

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
April 11, 2022

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, April 11, 2022, at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Anderson, Bosselman, Dufault and Mulry. Members absent: none. Also present was: Cassie Heide, David Larson, Steven Lyseng, Sarah Manecke, Stephen Larson, Dustin Manecke, Karen Graham, Keith Kinnen, Lee Cariveau, Amelia Linehan, Andrew Hanson and Alex Bodensteiner.

Motion was made by Dufault, seconded by Bosselman to approve the agenda. Motion carried by unanimous vote.

Motion was made by Mulry, seconded by Anderson to approve Consent Agenda items A., B., C. Motion carried by unanimous vote.

- A) To approve the minutes of the regular meeting held March 14, 2022, and the minutes of the special meeting held March 28, 2022, as presented.
- B) To approve Accounts Payable Bill Listing #22-04 in the amount of \$103,837.69 and Supplemental AP Bill Listing #22-04A in the amount of \$656,014.12.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$5,066.28.

COMMITTEES/BOARDS/COMMISSION:

City Administration: Cassie Heide reported on matters pertaining to her department

- Heide reported that she continues to work with Widseth exploring more wastewater funding options.
- Heide noted that the Easter Egg Hunt will be held at the Elementary School on Saturday, April 16th at 11:00am. This event is sponsored by the Fosston Star Committee.
- Heide noted that Arbor Day is quickly approaching and Linehan is working to get the Arbor Day tree sale scheduled.

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

- Larson noted they had a main cable line burn out, which is the reason for the temporary cable line running across Brandt Ave N near the elementary school.
- The annual natural gas inspection will take place on Wednesday this week.
- There will be a Constellation Energy meeting on April 27th.
- Lyseng is working with Widseth on updating our wastewater permit.
- Larson reported that the water plant update is completed.
- The utility staff is catching up on street light repairs.

- May is clean-up month – the city will provide additional brush and debris pick-up services, if needed.

Civic Center: Karen Graham reported on matters pertaining to her department

- Graham reported that the high school gym classes are currently using the pool. The elementary students will be doing lessons from April 25th through the end of May. Graham also noted they will be having Bagley kids during this time.
- New LED lights were recently put into the pool.
- Summer rec and swimming lesson registration will take place in May.

Police Department: Dustin Manecke reported on matters pertaining to his department

- Manecke reported they had 125 calls for service since last meeting.
- Motorola Watchguard will be installing in-car cameras and body cameras on April 27th & 28th.
- Once the squad car laptops arrive, Zurcher software should be ready to install. Installation, training, etc. will be completed within a week.
- Manecke noted there will be interviews tomorrow, Tuesday, for the 4th patrol officer position.

Community Development:

- Dufault informed the council that the EDA board met at noon today. They discussed the Omland Court grant and the closing of Northwood Ave possibly through a buyout process. Heide noted that the cul-de-sacs and Northwood straight-line have been separated into two parcels. Dufault also said they discussed the childcare center. The fence will be installed tomorrow and are hoping to be open by June 1. In addition, the board had an open discussion regarding future goals. Fonder suggested doing a gap analysis to figure out which services Fosston is lacking (barber shop, nail salon) and try to market and recruit these types of businesses.

Hospital Board:

- Dufault reported they had a meeting on March 28th. Administrator, Callen Weispfennig, will start his position in Fosston on April 25, 2022. The hospital has seen an increase in surgery volumes. Providers Cheryl White and Christina Leonard are back from leave. February financials indicate that it was a tough month due partially to constraints that were put on inpatients. An artificial cap was put on so administration could evaluate nursing to maintain service lines. Dufault noted that the top survey topic in the most recent Glint Survey was Sense of Belonging. Administrator Curtis said this increased dramatically since last survey and credits the managers for coming together.

Arts & Culture Commission:

- Heide reported that the commission is working through the feasibility study for a new arts & wellness space in Fosston. A couple properties have been identified.

