

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
November 13, 2023

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, November 13, 2023, at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Anderson, Dufault, LePier and Mulry. Members absent: None. Also present was: Cassie Heide, Sarah Manecke, Stephen Larson, Steven Lyseng, Shane Linehan, Jim Juve, Keith Kinnen, Jarda Solc, Abby Pearson, Andrew Hanson, Mark Hagen and Bonnie Stewart.

Recited the Pledge of Allegiance.

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

Motion was made by Dufault, 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 October 16, 2023, as presented.
- B) To approve Accounts Payable Bill Listing #23-11 in the amount of \$312,392.03 and Supplemental AP Bill Listing #23-11A in the amount of \$1,161,226.75.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$3,223.32.

COMMITTEES/BOARDS/COMMISSION:

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

- Heide provided the council with an electric vehicle charging report from October.
- Heide indicated that the city is accepting applications for a full-time Police Sergeant.
- Lefse Fest will be held at the Civic Center on Friday, November 17th from 5-7pm. Amelia graciously offered to coordinate this annual event.
- Heide noted that the Truth in Taxation public hearing will be held during the December meeting.
- Heide included the year-to-date budget to actual report in the back of the packet for council review.

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

- The street department has been busy sweeping streets, picking up brush and trimming trees. They will be putting up Christmas lights & decorations this week prior to Light up the Night on November 17th.

- Johnson Ave N is back open to traffic; however, the asphalt won't be done until next spring. Lyseng said they would fill in potholes on 6th St/Johnson Ave, as needed. The spot repairs won't be completed until spring as well.
- Lyseng indicated that the concrete is completed at the library entrance.
- JR Wastewater camera & cleaned 7,800 feet of sewer line throughout the city over the last month. They discovered 200 ft of sewer line near 4th St/Eaton/Dunlevy that had been washed away, so Hagen was able to repair that right away.
- Ponds 2 & 3 have been discharged. Seven (7) loads of alum were added to the ponds.
- Lyseng & Linehan repaired a line that feeds the pressure sensor at the water tower over the weekend. The alarm indicated that the water tower was empty, but it was full.
- Lyseng indicated that the Omland Court cul-de-sac paving project will be bid again in December.
- The linemen are working on three phase transformer inspections.
- Brady Swanson has seven tests left in the final book of the apprenticeship program.
- The natural gas meter at the Childcare Center had to be relocated due to enclosing a portion of the back porch.
- Lyseng indicated that they are still seeing long lead time on natural gas materials.

Civic Center: No report.

Police Department: Jim Juve reported on matters pertaining to the police department.

- Juve reported they had 131 calls for service and 21 reports were completed since the last council meeting.
- Juve said they've seen an increase in child protection & vulnerable adult calls. They have also seen an uptick in traffic speed.
- With the upcoming winter season, Juve indicated that they will continue to assist the public works department with vehicles, campers, boats, trailers, etc. parked on the street longer than 24 hours or after a snowfall to aid with snow removal. If it becomes a problem, citations will be issued and/or vehicles will be towed.
- While being short-handed, the department has adjusted their schedules accordingly. Juve thanked Officers Hanson and Olson for taking extra on-call time.
- Juve said they continue to do school patrol & are visible in the schools both mornings and afternoons.
- Juve indicated that Officer Olson will oversee the TZD grant which is for 4 departments, Fosston, Bagley, Clearbrook and Mahnommen County. Olson is attending the conference this week.

Community Development:

- Dufault informed the council that the EDA board met at noon today. In addition to regular business, there was further discussion on Omland Court and they were given a tour of the Palubicki's apartments.

Hospital Board: No report.

Arts & Culture Commission:

- Bonnie Stewart had nothing to report; however, she expressed her appreciation to the city for investing in the Aurora Center for Arts by recently replacing the roof and updating the sidewalk.

