

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
JUNE 13, 2016

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, June 13, 2016 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Veum, Hoialmen and Anderson. Member absent: Dufault. Also present was: City Attorney Stephen Larson, Gary Schulz, Dave Larson, Keith Kinnen, Celina Gilbertson, Ed Lavelle, Polk County Deputy Folkert, Chief Deputy Tadman, Allen Potvin, Cassie Heide, Karen Graham, Lee Cariveau.

Motion was made by Veum seconded by Hoialmen to approve the agenda with the following modification: Motion carried by unanimous vote.

- A) Consider approval of Resolution for IPF Repairs and Assessing the cost of Repairs to MDV.

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

- A) To approve the minutes of the regular meeting held May 9, 2016 as per copies furnished each member.
- B) To approve Accounts Payable Bill Listing #16-06 in the amount of \$104,856.60 and AP Bill Listing #16-06A in the amount of \$68,501.15.

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement: Chief Deputy Tadman and Deputy Folkert were present to discuss law enforcement matters:

- They assisted with a medical call at the grocery store;
- They are watching the school while things are under construction
- Traffic monitoring is ongoing
- Councilman Veum suggests they get information out as some people are unwilling to call law enforcement to report issues for fear that their names will be used. The deputies will work on this.

Streets/Sanitation/Utilities:

- Street sweeping and mowing continues. Curb painting has begun and cold mix will be ordered when available and potholes filled.
- Electrical work in the substation is being done. They are moving wires at the school as well as working on the Palubicki project.
- Pond 3 was dumped. Water is being moved further north. There is still some odor.
- There is still work to be done at the IPF. Some of it won't get done until MDV shuts down this summer.

Civic Center/Parks & Recreation:

- Summer rec. started June 6 with 140 kids registered.
- Six communities are coming in for swimming lessons.
- The new showers are working well.

- The rock wall that borders the Civic Center continues to lean. It won't topple as there is rebar in it but Larson will cut the top off. This was a WPA project so we need to look at trying to save it. It was suggested that the paper could do a write-up about the wall and its history.

Bus:

- Air conditioner is not working but Gary has taken it to Fertile for repairs.
- There isn't a sign at the airport indicating bus service if someone needs a ride from there into town. We have been charging \$1 for the trip but consensus is to change that to \$.50. Laurel will get a sign for the airport.

Star Committee:

- Yard of the Week has begun.
- Crazy Days and Mini Carnival are coming up.

Airport:

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION NAMING FOSSTON MUNICIPAL AIRPORT FOR
NORMAN, ROBERT AND WARREN ANDERSON**

Resolution No. 16-22

WHEREAS, City of Fosston is the owner and operator of the Municipal Airport which was which was established in 1946 with the donation of the airfield from a local flying club and

WHEREAS, Norman, Robert and Warren Anderson were licensed general aviation pilots and were active in local aviation for more than five decades; and

WHEREAS, Andersons were instrumental in the development of a seaplane base at the Fosston airport; and

WHEREAS, Andersons were passionate in their efforts to promote the growth and continuing improvements at the Fosston Municipal Airport; and

WHEREAS, Norman's leadership as Councilmember and Airport Commission member was instrumental in obtaining Federal & State grants to assist in the construction of the City's first paved runway in 1973, the first Airport Layout Plan, rehabilitation of the runway and other airside improvements in 2001, acquisition of snow removal equipment, snow removal equipment building and construction of a new parallel taxiway in 2012; and

NOW, THEREFORE, BE IT RESOLVED that in appreciation to Norman, Robert and Warren Anderson for their longtime commitment and dedication to general aviation and the success of the Fosston Municipal Airport, the City Council hereby approves the naming of the Fosston Municipal Airport, "**Anderson Field**".

The foregoing resolution was duly seconded by member Anderson and upon vote being taken thereon the following members voted in favor thereof: Veum, Anderson, Hoialmen and Offerdahl

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 13th day of June, 2016.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

The Council considered an Ordinance Amending the Nuisance Ordinance by Revising Public Nuisance Regulations and by Modifying the Enforcement and Abatement Procedures. City Attorney Stephen Larson was here to review the Ordinance. He informed the council that a sample ordinance was provided from the City of Warren that follows closely the League of Minnesota Cities sample ordinance. It gives many options and defines better the nuisances. Attorney Larson went on to explain the enforcement options for compliance as well as the pros and cons. Offerdahl suggests tabling action on this until next month to give council members time to review the sample ordinance. Consensus of the council is to table this until the July meeting.

