

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
NOVEMBER 9, 2015

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, November 9, 2015 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Veum, Hoialmen and Dufault. Member absent: Anderson. Also present were Polk County Deputies Bixby and Folkert, Leah Hemmingsen, Ed LaVelle, Paige Tompkins, Lee Cariveau, Boy Scouts Henry Burrack, Lilly Ihrke, Luke Ihrke, Tristan Gustafson and leaders Craig Burrack, Joy Sundbom and Sarah Ihrke.

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

- a) Consider approval of Pay Estimate for the Blower Building Project .

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

- a) Approve the minutes of the regular meeting held October 12, 2015 as per copies furnished each member.
- b) Approve Accounts Payable Bill Listing #15-11 in the amount of \$82,397.42 and AP Bill Listing #15-11A in the amount of \$35,662.04.

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement: Deputy Folkert reported on law enforcement matters:

- Law enforcement was working on a felony investigation.
- There was an incident of a person living at the airport. He has since left the area.
- Officer Bixby reports that the drug task force is active and doing well.
- The IRS phone scam has been reported and information was relayed to the public to be aware of scams such as this.

Civic Center: Councilmember Veum gave an update:

- In the next year or two we need to look at purchasing a water softener for the Civic Center.
- The skating rink is ready for the winter season.
- The craft show was well attended again this year.

Airport:

- The CIP was reviewed.
- There is some work to do on the door at the SRE building.

Member Hoialmen introduced the following resolution and moved its adoption:

**RESOLUTION ADOPTING ASSESSMENT
FOR 2014 BRANDT AVENUE IMPROVEMENT PROJECT
RESOLUTION NO. 15-40**

WHEREAS, pursuant to proper notice duly given as required by law, the council met and heard and passed upon all objections to the proposed assessment for the improvement of the following streets by bituminous overlay and replacement of water and/or sewer:

South Brandt Ave. between East First St. and C.S.A.H. No. 1

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefitted by the proposed improvement in the amount of assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January, 2016, and shall bear interest at the rate of six (6) percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31, of the year in which said payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor-Treasurer to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

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

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 9th day of November, 2015.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Motion was made by Dufault seconded by Hoialmen to approve Partial Pay Estimate #4 from Hagen Construction and Trucking in the amount of \$24,115.72 for the First Street Alley and Mary Avenue Project. Motion carried by unanimous vote.

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
RESOLUTION NO. 15-41**

WHEREAS, a contract has been let (costs have been determined) for the improvement of **Second Street South between Granum Avenue South and Mark Avenue South** and the contract price for such improvement is \$1,170,237, and the expenses incurred or to be incurred in making such improvement amount to \$181,701 so that the total cost of the improvement will be \$1,351,938.

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

1. The portion of the cost of such improvement to be paid by the City and State is hereby declared to be \$1,306,610 and the portion of the cost to be assessed against benefited property owners is declared to be \$45,128.
2. Assessments shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January, 2016 and shall bear interest at the rate of 6 percent per annum from the date of adoption of the assessment resolution.
3. The City Administrator, with the assistance of the city consulting engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in the office for public inspection.
4. The City Administrator shall upon the completion of such proposed assessment, notify the Council thereof.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 9th day of November, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION FOR HEARING ON
PROPOSED ASSESSMENT
RESOLUTION NO. 15-42**

WHEREAS, by a resolution passed by the council on November 9, 2015, the City Administrator was directed to prepare a proposed assessment of the cost of improving the following streets by bituminous overlay:

Second Street South between Granum Avenue South and Mark Avenue South

AND WHEREAS, The City Administrator has notified the council that such proposed assessment has been completed and filed in his office for public inspection,

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

1. A hearing shall be held on the 14th day of December, 2015, in city hall at 7:15 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before December 15 or interest will be charged through December 31 of the succeeding year.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 12th day of October, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Hoialmen introduced the following resolution and moved its adoption:

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
RESOLUTION NO. 15-43**

WHEREAS, a contract has been let (costs have been determined) for the improvement of **Second Street North between Johnson Avenue North and Mark Avenue North, North Johnson Ave. between First Street (Hwy #2) and Second Street North, North Kaiser Ave. between First Street (Hwy #2) and Second Street North and the Alley on Block 8, West Fosston between N. Johnson Ave. and No. Inderlee Ave.** and the contract price for such improvement is \$916,701, and the expenses incurred or to be incurred in making such improvement amount to \$112,973 so that the total cost of the improvement will be \$1,029,674.

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

1. The portion of the cost of such improvement to be paid by the City and State is hereby declared to be \$_____ and the portion of the cost to be assessed against benefited property owners is declared to be \$_____.
2. Assessments shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January, 2016 and shall bear interest at the rate of 6 percent per annum from the date of adoption of the assessment resolution.
3. The City Administrator, with the assistance of the city consulting engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in the office for public inspection.
4. The City Administrator shall upon the completion of such proposed assessment, notify the Council thereof.

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: Hoialmen, Dufault, Veum and Offerdahl

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 9th day of November, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Hoialmen introduced the following resolution and moved its adoption:

**RESOLUTION FOR HEARING ON
PROPOSED ASSESSMENT
RESOLUTION NO. 15-44**

WHEREAS, by a resolution passed by the council on November 9, 2015, the City Administrator was directed to prepare a proposed assessment of the cost of improving the following streets:

Second Street North between Johnson Avenue North and Mark Avenue North
North Johnson Ave. between First Street (Hwy #2) and Second Street North
North Kaiser Ave. between First Street (Hwy #2) and Second Street North
Alley on Block 8, West Fosston between N. Johnson Ave. and No. Inderlee Ave.

