

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
APRIL 11, 2016

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in Council Chambers on Monday, April 11, 2016 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Veum, Anderson and Hoialmen. Member absent: Dufault. Also present was : Paige Tompkins, Celina Gilbertson, Tim Brinkman, Ed Lavelle, Cassie Heide, Dave Larson, Karen Graham, Deputy Scott Bixby, Steve Chalich, Greg Mireault, Kerry Winkelman, Mark Hagen, Lee Cariveau,

Motion was made by Veum seconded by Anderson to approve the agenda with the following modification: Motion carried by unanimous vote.

- 1) Consider request from Housing Authority to use City Rehab Funds of \$15,000 for a residential owner/occupied rehab project.

Motion was made by Hoialmen seconded by Anderson to approve consent agenda items A and B. Motion carried by unanimous vote.

- A) Approve the minutes of the regular meeting held March 14, 2016 and the continued meeting held March 18, 2016 as per copies furnished each member.
- B) To approve Accounts Payable Bill Listing #16-04 in the amount of \$79,985.35 and AP Bill Listing #16-04A in the amount of \$941,381.25.

#### COMMITTEES/BOARDS/COMMISSION

Law Enforcement: Polk County Deputy Scott Bixby was present to discuss law enforcement matters:

- The burglars were apprehended from the Church break-in. A joint effort between local law enforcement officers, the drug task force and others resulted in solving this crime quickly.
- The drug task force has been active.
- Traffic enforcement is being done.

Streets/Sanitation/Utilities: Dave Larson reported on matters pertaining to his departments:

- The new casino is no longer interested in connected to our natural gas system. They will be heating with propane. We are still going to do the gas modeling.
- Work with KBM on map updates continues.
- Minnkota did a rate increase and the utilities commission is looking at our rates as well.
- Work on alleys will be done and street sweeping will continue. The weather needs to warm up before curb painting can begin.
- MDV is in the midst of repairs to the Industrial Pretreatment Facility (IPF). Sludge needs to be pumped out once it thaws and the project is moving forward. The people to work on the cover are scheduled to be here April 25. Leak testing will need to be done after the liner is replaced. This is done with all fresh water. In the meantime, MDV's water is going directly into our system and at this time we are overloading our ponds. The first two aeration ponds are probably being overloaded 35 to 40%. Councilman Anderson stated that we are loading stuff into that first pond. If MDV continues to bypass the IPF we should drain ours afterwards and look at cleaning it out as we don't want to ruin our system. Larson informed the council that MDV is screening down as tight of a screen as possible and what they can remove, they are. We can sludge judge.

Discussion continued on the concerns of overloading our ponds, the additional costs the city will incur and the affect this has on our ponds and our equipment such as the fusers that sit in the first aeration pond. Lucken and Larson met with Ulteig Engineers who will be looking at our permit for the IPF to make sure all is as it should be. Offerdahl stated that at our special meeting to discuss the IPF and necessary actions, MDV did not send a representative. At that meeting the council felt three weeks was a fair amount of time for the IPF repairs to be done. Now we are at four weeks; we think we're another five to six weeks out. Do we allow them to continue to operate? MDV was also billed \$56,570 for chemical costs and \$29,456 for additional electricity to operate the blowers in the aeration ponds to reduce the BOD levels that resulted from the high strength wastewater. MDV was billed for those costs that were incurred by the City during the 2013-2014 processing campaign and those invoices have not yet been paid. MDV does not agree with the amount that was billed and has requested that the City negotiate a reduced amount for the chemical and electric costs. As we work with Ulteig or another wastewater engineering firm to determine the amount of phosphorous, CBOD and TSS levels in the wastewater stream, the City will have a more accurate method of determining what the actual costs are to treat the wastewater. If the cost is determined to be more or less than the \$86,028 we will adjust accordingly.

