

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
August 8, 2022

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, August 8, 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, Steven Lyseng, Sarah Manecke, Karen Graham, Dustin Manecke, Amelia Linehan, Shane Linehan, Stephen Larson, Keith Kinnen, Lee Cariveau, and Mary Olson.

Recited the Pledge of Allegiance.

Motion was made by Anderson, seconded by Mulry to approve the agenda with modifications. Motion carried by unanimous vote.

Motion was made by Bosselman, 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 July 11, 2022 and the special meeting held July 27, 2022, as presented.
- B) To approve Accounts Payable Bill Listing #22-08 in the amount of \$169,101.84 and Supplemental AP Bill Listing #22-08A in the amount of \$84,100.52.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$5,002.49.

COMMITTEES/BOARDS/COMMISSION:

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

- Heide provided council with a revenues/expense vs. budget report as of July 31st, 2022.
- Heide provided council with a 2022 property tax rate analysis which compares the real estate taxes of the City of Fosston to Erskine, McIntosh, Mentor, Winger, Crookston and Bagley. This analysis is based on an average residential (both homestead and non-homestead) property value of \$100,700. Heide noted that the City of Fosston has lower taxes than every city except the City of Fertile, which has far less amenities than we have to offer.
- Heide reported on the police department establishment expenses as of August 1, 2022. Of the total \$242,886.90 in expenses, \$133,976.78 is vehicles/equipment on a 5-year CapFirst lease and \$108,910.12 is cash out the door.
- Heide noted that the city received 32 “Intent to Participate” forms from property owners interested in rehabbing their homes. The city will apply in Fall 2022 for a Small Cities Development program grant from the State of Minnesota to preserve and bring housing units within the city limits up to standard.

- Heide noted that ZEF Energy has presented the City of Fosston with a project partner agreement to provide two (2) slow charging and two (2) fast charging EV stations. Heide estimates that the City of Fosston will only be responsible for approximately \$20,000 - \$30,000 of the total cost of \$120,139.
- Primary elections are August 9, 2022, at the Embassy Center from 7am – 8pm.

Street/Utilities/Sanitation: Steven Lyseng reported on matters pertaining to his departments

- Lyseng reported that the utility staff has been working on the industrial feeder project which runs from City Hall to Cenex. Lyseng said the project has been more challenging due to the alley being full of other utilities.
- The gas & electrical lines have been installed on Eaton Ave N.
- Lyseng noted that the power outage mid-July caused miscommunication between the water treatment plant and water tower. As a result, the water pressure became low throughout the city. City staff worked with IPS and Garden Valley to resolve the issue and install a couple new alarms at the water tower.
- Lyseng reported that there were two billing peaks last month.
- The street department staff has been busy mowing, picking up yard waste and sweeping.

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

- Graham noted that summer rec & pool programs finished last Friday. She still has a few staff working.
- Graham hired a part time staff member to work Monday evenings and every other Saturday.
- Just for Kix will be renting the Civic Center again Wednesday evenings beginning this fall.

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

- Manecke reported they had 126 calls for service since last meeting with one arrest.
- Zurcher software training will be the 23rd, 24th, 25th of August with “go live” dates of September 6th & 7th.
- Manecke noted that the squad car radios were installed, and they received their portable radios.
- Manecke is meeting with the school superintendent and two principals this week to discuss the new edibles law, stop arm grant opportunities and school safety protocols.
- Manecke stated he will be attending the Chief of Police regional meeting in Crookston on September 1st.

Community Development:

- Dufault informed the council that the EDA board met at noon today. In addition to regular business, the board primarily discussed potential development options along Northwood Avenue.