City Attorney:

- Attorney Larson reported that mediation between the City of Fosston and Essentia Health occurred on Wednesday, November 8th from 10am – 5:30pm. The mediator declared an impasse after not much movement on either side. The next step is arbitration. Larson indicated they will continue to work with Essentia in hopes to resolve the dispute prior to arbitration. According to the Affiliation Agreement, Essentia can't discontinue OB services without prior notification, which the city argues they have not provided. If it goes to arbitration, an arbitration panel will deliberate the facts of the case and determine whether Essentia can discontinue OB services. If that is the decision, the city would be able to terminate the agreement with Essentia.
- Attorney Larson had some answers to council questions regarding low potency edibles. In response to the question about the city being allowed to deny future licenses now that we have a limit, Larson said the city may be able to if a business hasn't behaved. In response to the question about the location of these businesses in relation to schools, childcare centers, etc., the state is silent on this matter. The council can determine where the buffer should be. Lastly, in response to the question about not allowing low potency edibles to be sold along the Highway 2 corridor, Larson stated that we could create an overlay district, which allows for special zoning on certain districts in town.

ISD 601 Superintendent: No report.

Council considered approval of Interim Chief of Police appointment of Jim Juve. Mayor Offerdahl confirmed with Attorney Larson that due to data practice rules, council is only able to know that Chief Manecke is on medical leave for an undetermined period. Heide indicated that we must have an Interim Chief of Police in the meantime. They worked with the State to file the proper paperwork. Heide expressed her appreciation to Juve for stepping up to help during this time and recommends that he be appointed to the Interim Chief of Police position.

Motion was made by Anderson, seconded by Mulry to approve the Interim Chief of Police appointment of Jim Juve. Motion carried by unanimous vote.

Member Dufault introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
POLK COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 23-39

RESOLUTION AUTHORIZING SUBMISSION OF MN PROTECT GRANT

WHEREAS, the City of Fosston approves, the application to the Minnesota Department of Transportation State Aid for Local Transportation Division (Mn/DOT) for funding through the PROTECT program and;

WHEREAS, The proposed project would televise city stormwater mains and clean portions of existing storm pipe, including all mainline pipe downstream from Kingo Lutheran Church in Fosston, prioritize other areas of the city based on video footage.

WHEREAS, the City of Fosston has authorized the County of Polk to act as the sponsoring agency for the City of Fosston for the PROTECT and;

WHEREAS, The Northwest Minnesota Area Transportation Partnership (ATP-2) is extending the solicitation period for its fiscal year 2025 PROTECT program funding. Applications will be accepted until 4:00 p.m. on November 20, 2023. The available federal funding in this solicitation is \$500,000.

THEREFORE BE IT RESOLVED, that the City of Fosston agrees to the operation and maintenance of property and facilities related to the aforementioned transportation enhancement project.

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: Anderson, Dufault, Mulry, LePier and Offerdahl.

and the following voted against same: None.

Whereupon said resolution was declared passed and adopted this 13th day of November, 2023.

James Offerdahl, Mayor

ATTEST:

Cassandra Heide, City Administrator

Member Mulry introduced the following resolution and moved its adoption:

**CITY OF FOSTON
COUNTY OF POLK
STATE OF MINNESOTA**

RESOLUTION NO. 23-40

**RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF
TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT
EXCLUDING LAND ACQUISITION**

It is resolved by the City of Fosston as follows:

1. That the state of Minnesota Agreement No. 1054838,
“Grant Agreement for Airport Improvement Excluding Land Acquisition,” for
State Project No. A06009-32 at the Fosston Municipal-Anderson Field is accepted.
2. That the City Administrator and Mayor are authorized to execute this Agreement and
any amendments on behalf of the City of Fosston.

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: Anderson, Dufault, Mulry, LePier and Offerdahl.

and the following voted against same: None.

Whereupon said resolution was declared passed and adopted this 13th day of November, 2023.