City Attorney: No report

Member Bosselman introduced the following resolution and moved its adoption:

RESOLUTION NO. 22-17
A RESOLUTION SUPPORTING CITY OF FOSSTON'S REQUEST FOR
CONGRESSIONALLY DIRECTED SPENDING FOR WASTEWATER EXPANSION
PROJECT

WHEREAS, local elected decision-makers are in the best position to determine what health, safety and welfare regulations best serve their constituents; and

WHEREAS, the council of the City of Fosston began engineering design of a much-needed wastewater expansion in the City of Fosston in 2017; expensing over \$214,000 thus far; and

WHEREAS, the total project cost is approximately \$13,000,000; and

WHEREAS, the City of Fosston has applied for funding through Minnesota Public Facilities Authority for approximately \$9,000,000. Approximately \$4,000,000 is in the form of a low-interest loan that the City of Fosston will payback; and

WHEREAS, the City of Fosston is seeking \$4,000,000 in congressionally directed funding to meet the gap in funding for the project; and

WHEREAS, the City of Fosston has calculated what property owners in the City of Fosston can afford, finding that without additional grant funding of \$4,000,000 the City of Fosston cannot afford to do the project; and

WHEREAS, the City of Fosston strongly supports the funding of this project for the vitality of the community and its potential future growth, and appreciates the consideration of Honorable Senators.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FOSSTON, that this Council supports funding of the Wastewater expansion project for the community of Fosston that will directly impact the residents, businesses, and future industries in the City of Fosston.

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

and the following voted against same: None.

Whereupon said resolution was declared passed and adopted this 11th day of April, 2022.

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Introduced by Council Member Dufault

Seconded by Council Member Bosselman

**ORDINANCE NO. 22-03
CITY OF FOSSTON
COUNTY OF POLK
STATE OF MINNESOTA**

AN ORDINANCE FOR MOBILE FOOD VENDING

The City Council of the City of Fosston does ordain as follows:

SECTION 1. Purpose and Intent: The purpose of this ordinance amendment is to establish an ordinance for the operation and licensure of mobile food vending within the City of Fosston. This ordinance is intended to be read in conjunction with the Fosston Code of Ordinances and shall supersede or replace only sections of the Fosston Municipal Code of Ordinances that are inconsistent herewith.

MOBILE FOOD VENDING

SECTION 2. Definition. Mobile Food Vending as covered by this Section shall mean a self-contained vehicle or trailer used to prepare and serve food that is readily movable without disassembling.

SECTION 3. Permit Required. Any Individual desiring to establish a mobile food vending operation shall apply for a permit with the City Administrator prior to establishing any such

operation. The permit application shall be on a form promulgated by the City Administrator or his/her designee and shall any information required to establish compliance with this section.

SECTION 4. Conditions of Permit. All mobile food vending permit applications and permits shall be subject to the following conditions:

a. With the permit application, the applicant shall provide written proof that the applicant is the current holder of all licenses required by the County and the State, as applicable, with respect to a mobile food vending operation in which food is prepared and served on a vehicle or trailer, and the vendor shall maintain such license in good standing for the duration of the permit.

b. The vendor shall comply with all other applicable provisions of the City Code, including, but not limited to, those regulations regarding parking, signage, lighting, and sound.

c. A permit is only valid for one mobile food vending vehicle or trailer.

d. The permitted days of operation shall be stated in the permit. A vendor that has obtained a permit under this section, upon the expiration thereof, may apply for another permit under this section.

e. The permit application shall contain a signed statement that the application shall hold harmless the City and their officers and employees, and shall indemnify the City, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

f. If the application seeks to operate a mobile food vending operation in a City-owned property, on private property or on the public right-of-way, the application shall include documentation satisfactory to the City Administrator or his/her designee evidencing proof of applicant's liability, and that the City is or will be named as an additional insured on such insurance for all the permitted days of operation.

g. If the mobile food vending is permitted on private property, the vendor must provide upon permit application written proof of permission from the owner of the property at the permitted location to engage in vending operations at those location. If the permitted location is located on City-owned property, the issuance of the permit by the City shall constitute such permission.

h. The vendor must keep a copy of the City issued permit with the vending unit and demonstrate compliance with the permit and the permit conditions set forth in this section upon inspection.

i. The vending operation may not block sidewalks, or drive aisles, impede pedestrian or vehicular traffic, or interfere with public safety.

j. The vendor must provide and remove trash and recycling receptacles for customer use and keep the site in a neat and orderly fashion. The permitted location must be kept free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions. The vendor shall be responsible for all litter and garbage left by customers.

k. No vending operation may be located within 100 feet at its closest point to the main entrance of a public eating establishment or any outdoor dining area with the exception of other mobile food vendors and except with the written consent of the proprietor of the establishment or dining area. No person shall either or accept payment

l. The placement, duration, or any other applicable requirements for operation under this section for operation under this section may be superseded by the provisions of an approved special event permit.

