the laws, rules and regulations of the United States, State of Minnesota, Lyon County, and the City of Cottonwood, including parking regulations, and posted signs.

(b) Only food and non-alcoholic beverages shall be sold.

(c) If a Mobile Food Unit or Vending Cart provides an independent power supply, it is to be screened from public view, if not part of the vehicle, and not to exceed 70 dbs.

(d) A Mobile Food Unit or Vending Cart must dispose of its gray water daily in accordance with the City Code and all applicable laws. Gray water shall not under any circumstances be drained or discharged into City storm water drains or disposed of in public trash cans.

(e) A Mobile Food Unit or Vending Cart shall provide and maintain at least one clearly designated waste container for customer use per Mobile Food Unit or Vending Cart located within five (5) feet of the unit. Operator is responsible for daily removal of trash, litter, recycling and refuse.

(f) Mobile Food Unit or Vending Cart shall not operate before 7:00 a.m. or after 11:00 p.m. in non- residential areas of the city, and not before 8:00 a.m. or after 8:00 p.m. in residential zones immediately adjacent to designated parks (as shown on map attached to this Ordinance as Appendix 1) and must not create any unnecessary noise

disturbances or disrupt, obstruct or interfere with customer or public vehicular or pedestrian traffic or safety in any way.

(g) Proof of Department of Health and/or Lyon County licensing must be provided and posted on the Mobile Food Unit or Vending Cart.

(h) A Mobile Food Unit must comply with the National Fire Protection Association's Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations.

(i) One "A" frame sign not exceeding twelve (12) square feet per side is permitted during operation, not to impede vehicular or pedestrian traffic.

(j) A Mobile Food Unit or Vending Cart cannot be located within three hundred (300') feet of the perimeter of any pre-approved festival, sporting event, or civic event unless a license is issued to be part of the festival or event.

(k) A Mobile Food Unit or Vending Cart must not occupy more than three (3) parking spaces.

(l) The Mobile Food Unit or Vending Cart may have a maximum bumper to bumper length of no more than 40 feet and be not wider than 8 feet. The vehicle shall not be left on city property after the daily hours of operation, except as otherwise provided by city code pertaining to vehicle parking.

(m) Mobile Food Unit or Vending Cart sites shall be kept in a neat and orderly manner and shall provide trash and/or recycling collection and cleanup. The Mobile Food Unit or Vending Cart shall keep the surrounding area in a sanitary condition. The permittee shall be responsible for:

1. collecting any visible trash or other debris from mobile food unit operations within a 100 feet circumference of the mobile food unit, which patrons have not properly disposed of; and
2. removing the trash container and its contents at the end of the daily hours of operation and properly disposing of the same.

(n) A Mobile Food Unit or Vending Cart with a Type I cooking hood shall have said hood cleaned at least annually as required by applicable regulations.

(o) A Mobile Food Unit or Vending Cart with a fire suppression system under the cooking hood shall have the system tested and tagged in accordance with applicable codes.

(p) A Mobile Food Unit or Vending Cart must have at least one (1) 2A:20BC fire extinguisher in the mobile food unit. If deep frying occurs in the mobile food unit, then the mobile food unit must have at least one (1) Class K fire extinguisher in the mobile food unit. Each fire extinguisher must display an inspection tag dated within the past 12 months.

(q) Propane tanks must be attached or secured to the Mobile Food Unit or Vending Cart and must be adequately ventilated.

(r) Mobile Food Unit or Vending Cart cannot obstruct the movement of pedestrians or vehicles or pose a hazard to public safety.

(s) Mobile Food Unit or Vending Cart shall be allowed to be set up 1 hour prior to conducting food vending and shall exit from the site within 1 hour of the close of conducting business. The Permittee shall ensure that the site is free of refuse and debris prior to exiting the site.

(t) An out of service Mobile Food Unit or Vending Cart shall not be stored in a front yard or side street yard or driveway of a residential property. An out of service Mobile Food Unit or Vending Cart shall be parked and stored in accordance with the City Code and applicable laws.

(u) Free-standing food tents, not associated with a Mobile Food Unit or Vending Cart, are not allowed on city-owned property unless they have obtained a special event permit, or if they are operating through an organization that has already obtained such permit.