James Offerdahl, Mayor

ATTEST:

Cassie Heide, City Administrator

Member Anderson introduced the following resolution and moved its adoption:

**CITY OF FOSTON
COUNTY OF POLK
STATE OF MINNESOTA**

RESOLUTION NO. 23-41

**RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF
TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT
EXCLUDING LAND ACQUISITION**

It is resolved by the City of Fosston as follows:

1. That the state of Minnesota Agreement No. 1055190,
“Grant Agreement for Airport Improvement Excluding Land Acquisition,” for
State Project No. A06009-33 at the Fosston Municipal-Anderson Field is accepted.
2. That the City Administrator and Mayor are authorized to execute this Agreement and
any amendments on behalf of the City of Fosston.

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

and the following voted against same: None.

Whereupon said resolution was declared passed and adopted this 13th day of November, 2023.

James Offerdahl, Mayor

ATTEST:

Cassie Heide, City Administrator

Council considered approval of 2024 Farm Lease with Mike Theis. The tillable acreage is 9.2 acres. This lease is for a period of one (1) year from January 1, 2024, through December 31, 2024.

Motion was made by Dufault, seconded by LePier to approve the 2024 Farm Lease with Mike Theis. Motion carried by unanimous vote.

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE SALE OR
DISPOSAL OF REAL PROPERTY
RESOLUTION NO. 23-42**

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 3, Block 5, ASPEN ADDITION TO THE CITY OF FOSSTON.---

(“Land”)

Buyer/Transferee:

Kyle and Michelle Vig

(“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 Mulry and upon vote being taken thereon the following members voted in favor thereof: Anderson, Dufault, LePier, Mulry and Offerdahl.

and the following voted against same: None.

Upon this vote, this resolution passed and is effective the 13th day of November, 2023.

James Offerdahl, Mayor

Attest:

Cassie Heide, City Administrator

Council considered approval of pay estimate No. 4 for the 2023 Utility & Street Improvement Project to Hagen Construction, Inc in the amount of \$62,339.76. Heide indicated that Hagen has not signed the pay estimate as he believes some of the quantities are incorrect. He would like to work with Kinnen to figure out the appropriate quantities completed before approving the pay estimate.

Motion was made by Anderson, seconded by Mulry to table pay estimate No. 4 for the 2023 Utility & Street Improvement Project to Hagen Construction, Inc until the December meeting. Motion carried by unanimous vote.

Council considered approval of pay estimate No. 4 for the 2023 Airport Runway Rehabilitation project to Davidson Construction in the amount of \$1,275,235.26.

Motion was made by Anderson, seconded by Mulry to approve pay estimate No. 4 for the 2023 Airport Runway Rehabilitation project to Davidson Construction in the amount of \$1,275,235.26. 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.

Airport – Kinnen noted that the paving is complete as well as the temporary striping. There must be a flight check approval from the FAA before the runway can be opened. Kinnen is hoping that'll happen next week.

FIT Trail Expansion – Kinnen is working through preliminary design for the Calvary Church portion of the trail. They are in the process of applying for another TAP grant for Phase 2 of the FIT Trail Expansion.

2023 Utility & Street Improvement project – This project will be wrapped up in the spring.

TAP/Berge Park Sidewalk project – Kinnen is working on preliminary engineering. Kinnen’s new rendering would take the sidewalk along Johnson Ave N through the alley to Berge Park.

They are looking to bid the project in April/May with construction starting summer of 2024.

Omland Court Cul-de-sac paving project – Kinnen has revised the plans, and the city will re-bid the project in December in hopes for lower bids.

Jarda Solc, AE2S, was present to discuss the 2024 Industrial Park/Airport Utilities and Hangar project. The hanger project is moving along nicely and is currently at the FAA waiting for approval. A page turn will be done prior to submitting plans to EDA for approval.

The current Industrial Park/Airport Utilities design is back within budget. Solc had a meeting with staff last week to go over the utilities and indicated that a gas designer is reviewing the plans.

A forum for members of the public present to speak was held. No one from the public wished to speak during this forum.

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

Cassandra Heide, City Administrator