SECTION 5. Application Fee. Any application for a permit shall include the application fee amount established by the City Council, which may be modified from time to time by resolution. Such fee shall not be refundable if the permit applicant withdraws or otherwise ceases operation or use of the permit

SECTION 6. Violation.

a. If, while holding a permit granted under this section, a vendor violates any provision of this section, in addition to any other remedy provided under this Code, the City Administrator or his/her designee may revoke the permit and/or prohibit such vendor from obtaining a new permit under this section for a period not exceeding 30 days from the date such violation. The vendor violating this section shall be responsible to pay all costs, including reasonable attorney fees, incurred by the City to remedy a violation.

b. Any violation of this ordinance or failure to obtain a permit under this ordinance shall constitute a misdemeanor punishable by up to 90 days in jail, a \$1,000.00 fine, or both.

EFFECTIVE DATE: This ordinance shall be in full force and effect from 30 days after passage and publication. This ordinance shall be placed on file at the City of Fosston City Hall for public review.

Voting in the negative: None.

Voting in the affirmative: Anderson, Bosselman, Dufault, Mulry and Offerdahl.

Adopted by the City Council of the City of Fosston, Minnesota this 11th day of April 2022.

CITY OF FOSSTON

ATTEST:

James Offerdahl
Mayor

Cassie Heide
City Administrator

Member Dufault introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
COUNTY OF POLK
RESOLUTION ADOPTING FEES FOR MOBILE FOOD VENDING
RESOLUTION NO. 22-18**

WHEREAS, the City has authority to set fee schedules under the City Code of Ordinances;

WHEREAS, the City has adopted Ordinance 22-03 for Mobile Food Vending; Establishing Ch. 97 of the Fosston Municipal Code.

NOW, THEREFORE, be it resolved by the City Council of the City of Fosston:

1. The City hereby sets the fees for the permit required under Ordinance No. 22-03 Mobile Food Vending to be \$50/day for 1 to 3 days, \$200 for 4 to 6 days, and \$350 for 7 or more days.

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

and the following voted against same: None.

Adopted by the City Council, of the City of Fosston, Minnesota, this 11th day of April 2022.

CITY OF FOSSTON

ATTEST:

James Offerdahl
Mayor

Cassie Heide
City Administrator

Introduced by Council Member Mulry

Seconded by Council Member Anderson

ORDINANCE NO. 22-04

AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA, AMENDING FOSSTON ZONING ORDINANCE (CHAPTER 701.10) SECTION V, SUBDIVISION 6 ENTITLED “VARIANCES AND APPEALS” BY MODIFYING THE REQUIREMENTS FOR ISSUANCE OF VARIANCES”

BE IT ORDAINED BY THE CITY OF FOSSTON, as follows:

Section 1. Fosston Zoning Ordinance (Chapter 701.10), Section V, Subdivision 6 entitled “Variance and Appeals” is repealed and replaced with the following:

Subdivision 6. Variances and Appeals.

- A. The Fosston Board of Adjustment shall have the exclusive power to order the issuance of variances from the terms of any official controls including restrictions placed on nonconformities. All such variances shall be granted in accordance with M.S. 462. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan. The Board of Adjustment has authorized the Planning Commission to hold the public hearing on variance requests. 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:
1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 3. The variance, if granted, will not alter the essential character of the locality.
 4. Economic considerations alone do not constitute practical difficulties.

- B. The Planning Commission in its recommendation to the Board of Adjustment, must make an affirmative finding on all of the four criteria listed above in order for the Board to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under this ordinance.
- C. The Board may impose conditions upon a variance that are directly related to and bear a rough proportionality to the impact created by the variance. If conditions are imposed, the variance shall not be effective until the conditions are fully complied with. A variance with conditions shall be in effect only as long as the condition is complied with. If a condition is not complied with, the variance may be revoked and the City may pursue the enforcement remedies set forth in Section V, Subdivision 10 herein.
- D. Variance Application Process:
 - 1. An applicant desiring a variance shall fill out and submit to the Fosston Zoning Administrator a Variance Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission and Board of Adjustment.
 - 2. The Zoning Administrator shall make a recommendation, in writing, to the Planning Commission who shall conduct the public hearing in accordance with M.S. 462 and the provisions of this Ordinance.
 - 3. The Planning Commission forwards their recommendation to the Board of Adjustment for a final decision.
 - 4. The Board may not permit as a variance any use that is not permitted under the ordinance for property in the zoning district where the affected person's land is located.
- E. Appeal of an Administrative Decision. An appeal of any administrative decision of the Zoning Administrator made in the enforcement of this Ordinance shall be made by filling out and submitting to the Zoning Administrator an Application for Appeal, which is available from the Zoning Administrator. Such appeal shall be heard by the Board of Adjustment within sixty (60) days of the date that such application is submitted to the Zoning Administrator.

Section 2. This ordinance shall take effect upon the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Voting in the negative: None.