Motion was made by Hoialmen seconded by Anderson to approve the Application for Amendment to the Zoning Ordinance from Jim Palubicki as recommended by the Planning Commission. Motion carried by unanimous vote.

Allen Potvin was present to discuss detachment of Columbia Oaks property from the City. After negative comments about the former Mayor he informed the council that he wanted the property annexed and got it. He had to put in the water and sewer as well as a hydrant and his own road. Dave Larson informed Potvin that the City only owns the mains and the property owner is responsible to bringing his own water & sewer into his property. This is the way it is on all residential properties and there are water mains on opposite sides of streets besides the Columbia Road. Offerdahl informed Potvin that by being annexed allowed him to hook into the City Water & Sewer. The City Attorney was asked to research this issue. He informed the council that to detach, it has to be adjacent to a city boundary, it has to be rural in character and not developed for residential. It looks like this property would not even qualify for detachment. His opinion is that the City would have a good reason to deny the request and it would be highly unlikely a municipal boundary judge would approve it.

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION ACCEPTING BID AND AWARDING CONTRACT
FOR 2016 VETERAN'S MEMORIAL UPDATES**

#16-23

WHEREAS, pursuant to an advertisement for bids for the updates to the Veteran's Memorial Park.

WHEREAS, bids were received, opened and tabulated according to law, and (3) bids were received complying with the advertisement as follows:

Dennis Killian 2069 100 th St. Fosston, MN 56557	Base Bid	\$ 92,896.00
	Alternate #1-Glow Sand	\$ 2,500.00
	Alternate #1-Mock-up	\$ 200.00
	Alternate #2-Lighting	<u>\$ 67,000.00</u>
	TOTAL BID	\$162,596.00

Eagle Construction Co., Inc.	Base Bid	\$ 104,665.40
	Alternate #1-Glow Sand	\$ 5,187.50
	Alternate #1-Mock-up	\$ 228.00
	Alternate #2-Lighting	<u>\$ 37,500.00</u>
	TOTAL BID	\$117,747.40

Christiansen Construction Co., Inc.	Base Bid	\$ 258,995.00
	Alternate #1-Glow Sand	\$ 37,500.00
	Alternate #1-Mock-up	\$ 1,000.00
	Alternate #2-Lighting	<u>\$ 3,228.00</u>
	TOTAL BID	\$300,723.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOSSTON, MINNESOTA

1. The Mayor and City Administrator are hereby authorized to enter into an agreement with Dennis Killian Construction, Inc., Fosston, Minnesota in the name of the City of Fosston for the 2016 Veteran's Memorial Park Updates, Base Bid of \$92,896.00, Alternate #1-Glow Sand of \$2,500.00 and Alternate #1-Mock-up of \$200.00 for a total contract price of \$95,596.00.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 13th day of June, 2016.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Motion was made by Hoialmen seconded by Veum to approve Change Order No. 1 from Killian Construction in the amount of \$20,155 for the 2016 Veteran's Memorial Park Updates. Motion carried by unanimous vote.

Keith Kinnen was present to review plans and estimates for the Sports Complex hockey rink and warming house maintenance building project. The budget we were working with was \$300,000. As he explained the project has been broken into three separate categories. The hockey rink is over budget by \$25,000 to begin with. The warming house cost estimate is at \$195,631. Kinnen discussed some potential reductions but cautioned that the savings would not be significant and would significantly impact the quality/maintenance of the building. Consensus of the council is to leave the warming house as planned. Further discussion also determined that the light poles can be painted but the heads should be replaced with energy efficient ones; the rubber mats are important for skaters getting to and from the warming house; a sidewalk is necessary from the FIT trail to the bathrooms. The sidewalk was not part of the plans but a rough estimate for this is around \$5,000. After further discussion the consensus of the council is to proceed with the plans with the current estimate of \$347,000 but to approach the utilities commission for an additional \$50,000. Kinnen will proceed with planning and will meet with the committee next week with 90% completion plans. Council would like to open bids by July 11th if possible.

Member Hoialmen introduced the following resolution and moved its adoption:

RESOLUTION NO. 16-24

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE
AUGUST 9, 2016 PRIMARY ELECTION AND THE
NOVEMBER 8, 2016 GENERAL ELECTION**

WHEREAS, a State Primary Election will be held on August 9, 2016; and

WHEREAS, a General Election will be held on November 8, 2018; and

WHEREAS, Minnesota Statute 204B.21, subd. 2, requires election judges for precincts in a municipality be appointed by the governing body of the municipality; and

WHEREAS, the City of Fosston has one precinct; and

WHEREAS, the following City of Fosston residents have applied to serve as election judges and meet the qualifications established by the State of Minnesota.