Hospital Board:

- Dufault informed the council that the directors board met July 25th. Although he was not present for the meeting, he provided council with an update.
- Essentia Health recently had a MDH Stroke Site Survey for stroke designation. The survey was a success with recertification.
- Lori Gaydusek, Interim Director of Nursing, started on July 18th and is expected to stay for 3-6 months until a permanent replacement is found. Weispfennig noted that they do have a qualified candidate for the position and an interview has been set up.
- Dufault noted that the “Fosston Strong” task force committee is meeting twice a month to aid in bringing back OB in Fosston.
- Dr. White and Callen reported that they are making progress in increasing hospital nursing staff with two candidates and reaching out to area nurses.

Arts & Culture Commission:

- Heide reported that an artist event over Heritage Days, September 10th, is being planned. Mulry inquired as to the plan with McColl’s “Art of the Deco” display that appears to have some potential safety concerns. Lyseng noted that the wings have been removed to make it safer until McColl is able to disassemble it and figure out if it can be put back up in the same location or needs to be moved.

City Attorney: No report

ISD 601 Superintendent: Mr. Selk was not present. No report.

Introduced by Council Member Anderson.

Seconded by Council Member Bosselman.

EMERGENCY ORDINANCE NO. 22-05

AN EMERGENCY ORDINANCE TEMPORARILY REGULATING THE SALE OF EDIBLE CANNABINOID PRODUCTS IN THE CITY OF FOSSTON

The City Council of the City of Fosston hereby ordains as follows:

Section 1. PREAMBLE – FINDINGS AND STATEMENT OF EMERGENCY. The city council makes the following findings:

- A. On July 1, 2022, recently enacted amendments to Minn. Stat. § 151.72 took effect and resulted in the legalization of “edible cannabinoid products,” as defined therein, in Minnesota.

- B. The unregulated sale of edible cannabinoid products presents a threat to the public health, safety and welfare in that such products are not safe for consumption by minors and may not legally be sold or provided to or consumed by minors under state law.
- C. The City's existing land use official controls and licensing regulations may not adequately address the impacts and effects of persons and entities engaged in the sale or distribution of edible cannabinoid products.
- D. The unregulated sale of edible cannabinoid products prior to the City's consideration and potential modification of existing regulations or implementation of new regulations for such activities would threaten the public health and the public peace.

Section 2. State law adopted. Except as further restricted or regulated by this ordinance, the provisions of Minn. Stat. § 151.72 relating to the definition of terms, licensing, and all other matters pertaining to the retail sale, distribution and consumption of cannabinoid products are adopted and made a part of this chapter as if set out in full. Whenever there is an inconsistency between the provisions of Minn. Stat. § 151.72, as amended, and the provisions of this section, the more restrictive provision shall govern.

Section 3. DEFINITIONS. For the purposes of this ordinance, the following terms shall have the meanings ascribed to them in this section:

Edible cannabinoid product shall have the meaning given in Minn. Stat. § 151.72, subd. 1(c).

Section 4. TEMPORARY REGULATION. For the duration stated herein, no person or entity may sell an edible cannabinoid product in the City of Fosston except as follows:

- a. Written notice of the identity of the person or entity conducting the sale of the product(s) and the permanent location of the place of business at which such sales may be made shall first be provided to the City Clerk.
- b. Sales may only be made to individuals who are 21 years of age or older.
- c. All edible cannabinoid products shall either be stored behind a counter or other area not freely accessible to customers or in a case or other storage unit not left open and accessible to the general public.
- d. The manner of sale shall be such that the customer does not have access to the edible cannabinoid product(s) without having to request the item from the person or entity making the sale or an employee thereof and engaging in a physical exchange of the edible cannabinoid product(s) between the person or entity making the sale or an employee thereof and the customer.
- e. No sale shall be made from a moveable place of business. Only fixed-location businesses may engage in the sale of an edible cannabinoid product.

Section 5. PENALTY. Any person engaging in the public sale or distribution of edible cannabinoid products in violation of the regulations established in Section 3 of this ordinance shall be guilty of a misdemeanor.

Section 6. Exceptions and defenses. Nothing in this ordinance shall prevent the providing of edible cannabinoid products to a person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by state law in Minn. Stat. § 340A.503, subd. 6.

