

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
July 15, 2019

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, July 15, 2019 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, Hoialmen, and Bosselman. Members absent: Anderson Also present was: Cassie Heide, Chuck Lucken, Lee Cariveau, David Larson, Ethan Nagel, Karen Graham, Sue Chase, Stephen Larson, and Keith Kinnen.

Motion was made by Hoialmen, seconded by Dufault to approve the agenda with no modifications.

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

- A) To approve the minutes of the regular meeting held June 10, 2019 and special meeting minutes from July 8, 2019.
- B) To approve Accounts Payable Bill Listing #19-06 in the amount of 173,773.70 and AP Bill Listing #19-07A in the amount of \$67,952.75
- C) To approve Accounts Payable Bill Listing – Omland Court, \$9,168.53.

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement: Deputy Ethan Nagel was present to report on matters pertaining to his department.

- There has been an increase in vehicle and residence break ins. Residents should be encouraged to lock their doors.

City Administration: Cassie Heide reported on administration matters

- The feasibility study proposal for work at the library from WSN came before council previously was for \$12,000.00. Heide reached out to retired architect Tom Jones of Clearbrook to provide a proposal for studying possible reworking of the floor plan at the library arts center to accommodate for handicap accessibility. Mr. Jones provided a proposal in the amount of \$1,560.00, The library arts board will pay this expense and move the study forward.
- A review panel for the highway 2 corridor study has been formed. Meetings will begin in early September.

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

- Crews have been busy with cleanup after the storm on July 8<sup>th</sup>.

- MDV shut down June 25<sup>th</sup> for summer maintenance. This is a nice break for the City in terms of water storage.
- Wastewater ponds are still full after being dumped. We need to make room for another Fall discharge.
- Minnkota Power Cooperative did necessary maintenance to the Sand Hill Substation on July 14<sup>th</sup> with a brief power outage from 5-6am. City crews were able to change out a transformer and perform other necessary maintenance to our system during this outage.
- Larson is ready to begin phased retirement. A proposal for part time work will be presented at the August meeting.

Civic Center: Karen Graham reported on matters pertaining to her departments.

- Summer Rec is wrapping up with watermelon night happening at the complex. Several communities are involved. It has been a successful year.
- Swimming programs continue with an ending date of early August.
- Naytahwah school is interested in bringing their elementary students over for swimming in the 2019-2020 school year. While Mahnomen pool is closer, the Fosston pools excellent reputation invited their interest.

Community Development: Roy Dufault reported on matters pertaining to community development

- The EDA board met at noon and discussed child care and housing as the main topics
- LePiers has reached out to the City to inform of their interest in opening a medium sized child care center in the old Ford motor building they own on Amber Ave. Landsverk and Heide met with Tami LePier and offered information and assistance in moving the project forward.
- Plans for MMCDC to build one or two spec homes in the Aspen addition have been ongoing without any progress made.

New Fosston Independent School District 601 superintendent Sue Richards-Chase introduced herself to the council. Chase spent twenty three years as a teacher and principal at Cass Lake schools. She and her husband have moved to Fosston. Her goal is to ensure that the district is inclusive for all communities. Chase plans to hold listening sessions in the near future.

Member Hoialmen introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING TAX ABATEMENT  
FOR PARCELS QUALIFYING FOR THE  
HOUSING INCENTIVE PROGRAM IN THE CITY OF FOSSTON  
RESOLUTION #19-24

WHEREAS, the City Council of the City of Fosston, Minnesota (the “City”), has held a public hearing on the proposed abatement, pursuant to Minnesota Statutes, Section 469.1812 through and including 469.1815, as part of the City Housing Incentive Program, and

WHEREAS, the City of Fosston has proposed to abate the City share of property taxes on the following parcels for a period of two years:

87-00396.00

WHEREAS, the City Council finds that the proposed abatements are in the best interest of the City and its residents,

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Fosston, Minnesota, as follows:

1. Abatement. The City Council hereby authorizes the Abatement of the City share of property taxes on the aforementioned parcels in an amount estimated to be \$1,120 per year for two years commencing with taxes payable in 2018.
2. Improvements. The abatements will be utilized for a Housing Incentive Program to help increase tax base.
- 3.

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

And the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 15<sup>th</sup> day of July, 2019.

\_\_\_\_\_  
James Offerdahl, Mayor

ATTEST:

\_\_\_\_\_  
Charles Lucken, City Administrator

Council considered adoption of the Safe Routes to School Plan. Heide informed the council that herself along with other community stakeholders, former superintendent Kevin Ricke, Polk County Public Health nurse Kirsten Fagerlund worked on the plan with the Northwest Regional Development Commission under a grant the city received for the planning of the plan. This plan recognizes what is currently in place via infrastructure and programming and what is necessary moving forward to ensure safe routes to school for bikers, walkers and rollers, but the entire mobile community of Fosston.

