

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 4TH 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 2nd 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.