

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
November 12, 2024

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Tuesday, November 12, 2024, at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, Anderson, Pearson, and Mulry. Also present was Cassie Heide, Amelia Linehan, Steven Lyseng, Karen Graham, Callen Weispfennig, Stephen Larson, Keith Kinnen (Karvakko Engineering), Nicole Dolejs (AE2s Engineering), Tanner Goodrich (Essentia), Michael Curtis (Essentia), Chief Juve, and Officer Olson.

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

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

- A) To approve the minutes of the regular meeting held October 14, 2024.
- B) To approve Accounts Payable Bill Listing #24-11 in the amount of \$124,960.30 and Supplemental AP Bill Listing #24-11A in the amount of \$1,437,900.19.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$3392.83.

COMMITTEES/BOARDS/COMMISSION:

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

- Heide reported a lot of work has gone into the Small Cities Development Program. This loan is for owner-occupied homes, and they must reside in the home for seven years for the loan to be forgiven. There have been twenty homes approved to date, using all the \$24,750 available per home. There may be room for one more as of a couple weeks ago.
- Heide informed the council the 2nd Street NE Sidewalk project will be moved to 2026 due to better funding available at that time from District 2.
- Heide serves on the Coalition of Greater MN Cities Economic Development Committee, meeting quarterly. They provide many beneficial initiatives and services for the cities they serve.
- The Omland Court financial audit went well, the grant is nearly wrapped up.
- The city purchased and closed on the old eye clinic building.
- Heide reported the city also closed on an additional 20 feet sold to the Danielson's in the Aspen Addition.
- Heide informed the council the city has applied for and was awarded a grant for the source identification and reduction for the PFAS.
- Heide worked with Lyseng in completing the Lead and Copper Rule Revision.

- Heide reported a letter of intent for phase 3 of the FIT Trail covering St. Mary's Church to the Aspen Addition, was submitted. This portion will be more costly due to the wetland areas being affected in this phase. The full application will be due in January. The costs consider not impacting any of St. Mary's land.
- Expense reports were provided to the council relating to projects going on in Fosston. Currently, there are 9 open projects, 7 of which are grant funded. Heide stated a few will be getting closed out at tonight's meeting.
- Heide reported the preliminary assessment hearing for the 2025 Street Improvement Project will take place at the December meeting.
- Notary renewals are coming up. Currently, 3 employees in the office are notary certified.
- Heide informed the council she is looking into the sick leave policy for possible changes. This policy was last reviewed with the police department HSA policy. Heide is looking into other cities' sick leave policies.
- Heide spoke on the healthcare future. Many meetings have taken place with the financial advisors and legal team. The city received an encouraging legal memo the week prior. A special meeting may need to be held in the coming weeks to update the council and talk about the next steps needed to continue to move forward.
- Heide reported residents and other community members reaching out to her to report loss and changes of service at Essentia, including the new kiosks.

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

- The street department has been sweeping streets and using trucks to collect the leaves.
- Mulry inquired about equipment pertaining to leaf vacuum collection. Lyseng will look into different cost and effectiveness options.
- Lyseng reported the park bathrooms are winterized and closed for the season. The campground will also close on November 18, 2024, for the season.
- Ponds 2 & 3 have been discharged; 7 loads of alum used between the two ponds.
- Lyseng informed the council J&R Wastewater Inc. has been cleaning the sanitary sewer lines in town, as well as jet and camera the lines. They cover approximately one-third of the town each year.
- Staff have been busy working on GPS mapping manholes, sewers, water valves, and hydrants.
- Lyseng reported the Lead and Copper Rule Revision is complete. There were 2 lines labeled as unknown, and 4 lines labeled as galvanized lines. The MDH has recommended the galvanized lines be replaced but is not required. Residents own their water line and its entirety from the home to the water main.
- The Industrial Park Project looks good and will be wrapping up soon as the equipment will be parked for the for the winter months.
- Lyseng reported core drilling for 5th Street Project is being completed. A sewer camera will be used to verify if any lines need to be replaced.
- Lyseng informed the council he will be meeting with Border States next week to discuss reclosure costs and replacements.

- There are 2 active projects in town: 3-phase project up to the wastewater plant and a single-phase project between Foss Avenue and Granum Avenue, and 8th & 9th street.
- Lyseng reported the large gas customer pressure checks have been completed.
- Gas materials are still backordered with an estimated 30 week out delivery date.
- Lyseng informed the council that gas will be installed in the Industrial Park in 2025.