Section 7. EFFECTIVE AND EXPIRATION DATES. This emergency ordinance shall be effective at 1:00 a.m. on August 9, 2022 and shall expire upon adoption of ordinances regulating such uses or on the 61st day following the date on which this ordinance was adopted, whichever comes first.

Voting in the negative: None.

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

Passed this 8th day of August, 2022.

James Offerdahl, Mayor

ATTEST: _____

Cassie Heide, City Administrator

Council considered appointment of Shane Linehan to Assistant Director of Public Works effective August 15, 2022. Heide and Lyseng met with Linehan to discuss the position. Lyseng stated he's confident Linehan is the best fit for the position and who he recommends for hire. Heide noted that Linehan has been with the City of Fosston for 5 years and formerly worked for NPL. He has ample experience with electric and natural gas services, is very knowledgeable and a proven leader.

Motion was made by Mulry, seconded by Anderson to appoint Shane Linehan to Assistant Director of Public Works effective August 15, 2022, with moving to pay grade 12, step 5. Motion carried by unanimous vote.

Council considered approving the 2022-2023 workers compensation premium options. The city has a \$1,000 deductible per occurrence. Heide noted that the city generally has very few claims each year.

Motion was made by Anderson, seconded by Dufault to approve the 2022-2023 workers compensation premium options. Motion carried by unanimous vote.

Council considered approval of an amendment to Karvako PA Task Order No. 23 – 2022 SRTS project. Kinnen indicated that the amendment is for an additional 60 hours of construction observation by the engineer for an amount not to exceed \$8,000.

Motion was made by Bosselman, seconded by Mulry to approve the amendment to Karvako PA Task Order No. 23 – 2022 SRTS project for an amount not to exceed \$8,000. Motion carried by unanimous vote.

Council considered approval of an amendment to Karvako PA Task Order 001 – Runway 16-34 Rehab & Lighting project. Kinnen noted that the original task order, in the amount of \$184,000, was for runway rehab & lighting, but Braun Intertec performed soil testing and it was discovered that the soil beneath the runway was too poor and didn't meet FAA requirements. The amendment in the amount of \$191,000 for a total revised task order cost of \$375,000, will allow for a full reconstruction of the airport runway. All new lighting will be installed and there will be at least 4ft of sub cutting done underneath the runway. Heide noted that Mead & Hunt, Inc. completed an independent fee estimate (IFE) of the Karvako contract proposal for final design services related to the Runway 16-34 Reconstruction & Lighting project. The IFE was based upon review of project information provided by the City of Fosston. The total estimated cost for the tasks described in the Scope of Services is \$390,488.

Motion was made by Anderson, seconded by Mulry to approve the amendment to Karvako PA Task Order 001 – Runway 16-34 Rehab & Lighting project. Motion carried by unanimous vote.

Council considered approval of Karvako PA Task Order for the library sidewalk removal and replacement. Kinnen noted this task order includes design engineering services for removal and replacement of the existing sidewalk from 4th Street NE to the basement door of the library. The new sidewalk will meet ADA compliance. The amount of the task order is \$2,000.

Motion was made by Dufault, seconded by Anderson to approve Karvako PA Task Order for design services for the library sidewalk removal and replacement in the amount of \$2,000. Motion carried by unanimous vote.

Council considered approval of change order No. 1 for the 2022 SRTS Sidewalk Improvements. This change order in the amount of \$14,031 includes the addition of a new catch basin and approximately 49 LF of 12" storm sewer pipe. Existing curb line has a moderate depression that holds water at the bottom of the proposed PED ramp.

Motion was made by Anderson, seconded by Bosselman to approve change order No. 1 in the amount of \$14,031 for the 2022 SRTS Sidewalk Improvements. Motion carried by unanimous vote.