### **175.38 PROHIBITED PRACTICES**

(A) It is unlawful for any person engaged in business of a Mobile Food Unit or Vending Cart operation to do the following:

(1) Call attention to themselves by crying out, blowing a horn, ringing a bell, and playing music or other noise discernable beyond the unit.

(2) Leave the Mobile Food Unit or Vending Cart at an authorized location outside allowed hours of operation.

(3) Operate or travel in or on public sidewalks, trails or right-of-way except as authorized in the permit.

(4) Obstruct the ingress or egress from property or buildings.

(5) Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public or fail to obey a lawful order of law enforcement or licensing or permitting authority.

#### **175.39 ENFORCEMENT**

A permit may be suspended, revoked, or denied for renewal for any violations of this Code or conditions of any permit. Any violation of this Division or provisions of any permit shall be a misdemeanor.

#### **175.40 SUSPENSION OR REVOCATION OF PERMIT**

(A) Every permit required under this Chapter shall be subject to suspension or revocation.

(B) To the extent that the provisions of this Article are not inconsistent with other provisions of this Chapter or with state law, the procedures established in this Article for suspension or revocation of a permit required under this Chapter shall govern.

(C) A permit shall only be revoked for cause. For the purposes of this Article, cause for revocation or suspension shall mean:

(1) A situation or event which would lead a reasonable person to believe that continuance of the activity which produced the situation or event might adversely affect the morals, health, safety or welfare of one or more members of the public.

(2) A violation of the terms or conditions of the permit or of the law applicable to the activity for which the permit was issued.

(3) Material inaccuracies in any application materials, reports or other information submitted to the City regarding the activity for which the permit was issued.

(4) Fraud practiced upon the City; or

(5) Conviction of a crime related to the activity for which the permit was issued.

(D) A permit may not be revoked without providing the permittee with an opportunity to be heard on the issue by the City Council in a public hearing pursuant to Section 175.41.

#### **175.41 SUSPENSION OR REVOCATION BY CITY COUNCIL; HEARING**

(A) Whenever any city official takes action to revoke or suspend a permit required under this chapter, and a process to appeal or seek review of such decision to the City Council is not otherwise provided, the permittee shall have the right to be heard on the issue by the City Council in a public hearing pursuant to the following procedure:

(1) A notice of suspension or revocation shall be prepared by the City Clerk-Administrator. The notice shall state the following:

(a) The cause of suspension or revocation.

(b) That the permittee is entitled to a public hearing before the City Council if a written request for such a hearing is submitted to the City Clerk- Administrator within five (5) business days after service of the notice.

(c) That a hearing will be set, if requested, for a date, time and place.

- (d) that the permittee will be informed of the date, time and place of the hearing, if requested; and
  - (e) that failure to request a hearing will result in the suspension or revocation of the license.
  - (2) The notice shall be served on the permittee by certified mail, return receipt requested.
  - (3) If requested, a public hearing on the suspension or revocation of a permit shall be held at a regular or special meeting of the City Council. The presiding officer shall make a statement as to the reason for the hearing and make every reasonable effort to ensure a fair and full presentation of the facts and arguments by the permittee and the city and representatives or counsel for each.
  - (4) When the public hearing is closed, the presiding officer shall advise the council that any decision to suspend or revoke must be made for cause as defined in this Article.
  - (5) A decision shall be made by the City Council within a reasonable time and not more than 20 days after the day the public hearing is closed and promptly communicated to the permittee in writing.
- This ordinance shall be effective from and after its adoption and publication.

A motion by Shannon Geihl to approve the mobile food unit ordinance and application revision. Seconded by Joel Dahl. Carried.

Bliss presented the admin report:

#### Consideration to Approve Temporary Waivers—Sump Pumps

A motion by Joel Dahl to approve the Temporary Waivers—Sump Pump permit with the condition to remove the usage charge. Seconded by Shannon Geihl. Carried.

The fee schedule draft was reviewed by the council and changes to be made by the first meeting in January.

Olsen presented the public works update:

The Ozzy lift generator has been having issues.

The level indicator in the water tower went bad and a new transducer was purchased.

A new snowblower for the skid steer was purchased.

Maintenance in the shop has been happening during downtime.