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

- Graham informed the council the Boardwalk Project is almost finished. The existing footings were in great shape and did not need to be replaced. Handicap rails are nearly complete.
- Graham received a bid from Keller Fencing to replace the fencing along the perimeter of the softball complex for the approximate amount of \$136,000.00. Kosel Services provided a bid to replace 50 posts, repair the remaining posts, pack with rock ensuring the fence will be uniform for a price of \$19,800.00.
- Graham reported the pool heater is in and that water is back up to 84 degrees.

Police Department: Chief Phil Juve and Officer Mary Olson reported on matters pertaining to the police department.

- Olson reported the month of October had 174 calls for service resulting in 32 cases. There were 4 citations, one being related to a criminal case and 2 arrests. The department has been receiving calls on child protection, domestic assault, and agency assists.
- Olson assisted multiple agencies in a missing child case.
- Olson attended the TZD Conference, all went well.
- Juve expressed appreciation for working with other agencies including the Fire Department and the City Maintenance department.
- Juve informed the council of the upcoming BCA Audit taking place on Wednesday. This audit is required to be completed every 3 years.
- Juve will be attending a training course at Camp Ripley in February.
- Juve reported the staff have been working hard and they have received several calls from the public being appreciative of the increased police presence in the community.

Community Development:

Heide reported the EDA board recommended the council approve \$30,000 IRP loan, 5 years at 5.5% to the Firefly Center with the intent to finish out 1-2 rental units which will generate income. Offerdahl called for a motion to approve the interfund loan.

Motion was made by Mulry, seconded by Pearson to approve the \$30,000 IRP loan to the Firefly Center. Motion carried by unanimous vote.

Hospital Board/Healthcare:

- Heide reported that they have not had any meetings since July. One is scheduled for later this month. The board was asked to approve some emergent capital requests in between

these meetings. Heide has worked with legal as there is strong language in the resolution they want to be careful of.

Arts & Culture Commission:

- Heide reported the mural is complete and was partially grant funded and will use the balance of their \$5000.00 for additional costs.

City Attorney: No report.

Airport Commission:

- Heide reported on an update given by Mead & Hunt Engineering. Gustafson & Goudge will continue to work on the foundation for the Hangar Project. The walls should be poured by the end of the week, then will back fill and close the site for winter. The floor will be poured in April 2025 with a completion date expected for the end of June 2025.
- Heide stated Gustafson & Goudge are doing a great job.
- Heide will review and reach out to those on the hangar waiting list and will work on lease and price options.

The council met as a canvassing board to certify the results of the November 5, 2024, General Election and adopt resolution certifying results of General Election and consider adoption of Resolution to certify the results of the November 5, 2024, General Election. Heide reported 618 people voted in person. The morning of Election Day there were 814 registered voters in Fosston with 94 more being registered throughout the day.

Motion was made by member Anderson to adoption to adopt the following resolution:

**CITY OF FOSSTON
RESOLUTION TO CERTIFY RESULTS OF THE
TUESDAY, NOVEMBER 5, 2024 GENERAL ELECTION
RESOLUTION NO. 24-37**

WHEREAS the City of Fosston held an election for the office of Mayor and two Council Members for a four-year regular term, November 5, 2024 during the General Election; and

WHEREAS on this 12th day of November, 2024, the City Council has met to canvass said election results;

WHEREAS the votes tabulated at said election were:

OFFICE OF MAYOR:
Two (2) Year Term

TOTAL

James Offerdahl 583

WRITE-IN FOR MAYOR 23

OFFICE OF COUNCILMEMBER TOTAL

Four (4) Year Term

Roy Dufault 392

Mike Mulry 280

Abby Pearson 389

George Bosselman 71

WRITE-IN FOR COUNCIL **TOTAL**
3

THEREFORE BE IT RESOLVED by the Council of the City of Fosston that the official election results for the office of Mayor and City Council are accepted as summarized by the Election Judges.

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

and the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 12th day of November 2024.

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Council considered adoption of an Ordinance to Regulate Cannabis Business Title XI Chapter 115.

Heide informed the council the Office of Cannabis Management came up with a model ordinance that has been adjusted for Fosston. Heide stated if Polk County has 3 active

cannabis retail establishments, Fosston will not be required to have one. This ordinance will use the highest distance requirements for schools, public parks, treatment facilities and daycares. Heide also stated the city will be placing the highest restrictions that can on this type of business. The moratorium needs to be acted upon by/before December.

Motion was made by Anderson, seconded by Mulry to adopt Ordinance to Regulate Cannabis Business Title XI Chapter 115. Motion carried by unanimous vote.