After further lengthy discussion, motion was made by Anderson to set a deadline of June 1, 2016 for MDV to complete the repairs to the IPF and have it operational. If the IPF is not operational by that date, MDV will be required to cease discharging untreated processing wastewater directly to the City sanitary sewer system. In addition, MDV pay Invoice # Chemical 14-12 in the amount of \$56,570 and Invoice # Electric 14-12 in the amount of \$29,456 on or before April 25, 2016. If the actual billed amount determined by a wastewater engineer is more than \$86,026, the City reserves the right to bill MDV for the additional costs. The City will also credit MDV if the costs are determined to be less than \$86,026. The motion was seconded by Veum and all voted in favor.

Hoialmen added that you have to be fair to the City and fair to MDV.

Civic Center/Parks & Recreation: Karen Graham was present to discuss Civic Center/Parks & Recreation matters:

- The shower towers in the locker rooms are old and no longer in good working condition. They need to be replaced and we need to look at installing a water softener as well. Graham got a proposal from Lee Plumbing as well as Hills Plumbing and Heating for two shower towers and one commercial water softener. Hill's total was \$19,150 for showers and \$10,000 for water softener; Lee's total was \$19,665 for showers and \$10,685 for water softener. The water softener will have to go where the holding tank is now. After installing the natural gas water heater last year the holding tank is no longer necessary. Motion was made by Veum seconded by Anderson to accept the proposal from Hills Plumbing & Heating, Inc. for two shower towers at a cost of \$19,150 and one commercial water softener at a cost of \$10,000. Motion carried by unanimous vote.
- Graham has an opportunity to purchase a 2004 four wheeler with a couple of attachments for \$3,500.00. It has 1300 miles on it. Consensus of the council – the money is in the budget so it's fine if she makes this purchase.
- Becker Arena will be here on Friday to see if the footings are good for the hockey rink.
- August 13/14 Fosston will host the Class E Men's Slow Pitch tournament.

Tim Brinkman, General Manager of Garden Valley Telephone Company was present to address the proposed franchise fee on IPTV services. Brinkman addressed the council and noted his concern that the council had discussed imposing a franchise fee on Garden Valley without notice to them. Garden Valley pays a franchise fee to two towns – Red Lake Falls and Fertile. Brinkman feels that imposing the fee is anti-competitive and anti-discriminatory against them. The City does not yet have a legal opinion as to if the city would have to impose this fee and Fosston Cable TV as well. Brinkman asks for consideration for the competitive and discriminatory perspective from them and that council look at case law to see if this is addressed. Offerdahl stated at the time Garden Valley brought TV services into town it asked that fees be waived for five years. The five years were up in 2015. Does council want to continue to discuss this or wait for another period of time? If we don't act it would remain the same. At the last a motion was made to proceed with ordinance change to impose a franchise fee. Motion was made by Hoialmen to rescind the motion to change the ordinance. Motion seconded by Anderson and all voted in favor.

Jennilyn Marchaund from the Minnesota Department of Health was present for the public information meeting on Part 1 of the Minnesota Department of Health Wellhead Protection Plan. Marchaund is based out of the Bemidji Office and explained that by 2020 all systems will have a wellhead protection plan. She explained the importance of wellhead protection by preventing contaminants from entering the public water supply. Part 1 is the Vulnerability Assessment. Minnesota Department of Health assisted the City with Part 1 of the plan. Fosston is low vulnerability so that is good. Fosston now moves into Part II of the Wellhead Protection Plan. For Part II there will be a fee and cost somewhere between \$5,000 and \$10,000. MDH does not do this part so the City needs to hire a consultant to work on this. There is also an audit that comes into play with this to make sure there is compliance. Kerry Winkelman asked about agricultural chemicals entering the supply and Marchaund stated because of the low vulnerability there is virtually no concern. She thanked Winkelman for his questions and encouraged further input from him as the City moves through this process. Marchaund is available to assist as the process moves forward.

