

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
TUESDAY, APRIL 15, 2014

The regular meeting of the council of the City of Fosston, Polk County Minnesota was held in council chambers on Tuesday, April 15, 2014 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Veum, Carlson and Dufault. Member absent: Lambert. Also present was Lee Cariveau, Polk County Deputies Phil Juve, Matt Bellamy and Zachary Folkert; Gabe Weiner, Pat Hanlon, Dawn Iverson and two other members of the public.

Motion was made by Dufault seconded by Carlson to approve the agenda with the following modifications: Motion carried by unanimous vote.

- a. Resolution Authorizing Sponsorship of Trails Operated by Knightriders Snowmobile Club
- b. Resolution Authorizing Submission of Contamination Cleanup Grant Application to DEED.
- c. Resolution Committing Local Match and Authorizing Execution of Agreements with DEED.
- d. Consider approval of City Property/Casualty Coverage with LMCIT.
- e. Consider approval of Change Order No. 17 for the Wastewater Treatment Facility Expansion project.
- f. Consider purchase agreement for Parcel No. 87.00334, 514 3rd St. NE. (\$5,000)
- g. Consider purchase agreement for Parcel No. 87.00263, 116 1st St. East (\$35,000)
- h. Consider acceptance of the resignation of Jim Lambert and appointment of Doug Hoialmen to fill the unexpired term of Councilmember Lambert.
- i. Discuss City Administrator wage.

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

- A) To approve the minutes of the regular meeting held March 10, 2014 as per copies furnished each member.
- B) To approve Accounts Payable Bill Listing #14-04 in the amount of \$98,833.78 and AP Bill Listing #14-04A in the amount of \$135,788.82.

COMMITTEE REPORTS:

Law Enforcement: Polk County Deputy Phil Juve was present to discuss law enforcement matters:

- Deputy Juve brought with him the two deputies who are now serving Fosston. They are Matt Bellamy who has been in Fosston for about a year and the newest is Zach Folkert who will be relocating to our area.

Civic Center/Parks & Recreation: Pat Hanlon was present to discuss Civic Center matters:

- Communities taking part in the summer aquatics program include Plummer, Goodridge, Grygla, Oklee, Bagley and Win-E-Mac.

- The sports complex is being readied as the fast pitch program will begin soon.
- WSI and Lifeguard training is beginning.
- The Summer Rec and Aquatics staff will be the same as last year. Tess Hubbard is new to the aquatics staff due to one guard moving out of the area.
- May 13th is the hot dog bash.

Community/Economic Development:

- FEDA will meet next week.
- Lucken informed the council that we're still working on the quiet title action on the Mobil Property. That should be done by April 26th. We're still working on the soil contamination issue and have applied for a grant for this. We cannot deed the property to Gabe until the soil issue is cleared up. Then we can get a bid for demolition. We'll know more in a couple of days as Landmark Environmental will put together cost estimates for us.
- Potvin has until the end of the month to vacate his property.
- Lucken has contacted DEED for clarification on if we need to get bids for demolition if this is being paid for with TIF dollars.

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION ACCEPTING THE RESIGNATION OF COUNCIL MEMBER
LAMBERT AND DECLARING THAT A VACANCY EXISTS ON
THE FOSSTON CITY COUNCIL
RESOLUTION NO. 14-31**

WHEREAS, Fosston City Council Member Jim Lambert was elected to a four-year term of office at the City General Election on November 2, 1012; and

WHEREAS, Council Member Lambert has submitted his resignation, effective April 11, 2014, as a member of the Fosston City Council;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Fosston hereby accepts the resignation of Council Member Lambert, effective April 11, 2014.

BE IT FURTHER RESOLVED, that the City Council of the City of Fosston declares that a vacancy exists on the Council as of April 11, 2014.

BE IT FURTHER RESOLVED, the Mayor will recommend appointment of an individual to fill the unexpired term of Council Member Lambert for consideration by the City Council at the regular Council meeting on April 15, 2014.

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

And the following voted against same: None

Whereupon said resolution was declared adopted by the Fosston City Council this 15th day of April, 2014.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION APPOINTING A NEW MEMBER
TO THE FOSSTON CITY COUNCIL
RESOLUTION NO. 14-39**

WHEREAS, a vacancy exists on the Fosston City Council due to the resignation of Council Member Lambert, said resignation given by Council Member Lambert, to be effective April 15, 2014;

WHEREAS, pursuant to City Council Resolution No. 14-31, the resignation of Council Member Lambert has been accepted by the City Council and a vacancy has been declared as of April 15, 2014; and

WHEREAS, Doug Hoialmen is an individual eligible and well-qualified to fill the office of Fosston City Council Member until the next general municipal election;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Fosston hereby appoints Doug Hoialmen a member of the Fosston City Council to serve in such office until the next general municipal election.