Introduced by Council Member Anderson

Seconded by Council Member Mulry

**AN ORDINANCE OF THE CITY OF FOSSTON TO REGULATE
CANNABIS BUSINESSES
TITLE XI CHAPTER 115
ORDINANCE NUMBER 24-02**

The City council of the City of Fosston hereby ordains:

Section 1. Administration

1.1 Findings and Purpose

City of Fosston makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes City of Fosston to protect the public health, safety, welfare of City of Fosston residents by regulating cannabis businesses within the legal boundaries of City of Fosston.

City of Fosston finds and concludes that the proposed provisions are appropriate and lawful land use regulations for City of Fosston, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority & Jurisdiction

City of Fosston has the authority to adopt this ordinance pursuant to:

- a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

- c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of the City of Fosston.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

The Chief of Police is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
2. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
3. Cannabis Retail Businesses: A retail location and the retail location(s) of a mezzo businesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.
4. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
5. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
6. Lower-potency Hemp Edible: As defined under Minn. Stat. 342.01 subd. 50.
7. Office of Cannabis Management: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.
8. Place of Public Accommodation: A business, accommodation, refreshment,

entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

9. Preliminary License Approval: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
10. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
11. Residential Treatment Facility: As defined under Minn. Stat. 245.462 subd. 23.
12. Retail Registration: An approved registration issued by the City of Fosston to a state-licensed cannabis retail business.
13. School: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.
14. State License: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

Section 2. Registration of Cannabis Businesses

2.1 Consent to registering of Cannabis Businesses

No individual or entity may operate a state-licensed cannabis retail business within City of Fosston without first registering with City of Fosston.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation.

Notwithstanding the foregoing provisions, the state shall not issue a license to any cannabis business to operate in Indian country, as defined in United States Code, title 18, section 1151, of a Minnesota Tribal government without the consent of the Tribal government.

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, City of Fosston shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, City of Fosston shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

2.3 Registration & Application Procedure

2.3.1 Fees.

City of Fosston shall not charge an application fee.

A registration fee, as established in City of Fosston’s fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by City of Fosston shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 Application Submittal.

The City of Fosston shall issue a retail registration to a [state-licensed](#) cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(A) An applicant for a retail registration shall fill out an application form, as provided by the City of Fosston. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought;
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

(B) The applicant shall include with the form:

- i. the registration fee as required in [Section 2.3.1];
- ii. a copy of a valid state license or written notice of OCM license preapproval;

(C) Once an application is considered complete, the Chief of Police shall inform the applicant as such, process the application fees, and forward the application to the City of Fosston council for approval or denial.

(D) The application fee shall be non-refundable once processed.

2.3.3 Application Approval

(A) A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 2.6.

(B) A state-licensed cannabis retail business application shall not be

approved or renewed if the applicant is unable to meet the requirements of this ordinance.

- (C) A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

2.3.4 Annual Compliance Checks.

The City of Fosston shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this title XI chapter 115 of City of Fosston ordinances.

The City of Fosston shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 Location Change

A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 2.3.2 if it seeks to move to a new location still within the legal boundaries of City of Fosston.

2.4 Renewal of Registration

The City of Fosston shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by City of Fosston.

A cannabis retail registration issued under this ordinance shall not be transferred.

2.4.1 Renewal Fees.

The City of Fosston may charge a renewal fee for the registration starting at the second renewal, as established in (City of Fosston)'s fee schedule.

2.4.2 Renewal Application.

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this Ordinance.

2.5 Suspension of Registration

2.5.1 When Suspension is Warranted.

The City of Fosston may suspend a cannabis retail business's registration if it violates the ordinance of City of Fosston or poses an immediate threat to the health or safety of the public. The City of Fosston shall immediately notify the cannabis retail business in writing the grounds for the suspension.

2.5.2 Notification to OCM.

The City of Fosston shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide City of Fosston and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

The City of Fosston may reinstate a registration if it determines that the violations have been resolved.

The City of Fosston shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, subd. 5(e) the City of Fosston may impose a civil penalty, as specified in the City of Fosston's Fee Schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

If Polk County has one active cannabis retail businesses registration for every 12,500 residents, the City of Fosston shall not be required to register additional state-licensed cannabis retail businesses.

Section 3. Requirements for Cannabis Businesses

3.1 Minimum Buffer Requirements

The City of Fosston shall prohibit the operation of a cannabis business within 1,000 feet of a school.

The City of Fosston shall prohibit the operation of a cannabis business within 500 feet of a day care.