NOW THEREFORE BE IT RESOLVED, that the City of Fosston Council, in accordance with State Law, hereby appoints the following persons to serve as election judges for the Primary Election on August 9, 2016 and the General Election on November 8, 2016.

Mavis Anderson	Sally Hanson	Dorothy Brown	Darlene Berg	Linda Hand
Rosalie Larson	Al Heide	Bill Malwitz	Marlene Henney	Janet H. Olson
Janet Hanson				

BE IT FURTHER RESOLVED, that the City of Fosston Council approves payment of an hourly wage of \$10.50 per hour during election judge training and time served on election day and approves payment of an hourly wage of \$11.00 per hour for a Chief Judge during time served on election day.

BE IT FURTHER RESOLVED, that in case an appointed judge is unable to serve, the City Administrator is authorized to find a substitute judge of the same political party for the judge who cannot serve.

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

and the following voted against same: None

Whereupon said resolution was declared adopted and passed by the Council of the City of Fosston this 13th day of June, 2016.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING SELECTION
OF AIRPORT ENGINEER FOR CITY OF FOSSTON**

RESOLUTION NO. 16-25

WHEREAS, The City of Fosston has requested statements from qualified consultants to provide planning and engineering services for improvements to the Fosston Municipal Airport.

WHEREAS, Federal Aviation Administration (FAA) guidelines contained in Advisory Circular (AC) 5100-14C were used to evaluate firms.

WHEREAS, Karvakko Engineering was found to be the most qualified firm based on the evaluation by the Airport Commission.

THEREFORE BE IT RESOLVED, by the Council of the City Fosston that:

1. Karvakko Engineering is the City's choice to provide consulting services for airport projects to be initiated during the next 5 year period.
2. The City Administrator is directed to enter negotiations with Karvakko Engineering for design services as needed for projects planned in the next five year period.
3. The City Administrator will notify the FAA and Minnesota Department of Transportation, Office of Aeronautics, of the City's consultant selection.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 13th of June, 2016.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY
OF A \$450,000 GENERAL OBLIGATION IMPROVEMENT BOND,
SERIES 2016B
RESOLUTION NO.16-26**

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

and the following voted against the same: None

Whereupon the resolution was declared duly passed and adopted this 13th day of June, 2013.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Hoialmen introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY
OF A \$540,000 TAXABLE GENERAL OBLIGATION SEWER REVENUE
BOND, SERIES 2016C
RESOLUTION NO.16-27**

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

and the following voted against the same: None

Whereupon the resolution was declared duly passed and adopted this 13th day of June, 2016.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Council considered approval of a Real Estate Purchase and Sale Agreement with BNSF Railway Company. This purchase is for the alley from S. Johnson Avenue to S. Inderlee Avenue behind K's Variety. The purchase price is \$29,000. In 2013 the City issued checks to BNSF for the Second Street South property purchase in the amount of \$38,000 (check #93441) and \$2,000 (check #3442). These have been returned and will be voided. A check in the amount of \$69,000 will be sent to BNSF for these property purchases. Motion was made by Hoialmen seconded by

Veum to approve the real estate purchase and sale agreement with BNSF Railway Company.
Motion carried by unanimous vote.

Member Anderson introduced the following resolution and moved its adoption:

**A RESOLUTION RESCINDING THE VACATION OF A PORTION OF
SECOND STREET AND DAVIS AVENUE
RESOLUTION NO. 16-28**

**THE CITY COUNCIL OF THE CITY OF FOSSTON, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City Council previously passed Resolution No. 16-12, vacating pursuant to Minnesota Statute 412.851, a portion of Second Street and Davis Avenue legally described as:

---Second Street, which is commonly known as 2nd Street Northeast, for the full width, from the easterly boundary of Franklin Avenue, which is commonly known as North Inderlee Avenue, Townsite of West Fosston, as extended, to the westerly boundary of Central Avenue, which is commonly known as North Granum Avenue, Townsite of East Fosston, as extended---

---Davis Avenue, which is commonly known as North Hillestad Avenue, for the full width, from the southerly boundary of Block 2, Townsite of West Fosston, as extended, to the northerly boundary of Block 9, Townsite of West Fosston, as extended---

WHEREAS, final approval of Resolution No. 16-12 was contingent upon certain conditions being met;