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

and the following voted against same: None

Whereupon said resolution was declared adopted by the Fosston City Council this 15th day of April, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Tracee Bruggeman, CPA of Brady, Martz & Associates was present to review the City's 2013 audit. She thanked City Staff for their work with the auditors. She reviewed the statement of revenues and expenditures as well as the changes in fund balances. Enterprise funds did well this past year. The City's unrestricted balance in the general fund is very low. It is recommended that a city have between 35 and 50% of operating revenue in the general fund. Bruggeman reported one finding on compliance. The city did not receive sealed bids on one contract over \$100,000. This was the new fire truck purchase. The management letter that was issued this year pertains to succession planning and the comp time policy.

Motion was made by Veum seconded by Dufault to approve the Cooperative Construction Agreement with Polk County for the Brandt Avenue Street Project. Motion carried by unanimous vote.

Member Carlson introduced the following resolution and moved its approval:

**RESOLUTION ACCEPTING BID
FOR 2014 BRANDT AVE STREET IMPROVEMENT PROJECT
RESOLUTION NO. 14-32**

WHEREAS, pursuant to an advertisement for bids for the 2014 Brandt Ave. Street Improvement Project pursuant to the 2014 Cooperative Construction Agreement with Polk County;

Bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement by Polk County Highway Department:

	<u>Bid Amount</u>
Knife River Materials – Bemidji	\$113,419.70
Anderson Bros. Construction	\$101,484.25
Min Dak Asphalt	\$149,870.25
Central Specialties, Inc.	\$343,987.49
Mark Sand & Gravel	\$208,800.50

AND WHEREAS, it appears that Knife River Materials, Bemidji, MN is the lowest responsible bidder under the 2014 Cooperative Construction Agreement with Polk County,

NOW THEREFORE, BE IT RESOVED BY THE CITY COUNCIL OF FOSTON, MINNESOTA:

Polk County is hereby authorized and directed to enter into the contract with Knife River Materials, Bemidji, MN for the City of Fosston project 513C0102 in the amount of \$113,419.70, under the 2014 Cooperative Construction Agreement, according to the plans and specifications therefore approved by the city council and on file in the office of the City Administrator.

Polk County is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, as it relates to City of Fosston project 513C0102, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Lee Cariveau was present to discuss the 2014 Street Projects:

- Plans and specs have been prepared for the Downtown projects, Second Street South as well as the FIT Trail. He has scheduled the bid opening for all projects on May 8th. We can hold bids for 60 days if we need to. We cannot award the Second Street South project before the bonding bill passes. If we do not get bonding dollars we can finance with PFA dollars.
- A Certificate of Survey will be done on the railroad property instead of platting it for the Second Street South Project.
- The Downtown Project also includes spot repairs throughout town.
- Mary Avenue Improvements: This was looked at in 2007. At that time the plan was to extend the pavement all the way to Tenth Street. After discussion, it was determined that the City has too many projects this year so will look at it again next year.

The council considered the proposal from WSN for Development Response Action Plan (DRAP) preparation. This is a standby in case we come across contaminated soil and sets us up to get reimbursed from the petrofund. One is needed for the Second Street South project and one for Downtown. The DRAP for Downtown was provided to us and the cost is \$4,544.00. Because we have not seen the Second Street South DRAP there was discussion as to whether acceptance of the proposals should be tabled until a later date. After further discussion motion

was made by Carlson seconded by Veum to accept the Development Response Action Plans for both projects at a cost not to exceed \$10,000 for both. Motion carried by unanimous vote.

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PLANS
AND SPECIFICATIONS FOR THE 2nd STREET SOUTH
IMPROVEMENT PROJECT AND ORDERING
ADVERTISEMENT FOR BIDS
RESOLUTION NO. 14-33**

WHEREAS, pursuant to resolution passed by the council adopted March 10, 2014, the city engineer, Widseth Smith Nolting, has prepared plans and specifications for the improvement of the following streets and avenues and has presented such plans and specifications to the council for approval:

2nd Street South between Granum Ave. South and Mark Ave. South

**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 2:00 p.m. on May 8, 2014 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 12, 2014 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 Carlson and upon vote being taken thereon the following voted in favor thereof: Dufault, Carlson, Veum and Offerdahl

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

Jim Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PLANS
AND SPECIFICATIONS FOR THE 2014 DOWNTOWN STREET
AND UTILITIES IMPROVEMENT PROJECT AND ORDERING
ADVERTISEMENT FOR BIDS
RESOLUTION NO. 14-34**

WHEREAS, pursuant to resolution passed by the council adopted March 10, 2014, the city engineer, Wisdeth Smith Nolting, has prepared plans and specifications for the improvement of the following streets and avenues and has presented such plans and specifications to the council for approval:

2nd Street North between Johnson Avenue North and Mark Avenue North
Johnson Ave North between First Street and 2nd Street North
Kaiser Ave North between First Street and 2nd Street NW
Alley on Block 8, West Fosston between No. Johnson Ave. and No. Inderlee Ave.