The Public Hearing to consider input on the 2016 Street & Utility Improvement Project was opened. Lee Cariveau of WSN was present to discuss the 2016 projects. Plans were submitted to the Minnesota Department of Health for the approval process. Projects this summer will be the First Street Alley between Johnson and Inderlee, Waterline replacement project Second Street NW from Mark to Stephens and down Newton from 2<sup>nd</sup> St. to Highway 2 and relocation of the water line for the Polk County Incinerator Expansion. The plan is to advertise later this week with bid opening in May if all is acceptable. Cariveau first estimated the project cost to be \$525,000. Bids have been coming in under estimates and he has revised his estimate to \$519,000. The plan for the alley is to mirror the one behind city hall that was done last year. Larson thinks we should work with the business owners to get their property paved as well. Cariveau thinks we should contact the railroad to get permission to pave 49'. We currently have a 20' easement on that alley. Lucken explained that to get an easement expansion may be easier than purchasing. The hearing was closed.

Member Anderson introduced the following resolution and moved its adoption:

**RESOLUTION ORDERING THE  
2016 STREET AND ALLEY IMPROVEMENT PROJECT  
AND PREPARATION OF PLANS  
RESOLUTION 16-16**

**WHEREAS**, pursuant to resolution of the council adopted March 18, 2016, fixed a date for a council hearing on the proposed improvement of the following streets and avenues:

Alley right-of-way between Johnson Avenue South and Inderlee Avenue South  
Second Street NW between Mark Avenue North and Stephens Blvd.  
Newton Avenue between First Street West (Hwy #2) and 2<sup>nd</sup> Street NW

**AND WHEREAS**, ten days mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 11<sup>th</sup> day of April, 2016 at which all persons desiring to be heard were given an opportunity to be heard thereon,

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FOSSTON, MINNESOTA:**

1. Such improvement is necessary, cost-effective, and feasible, as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the council resolution adopted April 11, 2016.
3. Lee Cariveau, P.E., Widseth Smith Nolting, is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvements.
4. The city council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax-exempt bond.

The motion for the adoption of the foregoing resolution was duly seconded by member Hoialmen and upon vote being taken thereon the following voted in favor thereof: Anderson, Hoialmen, Veum and Offerdahl.

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 11<sup>th</sup> day of April 2016/

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PLANS  
AND SPECIFICATIONS FOR THE 206 STREET AND  
ALLEY IMPROVEMENT PROJECT AND ORDERING  
ADVERTISEMENT FOR BIDS  
RESOLUTION NO. 16-17**

**WHEREAS**, pursuant to resolution passed by the council adopted April 11, 2016, the city engineer, Widseth Smith Nolting, has prepared plans and specification for the improvement of the following streets and avenues and has presented such plans and specifications to the council for approval:

Alley right-of-way between Johnson Avenue South and Inderlee Avenue South  
Second Street NW between Mark Avenue North and Stephens Blvd.  
Newton Avenue between First Street West (Hwy #2) and 2<sup>nd</sup> Street NW

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FOSSTON, MINNESOTA:**

1. Such plans and specifications, a copy of which is attached and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for three weeks, shall specify the work to be done, shall state that bids will be received by the City Administrator until 3 p.m. on May 6, 2016 at which time they will be publicly opened in the council chambers of the city hall by the city administrator and engineer, will then be tabulated, and will be considered by the council at 7:00 p.m. on May 9, 2016 in the council chambers of the city hall. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City of Fosston for 5% of the amount of the bid.

The motion for the adoption of the foregoing resolution was duly seconded by member Hoialmen and upon vote being taken thereon the following voted in favor thereof: Anderson, Hoialmen, Veum and Offerdahl.

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 11<sup>th</sup> day of April 2016.

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Council considered a request from the Northwest Multi-County HRA to access \$15,000 in City rehab. funds for a Owner/Occupied Residential property in Fosston. Motion was made by Veum seconded by Hoialmen to approve the request. Motion carried by unanimous vote.

There being no further business to come before the council motion was made by Anderson seconded by Hoialmen to adjourn. Motion carried by unanimous vote.

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Charles Lucken, City Administrator