Council considered approval of pay estimate No. 1 for the 2022 SRTS Sidewalk Improvements. Polk County is the sponsoring agency and responsible for payments to Gordon Construction. The amount owed to the County for work completed to date by the contractor is \$8,483.12. Kinnen estimates the project to be about 75% completed.

Motion was made by Anderson, seconded by Bosselman to approve pay estimate No. 1 in the amount of \$8,483.12 for the 2022 SRTS Sidewalk Improvements. Motion carried by unanimous vote.

Council considered approval of a conditional use permit from Ron Hanson to provide tax services in his residential home, 105 Eaton Ave N. Hanson indicated his plan to remove the current 10 x 16 deck and replace it with a 12 x 16 addition where his tax service will be located.

Motion was made by Bosselman, seconded by Anderson to approve a conditional use permit from Ron Hanson to provide tax services in his residential home, 105 Eaton Ave N. Motion carried by unanimous vote.

Introduced by Council Member Anderson.

Seconded by Council Member Dufault.

ORDINANCE NO. 22-06

AN ORDINANCE AUTHORIZING AND REGULATING THE CONDUCT OF “PULL-TAB” LAWFUL GAMBLING WITHIN THE CITY OF FOSSTON, MINNESOTA

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

The City of Fosston hereby ordains Chapter 115 be added to the Fosston City Code entitled “Lawful Gambling Regulations” as follows:

Section 1. ADOPTION OF STATE LAW BY REFERENCE

The provisions of Minnesota Statutes, Chapter 349, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, provisions relating to sales, and all other matters pertaining to lawful gambling are hereby adopted by reference and are made a part of this ordinance as if set out in full. It is the intention of the Council that all future amendments of Minnesota Statutes, Chapter 349, are hereby adopted by reference or referenced as if they had been in existence at the time this ordinance was adopted.

Section 2. CITY MAY BE MORE RESTRICTIVE THAN STATE LAW

The Council is authorized by the provisions of Minnesota Statutes, Section 349.213, as it may be amended from time to time, to impose, and has imposed in this ordinance, additional restrictions on gambling within its limits beyond those contained in Minnesota Statutes, Chapter 349, as it may be amended from time to time.

Section 3. PURPOSE

The purpose of this ordinance is to regulate lawful gambling within the City of Fosston, to prevent its commercialization, to ensure the integrity of operations, and to provide for the use of net profits only for lawful purposes.

Section 4. DEFINITIONS

In addition to the definitions contained in Minnesota Statutes, Section 349.12, as it may be amended from time to time, the following terms are defined for purposes of this ordinance:

BOARD, as used in this ordinance, means the State of Minnesota Gambling Control Board.

CITY, as used in this ordinance, means the City of Fosston.

COUNCIL, as used in this ordinance, means the City Council of the City of Fosston.

LICENSED ORGANIZATION, as used in this ordinance, means an organization licensed by the Board.

LOCAL PERMIT, as used in this ordinance, means a permit issued by the city.

TRADE AREA, as used in this ordinance, means the City of Fosston and all townships contiguous to the City of Fosston.

Section 5. APPLICABILITY

This ordinance shall be construed to regulate all forms of lawful gambling within the city except bingo conducted within a nursing home or a senior citizen housing project or by a senior citizen organization if the prizes for a single bingo game do not exceed \$10, total prizes awarded at a single bingo occasion do not exceed \$200, only members of the organization, residents of the nursing home or housing project, and their guests, are allowed to play in a bingo game, no compensation is paid for any persons who conduct the bingo, and a manager is appointed to supervise the bingo.

Section 6. "PULL-TAB" LAWFUL GAMBLING PERMITTED; PULL-TABS

Lawful gambling in the form "Pull-tab" gambling, as that term is defined Minnesota Statutes, Section 349.12, Subd. 32, as amended from time to time, is permitted within the city provided it is conducted in accordance with Minnesota Statutes, Sections 609.75-.763, inclusive, as they may be amended from time to time; Minnesota Statutes, Section 349.11-.23, inclusive, as they may be amended from time to time; and this ordinance. No person or organization shall conduct lawful gambling in the City of Fosston other than "Pull-tab" lawful gambling as set forth in this ordinance.