AND WHEREAS, The City Administrator has notified the council that such proposed assessment has been completed and filed in his office for public inspection,

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

1. A hearing shall be held on the 14th day of December, 2015, in city hall at 7:30 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest

accrued to December 31 of the year in which such payment is made. Such payment must be made before December 15 or interest will be charged through December 31 of the succeeding year.

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: Hoialmen, Dufault, Veum and Offerdahl

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 12th day of October, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
RESOLUTION NO. 15-45**

WHEREAS, a contract has been let (costs have been determined) for the improvement of **First Street Alley and Mary Avenue** and the contract price for such improvement is \$374,346, and the expenses incurred or to be incurred in making such improvement amount to \$57,500 so that the total cost of the improvement will be \$431,846.

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

1. The portion of the cost of such improvement to be paid by the City and State is hereby declared to be \$_____ and the portion of the cost to be assessed against benefited property owners is declared to be \$_____.
2. Assessments shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January, 2016 and shall bear interest at the rate of 6 percent per annum from the date of adoption of the assessment resolution.
3. The City Administrator, with the assistance of the city consulting engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in the office for public inspection.
4. The City Administrator shall upon the completion of such proposed assessment, notify the Council thereof.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 9th day of November, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION FOR HEARING ON
PROPOSED ASSESSMENT
RESOLUTION NO. 15-46**

WHEREAS, by a resolution passed by the council on November 9, 2015, the City Administrator was directed to prepare a proposed assessment of the cost of improving the following streets:

Alley right-of-way between Granum Avenue South and Inderlee Avenue South
Mary Avenue North between 9th St. N.W. and 10th St. NW

AND WHEREAS, The City Administrator has notified the council that such proposed assessment has been completed and filed in his office for public inspection,

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

1. A hearing shall be held on the 14th day of December, 2015, in city hall at 7:30 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property,

with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before December 15 or interest will be charged through December 31 of the succeeding year.

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

and the following voted against same: None

Whereupon said resolution was declared passed and adopted this 12th day of October, 2015.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Before council considered Partial Pay Estimate #7 from Gordon Construction, Lee Cariveau spoke to the issue of liquidated damages in place since October of 2014 in the amount of \$6,000. He reviewed council minutes from October, 13, 2014 when this was done. It was due to not meeting the completion date deadline. They did finish the fall work on November 7, 2014. There were no additional costs to the city due to this delay. After further discussion, motion was made by Dufault seconded by Hoialmen to approve Partial Pay Estimate #7 from Gordon Construction in the amount of \$16,583.67 for the Downtown Street and Utility Improvement Project and to remove liquidated damages. Motion carried by unanimous vote.

Motion was made by Veum seconded by Hoialmen to approve Pay Application #8 – Final from Gordon Construction in the amount of \$4,034.11 for the Second Street South Improvement Project. Motion carried by unanimous vote.

Member Dufault introduced the following resolution and moved its adoption:

**A RESOLUTION VACATING A PORTION OF KAISER AVENUE
RESOLUTION NO. 15-47**

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

WHEREAS, the City Council previously passed Resolution No. 15-47, noting its interest in vacating pursuant to Minnesota Statute 412.851, a portion of Kaiser Avenue legally described as:

The East 15.00 feet of Kaiser Avenue lying west of and adjacent to Lot 16, less the North 25.00 feet thereof, according to the Official Plat of BERGE'S ADDITION TO THE VILLIAGE OF FOSSTON, of record in the office of the County Recorder in and for the County of Polk, State of Minnesota.

All that part of Kaiser Avenue as platted per the plat of BERGE'S ADDITION TO THE VILLIAGE OF FOSSTON, of record in the office of the Polk County Recorder, in and for the County of Polk, and the State of Minnesota

and setting a public hearing to consider the vacation of such portion of street; and

WHEREAS, a public hearing to consider the vacation of such street was held on the 14th day of December, 2015, before the City Council in City Hall located at 220 East First St. at 7:30 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Administrator on the 1st day of December, 2015 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the proposed vacation will not substantially or adversely affect the market value of adjacent property or property within the platted area; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FOSSTON, COUNTY OF POLK, MINNESOTA, that such petition for vacation is hereby granted and the portion of street described as follows is hereby vacated:

All that part of Kaiser Avenue as platted per the plat of BERGE'S ADDITION TO THE VILLIAGE OF FOSSTON, of record in the office of the Polk County Recorder, in and for the County of Polk, and the State of Minnesota

BE IT FURTHER RESOLVED, that the Mayor and City Administrator are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

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: Hoialmen, Veum, Dufault and Offerdahl.

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 14th day of December, 2015.

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Motion was made by Hoialmen seconded by Dufault to approve Master Agreement for Professional Services and Task Order No. 5 for Phase 2 – Fosston Veteran’s Memorial Design. Motion carried by unanimous vote.

Motion was made by Veum seconded by Dufault to approve the Farm Lease between the City and Mike Affeldt for 2016 at \$80/acre. Motion carried by unanimous vote.

Lee Cariveau presented Partial Pay Estimate #2 for the Blower Building Project from RSK in the amount of \$15,223.75. Cariveau was in the blower building and reports it was a lot cleaner than it had been. There are just a couple of minor things that will be done tomorrow or Wednesday. Just retainage will be left after this pay estimate. Veum is opposed to paying this until minor things are completed. Cariveau explained that besides retainage, we still have the performance bond. After further discussion, motion was made by Hoialmen seconded by Dufault to approve Partial Pay Estimate #2 in the amount of \$15,223.75. Voting in favor of the motion: Hoialmen, Dufault and Offerdahl. Voting against: Veum. Motion carried.

Cariveau informed the council that Lenex will be working on the NAPA building property sloping for drainage, etc. Some alley and ditching items may need to be addressed at a later date. The City has no action to take at this time.

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

Charles Lucken, City Administrator