The City of Fosston shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

The City of Fosston shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The City of Fosston shall prohibit the operation of a cannabis retail business within 1,000 feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.357 subd. 1e, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Zoning and Land Use

3.2.1. *Cultivation.*

Cannabis businesses licensed or endorsed for cultivation are permitted as a (type of use) in the following zoning districts:

- agriculture

3.2.1. *Cannabis Manufacturer.*

Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a (type of use) in the following zoning districts:

- Industrial

3.2.1. *Hemp Manufacturer.*

Businesses licensed or endorsed for low-potency hemp edible manufacturers permitted as a (type of use) in the following zoning districts:

- Industrial

3.2.1. *Wholesale.*

Cannabis businesses licensed or endorsed for wholesale are permitted as a (type of use) in the following zoning districts:

- Center Business District (C) or Commercial-Industrial (C-1)

3.2.1. *Cannabis Retail.*

Cannabis businesses licensed or endorsed for cannabis retail are permitted as a (type of use) in the following zoning districts:

- Commercial

3.3 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00a.m. and 9:00p.m.

3.4 Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by (City of Fosston)'s sign ordinances.

Section 4. Temporary Cannabis Events

4.1 License or Permit Required for Temporary Cannabis Events

A license or permit is required to be issued and approved by City of Fosston prior to holding a Temporary Cannabis Event.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days.

4.2.1 Fees

A registration fee, as established in (City of Fosston)'s fee schedule, shall be charged to applicants for Temporary Cannabis Events.

4.2.2 Application Submittal & Review

The City of Fosston shall require an application for Temporary Cannabis Events.

(A) An applicant for a retail registration shall fill out an application form, as provided by the (City of Fosston). Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. Address of the event location;
- iv. Description of the event including dates and hours.

(B) The applicant shall include with the form:

- i. the application fee as required in (Section 4.1.2);
- ii. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the (City of Fosston), or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

(C) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the (insert staff/department, or elected body that will

approve or deny the request) for approval or denial.

(D) The application fee shall be non-refundable once processed.

(E) The application for a license for a Temporary Cannabis Event shall meet the following standards:

4.2.3 Application Approval.

(A) The application for a license for a Temporary Cannabis Event shall meet the following standards:

- i. No on-site consumption of cannabis products is allowed;
- ii. No more than 25 people can attend the temporary cannabis event at the same time;
- iii. A temporary cannabis event shall only be held indoors at a licensed cannabis retail business;
- iv. A temporary cannabis event cannot last more than 4 days;
- v. A temporary cannabis event can only be held between the hours of 10:00 am and 9:00 pm.

(B) A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

(C) A request for a Temporary Cannabis Event that does not meet the requirements of this Section shall be denied. The City of Fosston shall notify the applicant of the standards not met and basis for denial.

Section 5. Use in Public Places

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Voting in the negative: None

Voting in the affirmative: Anderson, Dufault, Mulry, Pearson, and Offerdahl

Passed this 12th day of November, 2024.

ATTEST:

James Offerdahl, Mayor

Cassie Heide, City Administrator

Council considered approving Farm Lease with Mike Theis for 9.2 acres in 2025.

Heide stated this is the second year the lease will be on the 9.2 acres of undeveloped housing on Aspen. Theis has paid for the year of 2024 and plans to renew the lease.

Motion was made by Dufault, seconded by Anderson to approve the Farm Lease with Mike Theis for 9.2 acres in 2025. Motion carried by unanimous vote.

Council considered approval of City of Fosston Americans with Disabilities Act (ADA) Plan.

Heide informed the council this ADA plan is required for the grant funding that the city receives from the state for transit and will keep the city in compliance. The plan for the bus is reviewed every 3 years.

Motion was made by Anderson, seconded by Pearson to approve the City of Fosston Americans with Disabilities Act (ADA) Plan. Motion carried by unanimous vote.

Council considered approving Softball Complex Fence Repairs.

Heide informed the council the repair cost came in at \$19,800.00. Commission approved the expense with an increase to the interfund loan, the funding is there and is well worth the money for these necessary repairs. Offerdahl included that Rich with Kosel Services has done good work and would recommend. Work would potentially start next week.

Motion was made by Anderson, seconded by Dufault to approve the Softball Complex Fence repairs. Motion carried by unanimous vote.

Council considered approving Task Order No. 15 for Berge Trail Project Engineering.

Kinnen informed the council the project was designed and put out for bid. The previous task order was covered, and the budgeted time is accurate. Heide stated she was pleased with the amount of \$29,500.

Motion was made by Mulry, seconded by Dufault to approve the Task Order No.15 for Berge Trail Project Engineering in the amount of \$29,500. Motion carried by unanimous vote.

Council considered awarding bid for Berge Park Trail Project 060-090-004 to Gordon Construction in the amount of \$246,352.71.