Section 7. COUNCIL APPROVAL

Lawful gambling authorized by Minnesota Statutes, Section 349.11-.23, inclusive, as they may be amended from time to time, shall not be conducted unless approved by the Council, subject to the provisions of this ordinance and state law.

Section 8. APPLICATION AND LOCAL APPROVAL OF PREMISES PERMITS

Subd. 1. Any organization seeking to obtain a premises permit from the Board shall file with the city administrator an executed, complete duplicate application, together with all exhibits and documents accompanying the application as will be filed with the Board.

Subd. 2. Upon receipt of an application for issuance of a premises permit, the city administrator shall transmit the application to the chief of police for review and recommendation.

Subd. 3. The chief of police shall investigate the matter and make the review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

Subd. 4. Organizations applying for a state-issued premises permit shall pay the city a \$100.00 investigation fee. This fee shall be refunded if the application is withdrawn before the investigation is commenced. If approved by the City Council and the Board, a licensed organization will be responsible for an annual investigative fee for conducting lawful gambling within the city.

Subd. 5. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 6. The Council shall receive the police chief's report and consider the application within 45 days of the date the application was submitted to the city administrator.

Subd. 7. The Council shall by resolution approve or disapprove the application within 60 days of receipt of the application.

Subd. 8. The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

- (i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.
- (ii) Violation by the on-sale establishment or organization leasing its premises for gambling of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.

- (iii) Lawful gambling would be conducted at premises other than those for which an on-sale liquor license has been issued.
- (iv) An organization would be permitted to conduct “Pull-tab” lawful gambling activities at more than one (1) premises in the city.
- (v) More than one licensed organization would be permitted to conduct “Pull-tab” lawful gambling activities at one (1) premises.
- (vi) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.
- (vii) Failure of the applicant to pay the investigation fee provided by Subdivision 4 within the prescribed time limit.

Otherwise, the Council shall pass a resolution approving the application.

Section 9. LOCAL PERMITS

Subd. 1. No organization shall conduct lawful gambling excluded or exempted from state licensure requirements by Minn. Stat. § 349.166, as it may be amended from time to time, without a valid local permit. This Section shall not apply to lawful gambling exempted from local regulation by Section 5 of this ordinance.

Subd. 2. Applications for issuance or renewal of a local permit shall be on a form prescribed by the city. The application shall contain the following information:

- (i) Name and address of the organization requesting the permit.
- (ii) Name and address of the officers and person accounting for receipts, expenses, and profits for the event.
- (iii) Dates of gambling occasion for which permit is requested.
- (iv) Address of premises where event will occur.
- (v) Copy of rental or leasing arrangement, if any, connected with the event, including rent to be charged to the organization.
- (vi) Estimated value of prizes to be awarded.

Subd. 3. The fee for a local permit shall be \$100. The fee shall be submitted with the application for a local permit. This fee shall be refunded if the application is withdrawn before the investigation is commenced.

Subd. 4. Upon receipt of an application for issuance or renewal of a local permit, the city administrator shall transmit the notification to the chief of police for review and recommendation.

Subd. 5. The chief of police shall investigate the matter and make review and recommendation to the City Council as soon as possible, but in no event later than 45 days following receipt of the notification by the city.

Subd. 6. The applicant shall be notified in writing of the date on which the Council will consider the recommendation.

Subd. 7. The Council shall receive the public safety department's report and consider the application within 45 days of the date the application was submitted to the city administrator.

