

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
AUGUST 15, 2016

The regular meeting of the council of the City of Fosston was held in Council Chambers on Monday, August 15, 2016 at 7:00 p.m.

Mayor Offerdahl called the meeting to order with the following members present: Veum, Dufault, Anderson and Hoialmen. Also present was Lee Cariveau, Ed Lavelle, David Miller, Leah Hemmingsen, Meghan Palubicki, Keith Kinnen, Allen Potvin, Luke and Tina Klisch, Chuck Lucken, Laurel Skala, Karen Graham and Cassie Heide.

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

- A) Consider approval of Build Fosston Rebate to Larry Lenés.

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

- A) To approve the minutes of the regular meeting held July 11, 2016 and the minutes of the special meeting held July 18, 2016 as per copies furnished each member.
- B) To approve Accounts Payable Bill Listing #16-08 in the amount of \$81,493.73 and AP Bill Listing #16-08A in the amount of \$1,356,970.07

COMMITTEES/BOARDS & COMMISSION:

Law Enforcement: Deputy Folkert was present to discuss law enforcement matters.

- They are preparing for the start of a new school year.
- No major cases lately.

Civic Center/Parks & Recreation: Karen Graham gave her report:

- All programs have ended for the summer.
- Last weekend was the State Class E tournament with 22 teams participating. Councilman Dufault commended the staff for keeping everything so clean with all the people in the area.

Community/Economic Development:

- The EDA Board met today. They recommend that council approve payment to Larry Lenés for \$5,000 Build Fosston Rebate. Motion was made by Anderson seconded by Dufault to approve \$5,000 payment to Larry Lenés as recommended by the FEDA board. Motion carried by unanimous vote.

Star Committee: Cassie Heide gave a report:

- Yard of the Week ran for ten weeks.
- There was good attendance at the mini carnival.
- Manufacturer's Week is October 17-21 this year. The committee is planning an event with dinner open to the public.

Member Anderson introduced the following resolution and moved its adoption:

RESOLUTION NO. 16-31

**RESOLUTION APPROVING SUMMARY
PUBLICATION OF ORDINANCE NO. IX
AMENDING CHAPTER 92, ENTITLED “NUISANCES” BY
REVISING THE PUBLIC NUISANCE REGULATIONS AND
BY MODIFYING THE ENFORCEMENT AND ABATEMENT PROCEDURES**

WHEREAS, the City of Fosston, acting by the City Council, has adopted a lengthy ordinance for the purpose of amending the code to promote the health, safety, general welfare and zoning and land use objectives of the city;

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of the ordinance will clearly inform the public of the intent and effect of the ordinance; and

WHEREAS, a printed copy of the ordinance and a copy of the entire text of the ordinance is available for inspection during regular office hours at the office of the City Administrator.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOSSTON that the following summary of the ordinance is approved for summary publication:

**CITY OF FOSSTON
ORDINANCE NO. 92
AN ORDINANCE AMENDING CHAPTER 92, ENTITLED
“NUISANCES” BY REVISING THE PUBLIC NUISANCE
REGULATIONS AND BY MODIFYING THE ENFORCEMENT
AND ABATEMENT PROCEDURES**

The general purpose of the ordinance is to amend the code to promote the health, safety, general welfare and zoning and land use objectives of the city.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of August, 2016.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Council considered the request for additional TIF assistance on the Palubicki Grocery Store Project. This was discussed at the FEDA meeting earlier today. Their recommendation is to wait until we know more about the assessed properties involved. The matter is tabled at this time.

Council considered approval of Change Order #2 for the Veteran's Memorial Park Updates project. This involves the glow sand around the wall facing the highway. As Keith Kinnen explained, the alternate calls for glow concrete around the outer circle that will glow purple. The contractor has done two mock ups already but the brightness wasn't there. The plan is to use an exposed aggregate finish and Kinnen is confident this will work. The cost of an additional mock up is \$250.00 and that is what this change order is for. Councilman Dufault is skeptical but will approve the \$250 for the model provided the mockup is acceptable and passes the test. Council members will look at it upon completion and give their final opinion then. Motion was made by Anderson seconded by Hoialmen to approve Change Order 2 for the Veteran's Memorial Park Updates. Motion carried by unanimous. Change order #3 (to proceed with the glow concrete) will be contingent upon approval of the mockup.

Keith Kinnen spoke to the council about the Sports Complex Warming House and Rink Updates project. The bids came in much higher than expected. Two things really impacted the bids: 1) The time of year this was bid as all contractors are busy; 2) The outdoor lighting came in much higher than expected. His recommendation is to reject all bids and re-bid in the fall. Motion was made by Hoialmen seconded by Veum to reject all bids. Motion carried by unanimous vote.