Bliss presented the 2025 Budget Information:

The City of Cottonwood's Year 2025 Final Budget is herein presented for your review. In the final development of this budget, efforts have been made to ensure that the General Fund is equally balanced while keeping the tax levy at a minimal increase while still incorporating capital needs. Each special fund has been budgeted to be self-sufficient with costs being placed into needed operations. After the approval of the final levy, budget and levy submission will be made to Lyon County, certified to the State of Minnesota, and uploaded to the Minnesota Management and Budget Department.

As discussed in the November 26 work session, the following budgetary information changed from the preliminary to the final:

The total tax levy amount decreased \$8,000 from a preliminary certification of \$880,902 to \$872,902.

The City's FINAL tax levy for payable 2025 real estate taxes is proposed at a 5.15% increase from the 2024 final tax levy. The preliminary net tax capacity is \$1,189,006, which is a 5.26% increase from the 2024 final net tax capacity. The final levy divided by the preliminary net tax capacity is resulting in a preliminary local tax rate of 73.4% which is a 1.51% decrease from 2024. The complete local tax rate will not be determined until the tax capacity is finalized in March of 2025.

#### Projects and Equipment Purchases

The Capital Improvement Plan accounts for \$148,700 within the 2025 Preliminary Budget.

New council chamber technology items totals \$5,000

New City Office furnishings totals \$10,000

Speed Sign & Brackets totals \$3,600

Fire Hydrant Maintenance totals \$5,000

Street Seal Coating totals \$10,000

Paving of Tom Christy Lane and Shoreview Pass, Patching on Shoreview Drive totals \$88,200

Veterans park Sculpture totals \$10,000

Engineering Fees for the General Fund Departments totals \$142,500

A grand total of \$274,300 in capital projects and purchases for 2025.

The council reviewed the following Resolutions:

#### **RESOLUTION NO. 2024\_1217**

##### **ADOPTION OF 2025 FINAL TAX LEVY**

BE IT RESOLVED, by the City Council of the City of Cottonwood, County of Lyon, Minnesota, that the following sums of money be levied for the current year, collectible in 2025, upon the taxable property in the City of Cottonwood, for the following purposes:

General Fund Levy \$655,000.00

EDA Special Levy \$15,000.00

Principal & Interest on 2012 City Maintenance Shop Lease \$21,819.00

Principal & Interest on 2016 Fire Hall/Ambulance Garage Lease \$54,558.00

Principal & Interest on 2016 GO Improvement Bonds \$126,525.00

Total Proposed Certified Tax Levy \$872,902.00

BE IT RESOLVED, by the City Council of the City of Cottonwood, County of Lyon, Minnesota, that the attached document is hereby approved as the 2025 Tax Levy of the City of Cottonwood.

IN WITNESS WHEREOF, the City of Cottonwood, Minnesota, has caused this Resolution to be executed on its behalf by the signatures of the Mayor and City Administrator and has caused this Resolution to be certified to the County Auditor of Lyon County, Minnesota, as of the date set forth below.

A motion by Joel Dahl to approve RESOLUTION NO. 2024\_1217 ADOPTION OF 2025 FINAL TAX LEVY. Seconded by Mike Horner. Carried.

#### **RESOLUTION NO. 2024\_1217A**

##### **ADOPTION OF 2025 FINAL BUDGET SUMMARY**

BE IT RESOLVED, by the City Council of the City of Cottonwood, County of Lyon, Minnesota, that the information provided below is hereby approved as the 2025 Final General Fund Budget of the City of Cottonwood.

##### **2025 FINAL BUDGET SUMMARY**

<b>DEPARTMENT</b>	<b>TWENTY FOUR</b>	<b>TWENTY FIVE</b>
<b>PROPERTY TAX LEVY</b>	<b>\$ 610,000.00</b>	<b>\$ 655,000.00</b>

