

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
June 12, 2023

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, June 12, 2023, at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, LePier and Mulry. Members absent: Anderson. Also present was: Cassie Heide, Sarah Manecke, Karen Graham, Dustin Manecke, Stephen Larson, Keith Kinnen and Sarah Ihrke.

Recited the Pledge of Allegiance.

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

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

- A) To approve the minutes of the regular meeting held May 15, 2023, and special meeting minutes from June 5, 2023, as presented.
- B) To approve Accounts Payable Bill Listing #23-06 in the amount of \$125,758.66 and Supplemental AP Bill Listing #23-06A in the amount of \$31,752.63.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$3,597.76.

COMMITTEES/BOARDS/COMMISSION:

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

- Heide included the memo from Essentia Health regarding OB Labor & Delivery Services in Fosston. Essentia remains fully committed to resuming OB Services in accordance with the terms of the Affiliation Agreement. They are committed to holding regular meetings between City of Fosston OB Taskforce members and Essentia senior leadership; recruiting sufficient credentialed and trained provider staff; and recruiting and training sufficient licensed/certified Registered Nursing staff. Essentia intends to reactivate Hospital OB services as soon as possible, but no later than December 31, 2023.
- Heide noted that our LGA in 2024 will increase by \$46,328.
- Heide reported that the DNR will be imposing a summer water use fee increase to help ensure that the DNR is able to support its water resource programs. The city will likely see a minimal increase in their water surcharge rate.
- Heide indicated that the city will be receiving a one-time public safety state aid payment this year of approximately \$62,000. This is different from police state aid, which the city will also be receiving.

- There were some changes to FMLA during the latest session - it'll now run through workers compensation.
- Heide noted that staff has been busy preparing for the All-School Reunion.
- The Parks & Recreation staff have been helping mow and clean up properties that have not been taken care of.
- Attorney Larson has been working through the recently passed cannabis legislation.
- Mulry inquired if the city has used all its COVID dollars. Heide said all of our CARES and American Rescue Plan funds have been expended and the reports have been approved by the state.

Street/Utilities/Sanitation: No report.

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

- Graham noted that there are 180 kids registered for summer rec, swimming lessons, golf lessons, art, play, football, etc.
- Graham has 14 summer rec staff, many of them returning from last year.
- Graham has 8 pool staff – four communities are in the pool daily (190 kids per day).

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

- Manecke reported they had 237 calls for service in May, 18 reports were completed; and 52 calls for service thus far in June, 5 reports have been completed. They have had 840 calls for service for the year thus far with 90 reports completed.
- Manecke noted that he completed the 2024 Towards Zero Death (TZD) grant last Friday to be the Fiscal Agency for Mahanomen County SO, Bagley PD, and Clearbrook/Gonvick PD TZD grants. The TZD grant is money the state provides for agencies to perform overtime DWI, seatbelt, distracted driving, speed, and move over enforcement. Some of the money can be used for training and equipment as well with a traffic safety nexus (ex. EVOC/Pit training, lidar, radar, etc.).
- All PD staff completed 8 hours of room clearing/active shooter training on June 6th at the high school with Code 4 Defense.
- Defensive tactics will be held June 22nd in the wrestling room – this is a required state annual training.
- Manecke noted that they continue to have issues with dogs and near dog bite incidents. They are taking a zero-tolerance approach with these incidents.
- Ordinance enforcement is in full force. Each week letters are going out for violations.
- There was a vehicle fire that destroyed a car on 9th Street NW. The vehicle has had prior mechanical issues.
- A resident was the victim of a scam and lost upwards of \$50,000.

Community Development:

- Dufault informed the council that the EDA board met at noon today. The board discussed the Omland Court project and possible re-location of the First National Bank drive-thru. Heide indicated that the board also discussed incentives for individuals to rehabilitate vacant homes in Fosston. It was mentioned that no program was in place for current, unoccupied properties. A consensus was made to offer \$2,500 for rehabbing a home in Fosston. Homes eligible for the program include those who have been vacant for at least 12 months and need significant repairs to restore or renew the home for occupancy. Improvements qualifying for this program include siding, roofing, window, and overall structural improvements.