Council considered purchase of parcel #87-00263 from Luke & Tina Klisch and rescinding of Development Agreement for coffee shop. At its noon meeting, the FEDA board discussed this and their recommendation is to approve the repurchase of the parcel for their purchase price – less closing costs. Luke Klisch explained that they had the property surveyed at a cost of around \$4,000 and he is proposing purchase price, less closing costs, plus the \$4,000 cost of the survey as that now has the property marked with pins. If the city agreed to this, after deducting closing costs, the purchase price would be around \$17,000. After further lengthy discussion, consensus of the council is that the expense incurred in having the survey done is part of the cost of doing business. They are not inclined to cover the cost of the survey. Motion was made by Anderson seconded by Hoialmen to purchase parcel #87-00263 from Luke and Tina Klisch in the amount of \$15,000 as recommended by FEDA and to rescind the development agreement. Motion carried by unanimous vote. Mark Hagen suggested when the property gets sold the City can put them in touch with Klisch's and perhaps they would be willing to purchase the survey. There is value in the survey and it is a legal document pertaining to the property and its lines.

Motion was made by Dufault seconded by Anderson to approve Pay Application #1 from Gordon Construction in the amount of \$94,603.85 for the 2016 Street & Utility Improvements Project. Motion carried by unanimous vote.

Motion was made by Anderson seconded by Veum to approve Change Order #1 from Gordon Construction for the 2016 Street and Utility Improvement Project. Motion carried by unanimous vote.

Lee Cariveau gave a report on projects:

- The Industrial Park portion of the 2016 Street/Utility Improvements project is 90 to 95% done; the Second Street portion is about 2/3 done; the portion on Newton is done. Homes along Second Street from Mark to Newton are on the new water line. By Labor Day the project should be ready for paving, sidewalks, etc. One issue is the sidewalk. We have not had sidewalk on some streets. Offerdahl thinks the sidewalk is important as it connects with the High School but perhaps sidewalks should not be assessed if it is the City decision to install them. It would be different if a resident requested sidewalk. Cariveau presented various sidewalk options for consideration. The City could do nothing; it could go with the original plan; it could move the sidewalk so there is a 5' boulevard or be right against the curb. Alternate B gives the resident a bigger yard with the five foot boulevard. Snow storage/snow removal are considerations though. The residents have voiced their opposition to the sidewalk stating there has never been sidewalk on that section of street; they are unwilling and unable to shovel snow in the winter; they are concerned with the location of the sidewalk in their yards. After further lengthy discussion, consensus of the council is that we should not install sidewalks in this project. Cariveau will check with contractor to see if the sidewalk change will affect the contract price. A contract adjustment may have to be made. If Cariveau comes back and all agree there is no savings by eliminating the sidewalk then another decision can be made. Motion was made by Dufault seconded by Veum to approve not doing sidewalks. Motion carried by unanimous vote.
- Cariveau then talked about the alleys for the Palubicki grocery store project. Surveyors were out last Friday and surveyed the areas where there were cracked or damaged concrete panels. Preliminary estimate on this is \$28,000 for panel repair. He thinks the estimate is high a local contractor can do this for less. It could also be tied into another project. The storm sewer could also be bad in that alley. We need to determine if the storm sewer needs repairs or replacement. There was also discussion on both alleys as it pertains to concrete or asphalt. The alleys need more discussion and we can hold a special meeting if necessary. In the meantime, Cariveau will meet with Dave Larson to look at the sewer to see what repairs are needed.
- Core samples were taken from various locations in town from concrete projects last year. We do not have results from the testing company yet.

Motion was made by Veum seconded by Anderson to approve the Application to Conduct Off-Site Gambling from the Lengby-Fosston Knightriders for the Paul Nelson benefit to be held September 17, 2016 at Venture's Bar & Grill. Motion carried by unanimous vote.

Allen Potvin was present to discuss his property along the Columbia Road where his Columbia Oaks duplexes are located. He showed a property area map and explained it lies in two sections. At the section line he is asking to have that property un-annexed. He claims he only meant to have the south two lots annexed and not all of it. There is only a storage shed on it now and that is all that will be there. There is no sewer or water there. Anderson asked if we have ever done this before and Lucken informed him that we have not to his knowledge. After further discussion, it was determined that we get legal advice and see what ramifications there could be if we do this. This matter tabled pending legal advice.

Allen Potvin mentioned that the storm drain on the east side of Cornerstone Assisted Living backs up with a one inch rain. With a three inch rain water is almost to the entrance. Cariveau is unaware of a problem there but will look at it.

David Miller then requested that Cariveau look at the storm drain in front of his house as well as he has the same problem. In the last rain, he and his neighbor both had water in their basements.

Dustin Carlson informed the council that old railroad ties behind the NAPA Building are coming out of the ground now so he is requesting Class 5. There was an old spur and loading dock in the area.

There being no further business to come before the council, motion was made by Hoialmen seconded by Anderson to adjourn.

Charles Lucken, City Administrator