<b>GENERAL FUND</b>	\$ 489,967.00	\$ 590,405.00
<b>DEBT SERVICES</b>	\$ 215,791.00	\$ 211,171.00
<b>GENERAL &amp; DEBT REVENUES</b>	\$ 1,315,758.00	\$ 1,456,576.00
<b>GENERAL ADMINISTRATION</b>	\$ 430,240.00	\$ 321,293.00
<b>PUBLIC SAFETY</b>	\$ 124,590.00	\$ 140,122.00
<b>PUBLIC WORKS</b>	\$ 426,840.00	\$ 606,037.00
<b>RECREATION</b>	\$ 117,536.00	\$ 177,450.00
<b>DEBT SERVICES - PRINCIPAL</b>	\$ 179,000.00	\$ 144,000.00
<b>DEBT SERVICES - INTEREST &amp; FEES</b>	\$ 74,000.00	\$ 51,960.00
<b>DEBT SERVICE FUND BALANCES</b>	-\$ 37,209.00	\$ 0.00
<b>GENERAL &amp; DEBT EXPENSES</b>	\$ 1,314,997.00	\$ 1,440,862.00
<b>GENERAL PROFIT &amp; LOSS</b>	<b>\$ 761.00</b>	<b>\$ 15,714.00</b>

IN WITNESS WHEREOF, the City of Cottonwood, Minnesota, by its City Council, has caused this Resolution to be executed on its behalf by the signatures of the Mayor and City Administrator and has caused this Resolution to be certified to the County Auditor of Lyon County, Minnesota, as of the date set forth below.

A motion by Mike Horner to approve RESOLUTION NO. 2024\_1217A ADOPTION OF 2025 FINAL BUDGET SUMMARY. Seconded by Shannon Geihl. Carried.

## **RESOLUTION NO. 2024\_1217B**

### **A RESOLUTION CERTIFYING UNPAID CHARGES**

**WHEREAS**, pursuant to proper notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed certifications of unpaid charges for municipal fees and utilities; and

**WHEREAS**, the amounts of bad debt have been minimized through diligent collection efforts by staff.

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

Such proposed certification of unpaid charges, a copy of which is hereby attached as Exhibit 1 and made a part hereof, is hereby accepted and shall constitute a lien against the lands named herein

Such certification shall be payable over a period of one year on or before the first Monday in January.

The owner of the affected property may, at any time prior to certification of unpaid charges to the County Auditor, pay the whole of the certified unpaid charges on such property, with interest accrued to date of payment, to the City Administration Office, except that no interest shall be charged if the entire certified amount is paid within thirty (30) days from the adoption of the resolution. The taxpayer may at any time thereafter, pay the City Clerk or County Auditor, the entire amount certified and remaining unpaid, with interest accrued to December 31, of the year in which payment is made. Such payment must be made before January 15, or interest will be charged through 2025 of the following year.

The clerk shall forthwith transmit a certified copy of this certification role to the County Auditor to be extended on the property tax lists of the county and such certified unpaid charges shall be collected and paid over in the same manner as property taxes.

A motion by Shannon Geihl to approve RESOLUTION NO. 2024\_1217B A RESOLUTION CERTIFYING UNPAID CHARGES. Seconded by Mike Horner. Carried.

**RESOLUTION NO. 2024\_1217C**

**A RESOLUTION AUTHORIZING THE WRITE OFF OF UNPAID CHARGES**

**WHEREAS**, pursuant to proper notice duly given as required by law, the City Council has met, heard, and passed upon all objections to the proposed write offs of the unpaid charges for municipal fees and utilities; and

**WHEREAS**, the amounts of the bad debt have been filed with American Accounts & Advisors in which they have either reached a low balance with years of inactivity or have reached the six year statute of limitations (SOL) that allows for the debt to remain in collection.

**WHEREAS**, the amounts of the bad debt have been filed with the MN Department of Revenue – Revenue Recapture in which they have either reached a low balance with years of inactivity or have reached the six year statute of limitations (SOL) that allows for the debt to remain in collection.

**WHEREAS**, attempts at seeking added information to collect the debt have been made by the City Administrator and City agencies in which these efforts have been exhausted and unable to obtain the necessary four point data for submission to American Accounts & Advisors or MN Department of Revenue – Revenue Recapture.

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

Such proposed write off of unpaid charges, a copy of which is hereby attached as Exhibit 1 and made a part hereof, is hereby accepted and

A motion by Joel Dahl to approve RESOLUTION NO. 2024\_1217C A RESOLUTION AUTHORIZING THE WRITE OFF OF UNPAID CHARGES of \$40,945.99. Seconded by Shannon Geihl. Carried.