Subd. 8. The Council shall deny an application for issuance or renewal of a premises permit for any of the following reasons:

- (i) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three (3) years.
- (ii) Violation by the on-sale establishment, or organization leasing its premises for gambling, of any state statute, state rule, or city ordinance relating to the operation of the establishment, including, but not limited to, laws relating to the operation of the establishment, laws relating to alcoholic beverages, gambling, controlled substances, suppression of vice, and protection of public safety within the last three (3) years.
- (iii) The organization has not been in existence for at least three (3) consecutive years prior to the date of application.
- (iv) The organization does not have at least thirteen (13) active and voting members.
- (v) Exempted or excluded lawful gambling will not take place at a premises the organization owns or rents.
- (vi) Exempted or excluded lawful gambling will not be limited to a premises for which an on-sale liquor license has been issued.

- (vii) An organization will have a permit to conduct exempted or excluded lawful gambling activities on more than one (1) premises in the city.
- (viii) More than one licensed, qualified organization will be conducting exempted or excluded lawful gambling activities at any one (1) premises.
- (ix) Failure of the applicant to pay the permit fee provided by subdivision 3 within the prescribed time limit.
- (x) Operation of gambling at the site would be detrimental to health, safety, and welfare of the community.

Otherwise the Council shall approve the application.

Subd. 9. Local permits shall be valid for one (1) year after the date of issuance unless suspended or revoked.

Section 10. REVOCATION AND SUSPENSION OF LOCAL PERMIT

Subd. 1. A local permit may be revoked or temporarily suspended for a violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling.

Subd. 2. A license shall not be revoked or suspended until written notice and an opportunity for a hearing have first been given to the permitted person. The notice shall be personally served or sent by certified or registered mail. If the person refuses to accept notice, notice of the violation shall be served by posting it on the premises. Notice shall state the provision reasonably believed to be violated and shall also state that the permitted person may demand a hearing on the matter, in which case the permit will not be suspended until after the hearing is held. If the permitted person requests a hearing, the Council shall hold a hearing on the matter at least one week after the date on which the request is made. If, as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or revoke the permit.

Section 11. LICENSE AND PERMIT DISPLAY

All permits issued under state law or this ordinance shall be prominently displayed during the permit year at the premises where gambling is conducted.

Section 12. NOTIFICATION OF MATERIAL CHANGES TO APPLICATION

An organization holding a state-issued premises permit or a local permit shall notify the city within ten (10) days in writing whenever any material change is made in the information submitted on the application.

Section 13. CONTRIBUTION OF NET PROFITS TO FUND ADMINISTERED BY CITY

Subd. 1. Each organization licensed to conduct “Pull-tab” lawful gambling within the city shall contribute ten percent (10%) of its net profits derived from “Pull-tab” lawful gambling in the city to a fund administered and regulated by the city without cost to the fund. The city shall disburse the funds for charitable contributions as defined by Minn. Stat. § 349.12, subd. 7a, as it may be amended from time to time.

Subd. 2. Payment under this Section shall be made on the 20th day of each month.

Subd. 3. The city’s use of such funds shall be determined at the time of adoption of the city’s annual budget or when the budget is amended.

Section 14. DESIGNATED TRADE AREA

Subd. 1. Each organization licensed to conduct gambling within the city shall expend one hundred percent (100%) of its lawful purpose expenditures on lawful purposes conducted within the city’s trade area.

Subd. 2. This Section applies only to lawful purpose expenditures of gross profits derived from gambling conducted at a premises within the city’s jurisdiction.

Section 15. RECORDS AND REPORTING

Subd. 1. Organizations conducting lawful gambling shall file with the city administrator one copy of all records and reports required to be filed with the Board, pursuant to Minn. Stat. ch. 349, as it may be amended from time to time, and rules adopted pursuant thereto, as they may be amended from time to time. The records and reports shall be filed on or before the day they are required to be filed with the Board.

Subd. 2. Organizations licensed by the Board shall file a report with the city proving compliance with the trade area spending requirements imposed by Section 15. Such report shall be made on a form prescribed by the city and shall be submitted annually.

Section 16. HOURS OF OPERATION

“Pull-tab” lawful gambling shall not be conducted between 1 a.m. and 8 a.m. on any day of the week.