Hospital Board:

- Dufault reported that the board had a meeting in May. He indicated that an ophthalmologist will be coming to Essentia Fosston a couple times per month. Essentia continues to work on recruiting. The board is optimistic that OB Labor & Delivery services will be resumed as soon as logically possible, but no later than December 31, 2023. Administrator Weispfennig discussed the possibility of a FY2025 expansion of the ER department.

Arts & Culture Commission:

- Heide reported that they met last week at the FIT trail to discuss potential locations along the trail for public art.

City Attorney:

- Larson provided some information relating to the marijuana bill. To delay the process, Larson suggests the city either authorizes a study or schedules a public hearing for July. A couple items of note from the bill include marijuana being regulated like alcohol, an individual can legally possess up to two ounces of marijuana, and it's illegal to sell without a license.
- The City of Fosston does have the authority to adopt an ordinance to not allow marijuana (like alcohol) in public places, such as the parks. It would be a petty misdemeanor if caught. Determining whether an individual is intoxicated from using marijuana is very difficult to prove & tricky to prosecute as there is no legal "limit" as is the case with alcohol. The city would need to have a drug recognition expert (DRE) on staff.
- Anderson asked Larson at the last meeting if the city could impose a sales tax on marijuana or cannabis, but Larson reported that you cannot impose a sales tax on either.
- Larson noted that the City of Fosston can limit the number of licenses to zero or one. Businesses who sell marijuana will be licensed through the state, but cities will be able to charge an initial registration fee of not more than \$500. The renewal fee can be \$1,000.

ISD 601 Superintendent: No report.

Member LePier introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE SALE
OR DISPOSAL OF REAL PROPERTY
RESOLUTION NO. 23-19**

WHEREAS, it is in the best interest of the City of Fosston, Minnesota (“City”) to sell or otherwise dispose or transfer real property located in the County of Polk, State of Minnesota, as follows:

Legal Description:

The North 50 feet of Lot 7, Block 1, ASPEN ADDITION TO THE CITY OF FOSSTON
(Land)

Buyer/Transferee:

Robert J. Klinkhammer and Sara M. Klinkhammer, married to each other, as joint tenants

(“Transferee”); and

WHEREAS, Minnesota Statutes, Sections 412.201 and 412.211 provide that real property of the City may be disposed of as its interests require.

NOW, THEREFORE, IT IS RESOLVED by the City Council as follows:

1. That the City sell, convey or otherwise dispose of or transfer the Land to the Transferee or any previous disposal or transfer of the Land to the Transferee is ratified and approved; and
2. That the Mayor and the City Administrator are authorized and directed to sign and deliver an instrument of conveyance of the land to the Transferee and any such instrument of conveyance which was previously signed and delivered is ratified and approved.

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: Dufault, Mulry, LePier and Offerdahl.

and the following voted against same: none.

Upon this vote, this resolution passed and is effective the 12th day of June, 2023

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Heide noted that with the purchase of this extra 50' of property, the Klinkhammer's are forgoing the \$5,000 rebate from the City of Fosston.

Member Mulry introduced the following resolution and moved its adoption:

**RESOLUTION RESCINDING RESOLUTION 23-14 AND
AUTHORIZING THE SALE OR
DISPOSAL OF REAL PROPERTY
RESOLUTION NO. 23-20**

WHEREAS, it is in the best interest of the City of Fosston, Minnesota ("City") to sell or otherwise dispose or transfer real property located in the County of Polk, State of Minnesota, as follows:

Legal Description:

Lot 7, Block 1, ASPEN ADDITION TO THE CITY OF FOSSTON

And

That part of Outlot A, Block 1, ASPEN ADDITION TO THE CITY OF FOSSTON lying north and east of the line described as follows: Beginning at the Southwest corner of said Lot 7; thence South 00° 54' 07" East, an extension of the west line of said Lot 7, 52.00 feet; thence North 89° 03' 19" East, parallel to the south line of said Lot 7, 209.15 feet to the right-of-way of North Eaton Avenue and there terminating.