**NOTICE OF SUMMARY PUBLICATION:**

This publication is only a summary. The complete ordinance and all zoning maps associated can be obtained during regular business hours at the Cottonwood City Office or online at

[www.cityofcottonwoodmn.gov](http://www.cityofcottonwoodmn.gov)

**ORDINANCE NO. 2024-04**

**AN ORDINANCE ENACTING A NEW DIVISION, MOBILE FOOD UNITS, IN CHAPTER 175, BUSINESS REGULATIONS.**

The City Council of the City of Cottonwood, Minnesota hereby ordains:

**PURPOSE**

This ordinance is intended to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses and public property.

**LICENSE AND PERMIT REQUIRED**

It is unlawful for any person to operate a Mobile Food Unit or Vending Cart in the city without first obtaining a license from Lyon County or the State of Minnesota, and a permit issued by the city under this Division.

**EXEMPTIONS – SUMMARY**

- Community events approved and permitted by the City Council.

- Mobile Food Units serving ice cream.
- Operations for a private event on private property.

#### PERMITTING & APPLICATION – SUMMARY

- Two types of permits offered: one-time permit or annual permit.
- Permits are non-transferable.
- Fees determined in the City's fee schedule.
- Application required.
- Copy of all licenses issued by Lyon County, MN Dept of Health, or MN Dept of Ag.
- Certificate of insurance.
- 

#### INSURANCE – SUMMARY

- Commercial general liability insurance shall not be less than \$1,500,000 per occurrence.
- If general liability insurance contains an annual aggregate, it shall not be less than \$2,000,000.
- Automobile liability insurance limit shall not be less than \$2,000,000 combined single limit.
- Food products liability insurance of not less than \$1,000,000 per occurrence.
- Public liability insurance of not less than \$1,000,000 per occurrence.
- Property damage insurance of not less than \$1,000,000 per occurrence.
- Workers compensation insurance or evident of exemption from state law.
- City endorsement as additional insured.

#### CONDITIONS - SUMMARY

- Permitted public locations.
- Performance standards regulating power supply, gray water, waste, operations, safety and more.

#### PROHIBITED PRACTICES

- Call attention to themselves by crying out, blowing a horn, ringing a bell, and playing music or other noise discernable beyond the unit.
- Leave the Mobile Food Unit or Vending Cart at an authorized location outside allowed hours of operation.
- Operate or travel in or on public sidewalks, trails or right-of-way except as authorized in the permit.
- Obstruct the ingress or egress from property or buildings.
- Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public or fail to obey a lawful order of law enforcement or licensing or permitting authority.

#### ENFORCEMENT

A permit may be suspended, revoked, or denied for renewal for any violations of this Code or conditions of any permit. Any violation of this Division or provisions of any permit shall be a misdemeanor.

#### PUBLIC HEARING – SUMMARY

Whenever any city official takes action to revoke or suspend a permit required under this chapter, and a process to appeal or seek review of such decision to the City Council is not otherwise provided, the permittee shall have the right to be heard on the issue by the City Council in a public hearing.

A motion by Joel Dahl to approve the publication of ORDINANCE NO. 2024-04 AN ORDINANCE ENACTING A NEW DIVISION, MOBILE FOOD UNITES, IN CHAPTER 175, BUSINESS REGULATIONS. Seconded by Mike Horner. Carried.



## **NOTICE OF SUMMARY PUBLICATION:**

This publication is only a summary. The complete ordinance and all zoning maps associated can be obtained during regular business hours at the Cottonwood City Office or online at

[www.cityofcottonwoodmn.gov](http://www.cityofcottonwoodmn.gov)

## **ORDINANCE NO. 2024-05**

### **AN ORDINANCE REGULATING CANNABIS BUSINESSES**

The City Council of the City of Cottonwood, Minnesota hereby ordains:

#### **GENERAL PROVISIONS.**

This Ordinance applies to the regulation of cannabis businesses within the corporate city limits of Cottonwood.

#### **ADMINISTRATION – FINDINGS OF FACTS**

The City Council of the City of Cottonwood hereby makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, which authorizes the City of Cottonwood to protect the public health, safety, welfare of Cottonwood residents by regulating cannabis businesses within the legal boundaries of the City of Cottonwood.

The City Council of the City of Cottonwood finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Cottonwood, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

#### **ADMINISTRATION – AUTHORITY**

The City Council of the City of Cottonwood has the authority to adopt this ordinance pursuant to:

- Minnesota Statute 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- Minnesota Statute 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- Minnesota Statute 152.0263, Subdivision 5, regarding the use of cannabis in public places.
- Minnesota Statute 462.357, regarding the authority of a local authority to adopt zoning ordinances.