Section 17. PENALTY

Any person who violates any provision of this ordinance; Minnesota Statutes, Sections 609.75-609.763, inclusive, as they may be amended from time to time; or Minnesota Statutes, Sections 349.11-349.21, as they may be amended from time to time; or any rules promulgated under those Sections, as they may be amended from time to time, shall be guilty of a misdemeanor and subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days, or both, plus in either case the costs of prosecution. In addition, violations shall be reported to the Board and recommendation shall be made for suspension, revocation, or cancellation of an organization’s license.

Section 18. SEVERABILITY

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 19. EFFECTIVE DATE

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 8th day of August 2022.

Mayor

ATTEST: _____
City Administrator

Member Mulry introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
COUNTY OF POLK
STATE OF MINNESOTA**

RESOLUTION NO. 22-28

**RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA HOUSING FINANCE
AGENCY DEFERRED LOAN AGREEMENT**

be it RESOLVED that the City of Fosston applied to Minnesota Housing Finance Agency for infrastructure redevelopment costs for the former Palubicki Grocery Store, PID 87.00215.00 in the amount of \$500,000.

BE IT FURTHER RESOLVED that the City of Fosston was awarded \$201,000 for the former Palubicki Grocery Store, PID 87.00215.00 for adaptive reuse of a commercial building into a 9-unit apartment building.

BE IT FURTHER RESOLVED that the City of Fosston City Council authorizes Cassie Heide, City Administrator to execute the deferred loan agreement documents.

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, Dufault, Mulry and Offerdahl.

and the following voted against same: Bosselman.

Whereupon said resolution was declared passed and adopted this 8th day of August, 2022.

James Offerdahl, Mayor

ATTEST:

Cassie Heide, City Administrator

Council considered approval of a mobile home purchase and offset agreement for 809 Northwood Avenue Lot 32. Heide noted that the home has been vacated, utilities were disconnected, and the owner, Jason Westerberg, will hand over the fully executed title in favor of the city. Westerberg agreed to sell his mobile home to the city for the sum of \$2,500.00. Delinquent lot rent in the amount of \$3,055.00 will be offset against the purchase price. Westerberg agrees to accept \$0 as full and final payment.

Motion was made by Anderson, seconded by Bosselman to approve the mobile home purchase and offset agreement for 809 Northwood Avenue Lot 32. Motion carried by unanimous vote.

Council considered approval of release and agreement to relocate mobile home for 809 Northwood Avenue Lot 30. Heide noted that the mobile home will be moved from its current location to 220 Omland Ave N at no cost to Mark Reynolds. However, prior to relocation, Reynolds must pay and satisfy all delinquent utilities and lot rent.

Motion was made by Anderson, seconded by Dufault to approve the release and agreement to relocate mobile home for 809 Northwood Avenue Lot 30. Motion carried by unanimous vote.

Council considered approval of release and agreement to relocate mobile home for 809 Northwood Avenue Lot 34. Heide noted that the mobile home will be moved from its current location to 220 Omland Ave N at no cost to James Cormican. However, prior to relocation, Cormican must pay and satisfy all delinquent utilities and lot rent.

Motion was made by Anderson, seconded by Dufault to approve the release and agreement to relocate mobile home for 809 Northwood Avenue Lot 34. Motion carried by unanimous vote.

Council considered approval of release and agreement to relocate mobile home for 809 Northwood Avenue Lot 40. Heide noted that the mobile home will be moved from its current location to 220 Omland Ave N at no cost to Eugene Reynolds. However, prior to relocation, Reynolds must pay and satisfy all delinquent utilities and lot rent.

Motion was made by Anderson, seconded by Dufault to approve the release and agreement to relocate mobile home for 809 Northwood Avenue Lot 40. Motion carried by unanimous vote.