Motion was made by Dufault, seconded by Hoialmen to adopt the Safe Routes to School plan as presented. Motion carried by unanimous vote.

Council considered amending Fosston City Code, Section 92.07 by Adding Regulations Regarding the Parking of Semi Trailers, Commercial Motor Vehicles, and Truck Tractors in Residential Zoning Districts. Lucken reported that the current ordinance does not prohibit the parking of semi tractors and trailers in residential areas. There has been an increase of this type of parking. City streets have maximum weight limits that semi tractors and trailers often exceed causing undue wear and tear on our roadways. Parking of semi tractors and trailers would still be allowed in commercial or industrial zoned areas of town.

Introduced by Council Member Dufault

Seconded by Council Member Hoialmen

## **ORDINANCE NO. 92**

### **AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA AMENDING FOSSTON CITY CODE, SECTION 92.07 BY ADDING REGULATIONS REGARDING THE PARKING OF SEMITRAILERS, COMMERCIAL MOTOR VEHICLES, AND TRUCK TRACTORS IN RESIDENTIAL ZONING DISTRICTS.**

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

Section 1. Fosston City Code, Section 92.07 is repealed and replaced with the following:

#### **§ 92.07 NUISANCE PARKING AND STORAGE.**

(A) **Definitions.** As used in this Section, the following terms shall mean:

(1) *Vehicle.* “Vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.

(2) *Commercial Motor Vehicle.* “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle: 1) has a gross vehicle weight of more than 26,000 pounds; or 2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has combined weight of more than 26,000 pounds.

(3) *Gross Vehicle Weight.* “Gross vehicle weight” means the greater of: 1) the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semi-trailer combination, plus the weight of the load, or 2) the value specified by the manufacturer as the maximum gross weight or gross vehicle weight rating.

(4) *Person*. "Person" means driver, operator, registered owner, and/or residential property owner.

(5) *Semitrailer*. "Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a truck-tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semitrailer combination.

(6) *Truck Tractor*. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicles and load so drawn.

**(B) Declaration of nuisance.**

(1) The outside parking and storage on residentially zoned property of large numbers of vehicles and vehicles, materials, supplies, or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) prevents the full use of residential streets for residential parking, (4) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (5) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, and (6) otherwise adversely affects property values and neighborhood patterns.

(2) The outside parking of semitrailers, commercial motor vehicles, and truck tractors on residentially zoned property is declared to be a public nuisance because it: (1) obstructs views on streets and private property, (2) creates cluttered and otherwise unsightly areas, (3) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (4) decreases adjoining landowners' and occupants' use and enjoyment of their property and neighborhood, (5) brings annoying odors, and (6) otherwise adversely affects property values and neighborhood patterns.

**(C) Unlawful parking and storage.**

(1) A person must not place, store, or allow the placement or storage of ice fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area of residential property unless more than one hundred (100) feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. The maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.

(c) Vehicles, watercraft, and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(4) A person must not park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, any semitrailer, commercial motor vehicle, and/or truck tractor within any residentially zoned property, except for the limited purpose of and while engaged in loading and unloading. Such semitrailer, commercial motor vehicle, and/or truck tractor may only be parked in a residentially zoned property during the time it is actually engaged in continuous actual acts of loading or unloading.

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: Bosselman.

Voting in the affirmative: Dufault, Hoialmen and Offerdahl.

Passed this 15th day of July 2019.

\_\_\_\_\_  
James Offerdahl, Mayor

ATTEST: \_\_\_\_\_  
Charles Lucken, City Administrator

Council member *Bosselman* introduced the following resolution and moved its adoption:

**RESOLUTION 2019 – 25**

**APPROVING THE ISSUANCE OF  
UP TO \$1,930,000 OF HOUSING DEVELOPMENT REVENUE REFUNDING BONDS,  
SERIES 2019A (CITY OF FOSTON, MINNESOTA GENERAL OBLIGATION)  
IF SAVINGS TARGETS ARE MET**

BE IT RESOLVED by the City Council of the City of Fosston, State of Minnesota (herein, the “City”), as follows:

1. The City Council hereby finds and declares that it is necessary and expedient for the EDA to sell and issue its fully registered refunding bonds in the total aggregate principal amount of not to exceed \$1,930,000 (herein, the “Refunding Bonds”). The proceeds of the Refunding Bonds will be used, together with any additional funds of the City or EDA which are required, for the refinancing of the \$2,220,000 Housing Development Refunding Bonds, Series 2011A (City of Fosston, Minnesota General Obligation);
2. The City Council desires to proceed with the sale of the Refunding Bonds by direct negotiation and hereby authorizes David Drown Associates, Inc. (herein, “DDA”) to negotiate on behalf of the City.
3. The Mayor and the City Administrator are hereby authorized to approve the sale of the Refunding Bonds in an aggregate principal amount of not to exceed \$1,930,000 and to execute a bond purchase agreement for the purchase of the Refunding Bonds provided the net present value savings totals not less than \$125,000.
4. Upon approval of the sale of the Refunding Bonds by the Mayor and the City Administrator, the City Council will take action at its next regularly scheduled meeting thereafter to adopt the necessary approving resolutions as prepared by the City’s bond counsel.
5. DDA is authorized to prepare an Official Statement related to the sale of the Bonds.
6. DDA is authorized to secure a bond rating for the sale of Bonds.
7. If the Mayor and City Administrator have not approved the sale of the Refunding Bonds and executed the related bond purchase agreement by December 31, 2019 this resolution shall expire.