WHEREAS, the referendum vote approving the proposed addition to the Fosston High School did not pass.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FOSSTON, COUNTY OF POLK, MINNESOTA, that Resolution No. 16-12 to vacate a portion of street described as follows is hereby rescinded:

---Second Street, which is commonly known as 2nd Street Northeast, for the full width, from the easterly boundary of Franklin Avenue, which is commonly known as North Inderlee Avenue, Townsite of West Fosston, as extended, to the westerly boundary of Central Avenue, which is commonly known as North Granum Avenue, Townsite of East Fosston, as extended---

---Davis Avenue, which is commonly known as North Hillestad Avenue, for the full width, from the southerly boundary of Block 2, Townsite of West

Fosston, as extended, to the northerly boundary of Block 9, Townsite of West Fosston, as extended---

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

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 13th day of June, 2016.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Council Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION OF AUTHORIZING SUBMISSION OF GRANT APPLICATION
TO THE NORTHWEST MINNESOTA FOUNDATION
RESOLUTION NO. 16-29**

WHEREAS, the City of Fosston submitted a pre-proposal to the Northwest Minnesota Foundation for a grant to complete the Comprehensive Plan Update;

WHEREAS, the Northwest Minnesota Foundation approved the pre-proposal and invited the City of Fosston to submit a full proposal for the Comprehensive Plan Update;

BE IT IS RESOLVED, by the Council of the City of Fosston that the City Administrator is authorized to submit a grant application to the Northwest Minnesota Foundation for the Comprehensive Plan Update;

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are authorized to sign the grant application.

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

Offerdahl, Hoialmen and Veum

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 13th day of June, 2016.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Motion was made by Hoialmen seconded by Veum to approve Partial Payment Estimate No. 7 – Final from Hagen Construction in the amount of \$6,760.57 for the First Street Alley and Mary Avenue project. Motion carried by unanimous vote.

Motion was made by Veum seconded by Hoialmen to approve Partial Payment Estimate No. 9 – Final from Gordon Construction in the amount of \$16,473.34 for the Downtown Street and Utility Improvements. This approval is pending signed paperwork. Motion carried by unanimous vote.

Motion was made by Veum seconded by Hoialmen to approve Purchase Option Contract with MDV, Inc. for Industrial Park lots. Motion carried by unanimous vote. This option must be exercised not later than June 1, 2018.

Proposals were received to complete Phase II of the Fosston Public Utilities/City of Fosston Wellhead Protection Plan:

Minnesota Rural Water	\$5,900.00
Bayerl Water Resources	\$8,208.00
Widseth Smith Nolting	\$8,971.00

Motion was made by Hoialmen seconded by Veum to accept the proposal from Minnesota Rural Water to complete Phase II of the Wellhead Protection Plan at a cost of \$5,900.00. Motion carried by unanimous vote.

Motion was made by Veum seconded by Hoialmen to approve the final payment to Polk County Highway Department for the Second Street South and Brandt Avenue Improvement Projects in the amount of \$156,807.52. Motion carried by unanimous vote. Polk County was the fiscal agent for this project. It also included the LRIP grant.

Lee Cariveau gave an update on city projects:

- The concrete issue from last year's projects is being addressed at this time. The concrete has pop outs varying in size. Deterioration of this concrete has been deemed unacceptable and contractors have been notified by the City is requiring removal and replacement of the areas of defective, deteriorating and unacceptable work. The supplier states the issue is because of the freeze/thaw cycles experienced this past winter and stated that MN DOT has experienced the same problems in the entire northern half of the state. The materials engineer at MN DOT indicated to Cariveau that he is unaware of any

other areas having the same problem as Fosston. We had at least three different contractors doing various work with concrete in Fosston. All projects have this problem and the common denominator in all of these seems to be the supplier. Gordon has verbally asked for core samples. They have not yet done this in writing. The samples would be done by an independent company at a cost of around \$3,500 to \$4,000. During construction, tests passed on the city side and the contractor side. Cariveau recommends having the contractor and supplier do the core samples and split the cost. They can prove to the city the condition of the material. Consensus of the council is to have Cariveau proceed. He will draft a letter to the contractor and supplier that council will review before it goes out.

- Industrial Builders will be in town to mill Second St. NW. The street will stay that way until Gordon's begin their work.

Before the meeting ended, Mayor Offerdahl stated that Allen Potvin was completely out of line when he badmouthed our previous Mayor. It was unnecessary and uncalled for and will not happen at another council meeting.

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

Charles Lucken, City Administrator