Member Bosselman introduced the following resolution and moved its adoption:

CITY OF FOSSTON
COUNTY OF POLK
STATE OF MINNESOTA

RESOLUTION NO. 22-29

**RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF
TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT
EXCLUDING LAND ACQUISITION**

It is resolved by the City of Fosston as follows:

1. That the state of Minnesota Agreement No. 1050993,

“Grant Agreement for Airport Improvement Excluding Land Acquisition,” for

State Project No. A06009-30 at the Fosston Municipal-Anderson Field is accepted.

2. That the City Administrator and Mayor are authorized to execute this Agreement and any amendments on behalf of the City of Fosston.

The motion for the adoption of the foregoing resolution was duly 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 8th day of August, 2022.

James Offerdahl, Mayor

ATTEST:

Cassie Heide, City Administrator

Member Bosselman introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
COUNTY OF POLK
STATE OF MINNESOTA**

RESOLUTION NO. 22-30

RESOLUTION AUTHORIZING EXECUTION OF FAA AIP GRANT

It is resolved by the City of Fosston as follows:

1. That the state of FAA AI Project No. 3-27-0032-015-2022 is accepted.
2. That the City Administrator and the City Attorney are authorized to execute this Agreement and any amendments on behalf of the City of Fosston.

The motion for the adoption of the foregoing resolution was duly 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 8th day of August, 2022.

James Offerdahl, Mayor

ATTEST:

Cassie Heide, City Administrator

Council considered approval of final pay estimate No. 3 to Paras Contracting for 2021 Utility & Street Improvements in the amount of \$8,516.16. This pay estimate is releasing retainage to the contractor.

Motion was made by Anderson, seconded by Mulry to approve final pay estimate No. 3 to Paras Contracting for 2021 Utility & Street Improvements in the amount of \$8,516.16. Motion carried by unanimous vote.

Council considered approval of final pay estimate No. 7 to Hagen Construction, Inc for the 2021 Utility & Street Improvements in the amount of \$13,434.78. This pay estimate is releasing retainage to the contractor.

Motion was made by Bosselman, seconded by Dufault to approve final pay estimate No. 7 to Hagen Construction, Inc for the 2021 Utility & Street Improvements in the amount of \$13,434.78. Motion carried by unanimous vote.

Council considered approval of final pay estimate No. 3 to Novco, Inc for the Airport Wetland Removal project in the amount of \$6,462.54 pending removal of erosion control.

Motion was made by Anderson, seconded by Bosselman to approve final pay estimate No. 3 to Novco, Inc for the Airport Wetland Removal project in the amount of \$6,462.54 pending removal of erosion control. Motion carried by unanimous vote.

Cariveau, Widseth was present to discuss the Wastewater Expansion project. Cariveau noted that no wastewater treatment facility improvement projects were included in the legislation released by the Senate. The City of Fosston will not receive any of funds from the FY2023 congressionally directed spending request. Cariveau stated that he would speak with Gail Lever to discuss other funding options and set up a meeting with city staff.

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 – As Kinnen noted earlier, Braun Intertec performed soil testing and it was discovered that the soil beneath the runway was too poor and didn't meet FAA requirements. Instead of a runway rehab, an amendment to the task order will allow for a full reconstruction of the airport runway. All new lighting will be installed and there will be at least 4ft of sub cutting done

underneath the runway. Heide noted that Mead & Hunt, Inc. completed an independent fee estimate (IFE) of the Karvako contract proposal for final design services related to the Runway 16-34 Reconstruction & Lighting project. The IFE was based upon review of project information provided by the City of Fosston.

SRTS – Kinnen reported that the project will be substantially complete by the end of the week. The bollards for the Civic Center sidewalk are a couple weeks out. Gordon Construction will come back to finish once they arrive.

FIT Trail Expansion – No report.

Industrial Park, T Hanger & Airport Utilities project – Kinnen noted that all the additional punch list items that the Chicago Regional EDA office has requested, have been completed. The city is hoping to be awarded this funding in the amount of \$5,755,280.

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