#### **REGISTRATION REQUIREMENTS – SUMMARY**

- The City of Cottonwood shall limit the number of cannabis retail businesses to one.
- State-licensed cannabis retail business must register with the City of Cottonwood before operating.
- Any state-licensed cannabis retail business without valid retail registration shall incur a civil penalty up to \$2,000 for each violation.
- Registration fees shall be established in accordance with Minnesota Statutes 342.11 and 342.22
- Registration applications shall adhere to the requirements of Minnesota Statute 342.22
- Lyon County Sheriff's Office shall complete annual compliance checks required under Minnesota Statute 342.22 Subdivisions 4(b) and Minnesota Statute 342.24
- Registrations by me suspended for violation of the ordinance or for posing an immediate threat to the health and safety of the public.

#### **ZONING AND LAND USE REQUIREMENTS – SUMMARY**

- Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of: 10AM – 12AM on any day of the week.
- The City of Cottonwood shall prohibit the operation of a cannabis business within 1,000 feet of a school.
- The City of Cottonwood shall prohibit the operation of a cannabis business within 500 feet of a day care.
- The City of Cottonwood shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.
- The City of Cottonwood shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- The City of Cottonwood shall prohibit the operation of a cannabis retail business within 500 feet of another cannabis retail business.
- Cultivation Zoning: Medium & High Industrial, Highway Commercial, Agriculture
- Cannabis Manufacturing Zoning: Medium & High Industrial, Highway Commercial
- Hemp Manufacturing Zoning: Medium & High Industrial, Highway Commercial
- Wholesale Supplier Zoning: Medium & High Industrial, Highway Commercial
- Cannabis Transport & Delivery Zoning: Medium & High Industrial, Highway Commercial
- Cannabis Retail Zoning: Medium & High Industrial, Highway Commercial, Central Business

#### PROHIBITED ACTS

- Free or reduced pricing sample distribution is prohibited.
- Mobile businesses are prohibited.
- In home businesses are prohibited.
- Employees of licensed establishments must be 21 years of age to sell licensed products.
- Products or devices sold through self-checkout or vending machines are prohibited.
- Products sold outside of original packaging are prohibited.
- Portable, temporary, backlit, and freestanding signage prohibited.

#### TEMPORARY CANNABIS EVENTS

- A license or permit is required to be issued and approved by the City Council of the City of Cottonwood prior to holding a Temporary Cannabis Event.
- Events can be held between the hours of 10AM and 10PM.

#### LOWER-POTENCY HEMP EDIBLES

- Permitted in Medium & High Industrial Zoning District and Central Business District
- Sale permitted only in places that admit individuals 21 years of age and older
- Low-Potency Hemp Beverages permitted in places that meet requirements
- Storage required behind a counter in a locked case

#### USE IN PUBLIC

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment, or an event licensed to permit on-site consumption of adult-use.

A motion by Joel Dahl to approve publication of ORDINANCE NO. 2024-05 AN ORDINANCE REGULATING CANNABIS BUSINESSES. Seconded by Shannon Geihl. Carried.

The council reviewed Permit 2024\_20 replacement of current shed 8x12 with, a Premier Portable Building Cabin style 12x20 at 32 Juno Lane.

Planning and Zoning has been reviewed and approved prior to the council meeting.

A motion by Mike Horner to approve Permit 2024\_20. Seconded by Shannon Geihl. Carried.

Future meeting: January 7, 2025 – annual meeting & public hearing for fee schedule & utility rates.

The council reviewed the bills for the 1<sup>st</sup> half of December for \$27,767.88.

A motion by Mike Horner to approve bills for \$27,767.88. Seconded by Joel Dahl. Carried.

A motion by Mike Horner to close the Public Hearing—Truth and Taxation. Seconded by Joel Dahl. Carried at 8:25pm.

Dates to remember December 24<sup>th</sup>, December 25<sup>th</sup>, and January 1<sup>st</sup>, 2025, the office will be closed.

A motion by Mike Horner to adjourn the meeting. Seconded by Shannon Geihl. Carried at 8:25pm.