The motion for the adoption of the foregoing resolution was duly seconded by Member *Dufault* upon vote being taken thereon, the following in favor thereof: Bosselman, Dufault, Hoialmen and Offerdahl.

and the following voted against the same: none.

Whereupon said resolution was declared duly passed and adopted.

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Council reviewed estimates for new flooring at the firehall. Two estimates were provided. The work was not budgeted for. Lucken and Heide need to review the firehall lease agreement to determine if this type of work is landlord or lessee responsibility. If so, it is possible the work will have to wait until 2020 when it can be added to the budget.

Motion was made by Dufault, seconded by Hoialmen to table the item for further review. Motion carried by unanimous vote.

Council considered approval of Veterans Park Flag Walk project engineering fees. Heide reported that the Veterans Memorial Committee was given the idea by a member of the public to have flag poles installed in the park in a circular pattern. Next, the committee would seek donations by individuals, families or service clubs for the sponsorship of a flag pole honoring or remembering a service member or group of the armed forces. The total cost of engineering which includes a master plan update and construction drawings, birds-eye rendering and a planting plan is \$5,500. Heide informed the council that there is room in the budget for this work.

Motion was made by Bosselman, seconded by Hoialmen to approve Veterans Park Flag Walk project engineering fees. Motion carried by unanimous vote.

Council considered approving a joint powers agreement with the State of Minnesota Department of Transportation. Heide reported that this agreement is a necessary step in moving the highway 2 corridor study forward. Fosston is in a unique and fortunate position in leading the project while MNDOT funds the construction and engineering.

Motion was made by Bosselman, seconded by Dufault to approve the joint powers agreement with the State of Minnesota Department of Transportation. Motion carried by unanimous vote.

Council considered approval of task order no. 13 from Karvakko for highway 2 corridor study. Heide informed the council that this task order needs to be approved by the City of Fosston as the project lead but that MNDOT will reimburse the expenses.

Motion was made by Hoialmen, seconded by Dufault to approve task order no. 13 from Karvakko for highway 2 corridor study. Motion carried by unanimous vote.

Council considered approval of partial pay estimate no. 2 from Hagen Construction, Inc for 2019 street and utility improvements. Cariveau reported that the project is 2/3 completed and going well.

Motion was made by Hoialmen, seconded by Dufault to approve partial pay estimate no. 2 from Hagen Construction, Inc for 2019 street and utility improvements. Motion carried by unanimous vote.

Lee Cariveau, WSN was present to report to council on the 2019 street and utility improvement project. Davidson Construction is set to come in and pave this week. The county portion of the paving portion of the project will be done in August.

WSN is currently working on a comprehensive street condition survey, or asset management plan and will present at a special meeting on Monday, July 29<sup>th</sup> at 7:00p.m.

Cariveau has three estimates from paving companies to do the work for additional spot repairs not covered in the 2019 street and utility improvement project bid. Reit Rock paving has the low estimate of \$15,000 and could perform the work next week. Knife Rivers estimate was \$18,600 with ability to perform the work in August. Finally, Davidson's estimate is \$19,200 with the ability to perform the work this week.

Motion was made by Hoialmen, seconded by Dufault to hire Reit Rock to perform the additional spot repairs the week of July 22<sup>nd</sup> for \$15,000. Motion carried by unanimous vote.

Keith Kinnen, Karvakko, was present to discuss the East end multi use path, airport, and highway 2 corridor study.

The East end multi use path is likely to begin on July 29<sup>th</sup> after permits from MNDOT are in place. The project is a five week construction project. Gordon Construction has agreed to add a portion of alternate no. 1 to their work for \$8,500. This is the path that connects the new path with existing sidewalk on the West side of the park.

The airport is able to purchase a new tractor and snowblower and Kinnen is working with Larson to determine the appropriate equipment.

Wetlands on the East side of the airport are on schedule to be filled in this Spring.

Karvakko is working with Traffic Impact on traffic studies of highway 2 and with MNDOT on gathering turning counts at the five legged intersection.

Council discussed the request from Affeldts attorney to amend their pleadings in their current litigation with the City. City attorney Stephen Larson was present and informed the council that the courts will likely approve this request if the City does not. In an effort to reduce litigation costs the city should approve the request.

Motion was made by Dufault, seconded by Bosselman to approve the request from Affeldts to amend their pleadings. Motion carried by unanimous vote.

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

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Charles Lucken, City Administrator