Except

The North 50 feet of Lot 7, Block 1, ASPEN ADDITION TO THE CITY OF FOSSTON

("Land")

Buyer/Transferee:

Todd Selk

("Transferee"); and

WHEREAS, Minnesota Statutes, Sections 412.201 and 412.211 provide that real property of the City may be disposed of as its interests require.

NOW, THEREFORE, IT IS RESOLVED by the City Council as follows:

1. That the City sell, convey or otherwise dispose of or transfer the Land to the Transferee or any previous disposal or transfer of the Land to the Transferee is ratified and approved; and

2. That the Mayor and the City Administrator are authorized and directed to sign and deliver an instrument of conveyance of the land to the Transferee and any such instrument of conveyance which was previously signed and delivered is ratified and approved.

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

and the following voted against same: None.

Upon this vote, this resolution passed and is effective the 12th day of June, 2023.

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Council considered approval of the Civic Center Lease with ISD 601 for July 1, 2023 through June 30, 2025. Dufault, Graham, and Heide met with Superintendent Selk and Director Marquis to discuss the lease. The term of the lease will be for two (2) years with a 3% increase during the 2023/2024 school year and another 3% increase during the 2024/2025 school year contingent upon school board approval.

Motion was made by Dufault, seconded by Mulry to approve the Civic Center Lease with ISD 601 for July 1, 2023, through June 30, 2025, contingent upon school board approval. Motion carried by unanimous vote.

Member Mulry introduced the following resolution and moved its adoption:

RESOLUTION NO. 23-21

**AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF
TRANSPORTATION AIRPORT MAINTENANCE AND OPERATION GRANT
CONTRACT**

It is resolved by the City of Fosston as follows:

1. That the state of Minnesota Contract Number 1053269,

"Airport Maintenance and Operation Grant Contract," at the Fosston Municipal Airport is accepted.

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

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

and the following voted against same: None.

Upon this vote, this resolution passed and is effective the 12th day of June, 2023.

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Council considered approval of Drawdown #1 of MN Housing Grant to Palubicki Apartments, LLC in the amount of \$67,000. Heide reiterated that the city was awarded a Workforce Housing Grant approximately a year ago in the amount of \$201,000. This is a pass-through grant to the developer of the old Palubicki's grocery space. Palubicki Apartments, LLC has taken on the project; thus, they are the recipient of the funds which will be paid out in three (3) drawdowns. Each drawdown payment will be in the amount of \$67,000. Heide indicated that the next drawdown payment will be made next month, but the final payment won't be made until the project is complete as per grant requirements.

Motion was made by Dufault, seconded by Mulry to approve Drawdown #1 of MN Housing Grant to Palubicki Apartments, LLC in the amount of \$67,000. Motion carried by unanimous vote.

Council considered approval of amended Personnel Policy to include Juneteenth as an observed holiday. Heide reported that Juneteenth is a federal holiday, and it was to become an observed state holiday effective June 2024; however, legislation decided in the recent session to establish Juneteenth as a state-recognized holiday as of June 2023. The city is not able to conduct any business on this day.

Motion was made by Mulry, seconded by LePier to approve the amended Personnel Policy to include Juneteenth as an observed holiday. Motion carried by unanimous vote.

Council considered cost sharing with private donations and the school for Rockwall Restoration. Bradco Restoration, Inc. provided a quote for the repair and rebuilding of the existing rock wall on the south side of the High School/Civic Center in the amount of \$31,400. Heide noted that donations to date are \$8,491.41. The city would be responsible for up to \$11,000 depending on further private donations.

Motion was made by Dufault, seconded by LePier to approve cost sharing with private donations and the school for Rockwall Restoration contingent upon school board approval. Motion carried by unanimous vote.

Kinnen briefly reviewed the Omland Court project. The north & south cul-de-sacs will be paved and have curb & gutter installed. Occupants will have two designated parking spots and updated lot markers and mailbox units as part of the project. Heide reiterated that this project will be 100% paid for with a grant, so no public funds will be used.