**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 2:00 p.m. on May 8, 2014 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 12, 2014 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 Dufault and upon vote being taken thereon the following voted in favor thereof: Veum, Dufault, Carlson and Offerdahl

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

Jim Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Carlson introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PLANS
AND SPECIFICATIONS FOR THE FOSSTON INSPIRATION TRAIL
AND ORDERING ADVERTISEMENT FOR BIDS
RESOLUTION NO. 14-35**

WHEREAS, pursuant to resolution passed by the council adopted March 10, 2014, the city engineer, Widseth Smith Nolting, has prepared plans and specifications for the Fosston Inspiration Trail and has presented such plans and specifications to the council for approval.

**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 2:00 p.m. on May 8, 2014 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 12, 2014 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 Veum and upon vote being taken thereon the following voted in favor thereof: Carlson, Veum, Dufault and Offerdahl

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

Jim Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Dawn Iverson was present to discuss the keeping of ducks at her home. As Lucken explained, the City received a call that there were ducks on the property. Since it is a violation of our city ordinances, the administrator sent a notice of Violation to Iverson. Iverson informed the council that she has two ducks that are kept in a 6 x 8 dog kennel and they do not fly. They are registered with the DNR and she has had them since they were little. The Mayor stated that maybe we need to look at our animal ordinances again and in the meantime let her keep her ducks. In the next month we will review and revisit the issue. The matter was tabled.

Motion was made by Carlson seconded by Veum to approve the Application for Amendment to Zoning Ordinance to Rezone Parcel No 87.00654 from R-1 Residential to C-1 Commercial-Industrial as recommended by the Planning Commission. Motion carried by unanimous vote. This is the Hagen property and sits between two commercial properties along Highway 2.

Member Dufault introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPONSORSHIP
OF TRAILS OPERATED BY
KNIGHTRIDERS SNOWMOBILE CLUB
RESOLUTION 14-36

BE IT RESOLVED, that the City of Fosston act as the legal sponsor for an application for funding to the State of Minnesota Department of Natural Resources for grooming of snowmobile trails managed by the Knightriders.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Fosston may enter into an agreement with the State of Minnesota for the above-referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED that the City Administrator is authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized to serve as the fiscal agent for the above-referenced project.

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

And the following voted against the same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Member Carlson introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMISSION OF
CONTAMINATION CLEANUP GRANT APPLICATION TO
THE MINNESOTA DEPARTMENT OF EMPLOYMENT
AND ECONOMIC DEVELOPMENT
RESOLUTION 14-37**

BE IT RESOLVED that the Council of the City of Fosston has approved the Contamination Cleanup grant application submitted to the Department of Employment and Economic Development (DEED) on _____, 2014, by the City of Fosston for the Harry and Lloyd's Service Station site.

The motion for the foregoing resolution was duly seconded by member Veum and upon vote being taken thereon the following voted in favor thereof: Carlson, Veum, Dufault and Offerdahl

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION COMMITTING LOCAL MATCH AND
AUTHORIZING EXECUTION OF AGREEMENTS WITH
THE MINNESOTA DEPARTMENT OF EMPLOYMENT
AND ECONOMIC DEVELOPMENT
RESOLUTION 14-38**

BE IT RESOLVED that the City of Fosston act as the legal sponsor for project contained in the Contamination Cleanup Grant Program application to be submitted on May 1, 2014 and that City Administrator is hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Fosston.

BE IT FURTHER RESOLVED that the City of Fosston has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the local match identified in the application are committed to the project identified.

BE IT FURTHER RESOLVED that the City of Fosston has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the City of Fosston may enter into an agreement with the State of Minnesota for the above-referenced project, and that the City of Fosston certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE BE IT FINALLY RESOLVED that the Mayor and City Administrator, are hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

The motion for the foregoing resolution was duly seconded by member Carlson and upon vote being taken thereon the following voted in favor thereof: Dufault, Carlson, Veum and Offerdahl

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 15th day of April, 2014.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Motion was made by Veum seconded by Dufault to approve the LMCIT Property/Casualty coverage at a cost of \$75,534.00. Motion carried by unanimous vote.

Motion was made by Carlson seconded by Dufault to approve change order #17 for the Wastewater Treatment Facility Expansion project in the amount of \$73,875.00. Motion carried by unanimous vote.

Motion was made by Carlson seconded by Veum to proceed with the purchase of Parcel No. 87.00334, 514 Third Street NE at a cost of \$5,000. Motion carried by unanimous vote.

Motion was made by Dufault seconded by Carlson to proceed with the purchase of Parcel No. 87.00263, 116 First Street East (Taflin Building) at a cost of \$35,000. Motion carried by unanimous vote.

The wage of the City Administrator was discussed. As councilman Veum explained, there is so much work that is done in the office of the Administrator that there are many extra hours put in including weekends that are not compensated for. He has been doing this for years. Other department heads are collecting overtime and comp time for their extra hours. The Administrator is the only City worker that is not compensated for additional time. We need to start the process. A compensation study is currently underway. No action taken at this time.

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

Charles Lucken, City Administrator