Heide informed the council that the county will handle this like they did for the Safe Routes to School Project. The grant funding will go through the county, they will pay the construction expenses, and the city will pay the engineering expenses. Any expenses that

exceed the grant or isn't covered under the grant will be billed by the county. There were 6 bids all coming in very close with Gordon Construction as the apparent low bidder. The trail will continue inside the park from Johnson Ave to 4th Street and along Larson Ave to the bathrooms.

Motion was made by Anderson, seconded by Pearson to award the bid for Berge Park Trail Project 060-090-004 to Gordon Construction in the amount of \$246,352.71. Motion carried by unanimous vote.

Council considered approving Final Pay Estimate No. 7 in the amount of \$14,630.19 to Hagen Construction, Inc for the 2023 Johnson Avenue Utility & Street Improvement Project.

Kinnen reported all work is complete.

Motion was made by Anderson, seconded by Mulry to approve the Final Pay Estimate No. 7 in the amount of \$14,630.19 to Hagen Construction, Inc for the 2023 Johnson Avenue Utility & Street Improvement Project. Motion carried by unanimous vote.

Council considered approving the Final Pay Estimate No. 5 in the amount of \$24,470.15 to Gordon Construction for the 2022 SRTS (Safe Routes to School), Civic Center, Amber Ave N Project.

Heide informed the council the county will be paying this estimate, if there is a balance they may bill the city.

Motion was made by Dufault, seconded by Anderson to approve the Final Pay Estimate No. 5 in the amount of \$24,470.15 to Gordon Construction for the 2022 SRTS (Safe Routes to School), Civic Center, Amber Ave N Project. Motion carried by unanimous vote.

Council considered approving the Final Pay Estimate No. 3 in the amount of \$13,577.89 to Gordon Construction for the 2024 Omland Park Improvement Project.

Motion was made by Dufault, seconded by Pearson to approve the Final Pay Estimate No. 3 in the amount of \$13,577.89 to Gordon Construction for the 2024 Omland Park Improvement Project. Motion carried by unanimous vote.

Council considered approving Pay Estimate No. 2 for the Industrial Park/Airport T-Hangar & Utilities Project to Gordon Construction of Mahnommen, Inc in the Amount of \$832,272.20.

Heide informed the council this project is grant funded. Heide has been working with Larson, Dolejs, and the EDA to submit the credit applications for \$2.2 million in expenses that have been footed by the city. Heide stated in addition to time and effort, there is a lot required with legal and engineering that goes into the credit application being submitted. The city has not received the first reimbursement.

Motion was made by Anderson, seconded by Mulry to approve Pay Estimate No. 2 for the Industrial Park/Airport T-Hangar & Utilities Project to Gordon Construction of Mahnommen, Inc in the Amount of \$832,272.20. Motion carried by unanimous vote.

Council considered approving Pay Estimate No. 2 for the Industrial Park/Airport T-Hangar & Utilities Project to Gustafson & Goudge, Inc. in the amount of \$122,084.82.

Heide informed the council this project is 80% reimbursable.

Motion was made by Dufault, seconded by Anderson to approve Pay Estimate No. 2 for the Industrial Park/Airport T-Hangar & Utilities Project to Gustafson & Goudge, Inc. in the amount of \$122,084.82. Motion carried by unanimous vote.

Keith Kinnen (Karvakko) was present to discuss the Airport, FIT Trail Expansion, and TAP/Berge Park Sidewalk project.

Kinnen reported he has been working with Heide and Larson on cleaning up property descriptions. Kinnen has also been working with Lyseng to identify any utility conflicts along the corridor. The 2nd Street project has moved to design. One hydrant will need to be moved. Kinnen is working on the environmental documents needed for the right of way and easement acquisition for a temporary easement to be completed.

Nicole Dolejs (AE2s Engineering) was present to discuss the 2024 Industrial Park/Airport Utilities and Hangar project.

Dolejs reported they are wrapping up the Industrial Project for the year and will be out by Thanksgiving. The 2nd pay application is just under 50% complete, utilities are near complete, paving will take place in the Spring and the completion date will remain the same. Dolejs was notified that the first EDA disbursement should be received in the next couple of days. Dolejs also met with Heide and Lyseng to finalize the cost estimate for the 5th Street project so they can have the preliminary assessment hearing in December.

A forum for members of the public present to speak was held. Tanner Goodrich (Essentia) introduced Michael Curtis, interim Administrator to the council. Goodrich stated Curtis is doing a great job as interim. Curtis informed the council of a demonstration vehicle at Essentia Health-Fosston promoting seatbelt awareness. The vehicle was involved in a rollover and has a moving story. They are hoping to speak with the schools and public about the importance of seatbelt use.

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

Cassandra Heide, City Administrator