Voting in the affirmative: Anderson, Bosselman, Dufault, Mulry and Offerdahl.

Passed this 11th day of April 2022.

Mayor

ATTEST: _____
Clerk

Council considered approval of Quit Claim Deed with after acquired title, PID 87.00265.00. Heide noted that the west forty-six feet and eight inches (46'8") of block twelve (12) was not properly recorded in the Office of the Polk County Recorder when this property was deeded from the City of Fosston to Palubicki's.

Motion was made by Anderson, seconded by Mulry to approve the Quit Claim Deed with after acquired title for PID 87.00265.00. Motion carried by unanimous vote.

Member Bosselman introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
RESOLUTION NO. 22-19**

**A RESOLUTION TO ELECT THE STANDARD ALLOWANCE
AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 ("ARPA") which included **\$65 billion in recovery funds for cities across the country.**

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

WHEREAS, The Fiscal Recovery Funds provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to non-entitlement units of local government (NEUs).

WHEREAS, The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory.

WHEREAS, \$159,989.20 has been allocated to the City of Fosston (“City”) pursuant to the ARPA.

WHEREAS, The Coronavirus State and Local Fiscal Recovery Funds ensures that governments have the resources needed to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital public services, even amid declines in revenue, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

WHEREAS, In May 2021, the US Department of Treasury (“Treasury”) published the Interim Final Rule describing eligible and ineligible uses of funds as well as other program provisions, sought feedback from the public on these program rules, and began to distribute funds.

WHEREAS, on January 6, 2022, Treasury issued the final rule. The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process.

WHEREAS, the final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation.

WHEREAS, recipients that select the standard allowance may use that amount, in many cases their full award, for government services, with streamlined reporting requirements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOSSTON, MINNESOTA, THE CITY ELECTS THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE AMERICAN RESCUE PLAN ACT IN THE AMOUNT OF \$159,989.20 TO BE USED FOR THE GENERAL PROVISION OF GOVERNMENT SERVICES.

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

and the following voted against same: None.

Adopted by the City Council of Fosston, Minnesota this 11th day of April, 2022.

James Offerdahl, Mayor

Attested:

Cassie Heide, City Administrator

Council considered approval of non-intoxicating liquor license for 2021 and 2022 for LePier's West. The City of Fosston issues LePier's West a 3.2% off-sale liquor license each year for \$50. Renewal was not completed in 2021; thus, the MN Department of Alcohol Enforcement requested LePier's submit a renewal for 2021 and 2022 to be in compliance.

Motion was made by Dufault, seconded by Bosselman to approve the non-intoxicating liquor license for 2021 and 2022 for LePier's West. Motion carried by unanimous vote.

Council considered approval of final pay estimate No. 4 to Polk County for the 2021 Utility & Street Improvements in the amount of \$8,420.25. Polk County has released final payment to Knife River, so this payment is for retainage that was withheld.

Motion was made by Bosselman, seconded by Mulry to approve the final pay estimate No. 4 to Polk County for the 2021 Utility & Street Improvements in the amount of \$8,420.25. Motion carried by unanimous vote.

Cariveau, Widseth was present to discuss the Wastewater Expansion project. As noted earlier in the meeting, a resolution supporting the City of Fosston's request for congressionally directed spending was approved. The city is seeking \$4,000,000 to meet the gap in funding for the project. The city has applied for funding through Minnesota PFA for approximately \$9,000,000 and about \$4,000,000 of that is in the form of a low-interest loan. Cariveau stated that specs have been submitted to MPCA, he's working on wetland mitigation and renewal of the wastewater discharge permit. The project will be construction ready once funding becomes available.

Keith Kinnen, Karvakko was present to discuss the Airport, FIT Trail Expansion, Industrial Park/T Hanger/Airport utilities project & Safe Routes to School project.

Airport – a grant application was submitted as part of the bipartisan infrastructure bill. The plan is to get funding for an arrival and departure building at the airport. Kinnen noted that the capital improvement plan (CIP) was updated to include the master plan modifications. Kinnen discussed the airport runway rehab. Braun Intertec will be here April 22nd to core the pavement and look at the subgrade of the runway.

FIT Trail Expansion – Kinnen noted the grant application for the south segment of County Rd 6 was submitted.

SRTS - the plans for the 2022 SRTS project were submitted & have been approved. Bid opening will be May 19th.

Industrial Park, T Hanger & Airport Utilities project – no update.

A forum for members of the public present to speak was held. No one from the public wished to speak during this forum.

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

Cassandra Heide, City Administrator