Member LePier introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING PLANS
AND SPECIFICATIONS FOR THE OMLAND COURT IMPROVEMENT PROJECT
AND ORDERING
ADVERTISEMENT FOR BIDS
RESOLUTION NO. 23-22**

WHEREAS, Karvakko PA, 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:

Omland Court Improvements.

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 one week, shall specify the work to be done, shall state that bids will be received by the City Administrator until 10:0 a.m. on Thursday, June 29, 2023 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 July 10, 2023, 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 Mulry and upon vote being taken thereon the following voted in favor thereof: Dufault, LePier, Mulry and Offerdahl.

and the following voted against same: None.

Whereupon said resolution was declared passed and adopted this 12th day of June, 2023

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Council considered approval of Change Order No. 1 – 2023 Utility & Street Improvement project. Kinnen reported that additional spot repair locations were added to Alternate #1 (increase of \$18,669). Alternate #2 will not be installed (decrease of \$67,755.50). Total net change in the contract is a decrease of \$49,086.50. The plan was to tie into the existing storm sewer on Third Street and run a relief storm pipe into the pond at Berge – Stafford Park. However, Kinnen anticipates that this pipe will not aid in providing relief into the Berge – Stafford Park Pond. If the proposed stormwater pipe were lowered and set to drain directly into the pond, the stormwater pipe could potentially pick up much of the flow coming off Third Street, which could possibly flood the park and surrounding houses along the south end of the park. Karvakko recommends that the city not install this section of stormwater pipe as relief from Third Street, rather they suggest cleaning the existing stormwater mains to mitigate the current stormwater issues. To aid the city with reducing the amount of algae growth on the Berge-Stafford Pond, Karvakko recommends that the pond be mucked out to a depth of 6'. This should allow for more separation between the surface of the water and the sediment as it separates from the water; thus, increasing the surface water quality of the pond. Kinnen will gather some quotes for this and present them to Heide who has authority from council to make the final decision.

Motion was made by Dufault, seconded by LePier to approve Change Order No. 1 – 2023 Utility & Street Improvement. This will be a decrease to the contract in the amount of \$49,086.50. Motion carried by unanimous vote.

Council considered approval of Task Order No. 10 from Karvakko PA for the Airport AWOS System Replacement engineering. The current AWOS (weather observation system) is very outdated. MnDOT Aeronautics recommends that airports with older systems replace them. MnDOT funds these projects at a rate of 95%, with a local match of 5%. This Task Order will

provide preliminary engineering and environmental services for Phase 1 of the AWOS System Replacement project. This is the first phase of a three-phase project per MnDOT Aeronautics' guidance for siting the new AWOS system. The amount of this Task Order from Karvakko is \$20,000.

Motion was made by LePier, seconded by Mulry to approve Task Order No. 10 from Karvakko PA for the Airport AWOS System Replacement engineering in the amount of \$20,000. Motion carried by unanimous vote.

Keith Kinnen, Karvakko was present to discuss the Airport, FIT Trail Expansion, 2023 Utility & Street Improvement project, and TAP/Berge Park Sidewalk project.

Kinnen discussed the Airport AWOS System engineering, the 2023 Utility & Street Improvement project and Omland Court Improvement project earlier in the meeting.

FIT Trail Expansion – Kinnen noted that the city now has a state project # for the ATP grant we were awarded for the Calvary segment of the trail. Construction is planned for next summer.

Veteran's Park – Lenex Sand & Gravel is there installing the remainder of the concrete sidewalk before they move to the Pickleball Courts. The tank & helicopter are also being painted.

A forum for members of the public present to speak was held. Sarah Ihrke, 220 Omland Ave N #28, asked what was going to be done about the feral cat problem in the mobile home park. She has spoken with Chief Manecke and Animal Control, Dan Ekre, regarding the issue in the past. Heide noted that Ekre has attempted to live trap these feral cats in the past, but someone continuously set off the traps, so it was no longer worth his time to come to Fosston for cats. Ihrke suggested the city reach out to Rosie's Rescue to see if they would be able to help us out. Heide indicated she would discuss it with Manecke. Mayor Offerdahl noted that it is apparent that something needs to be done about the feral cats.

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

Cassandra Heide, City Administrator