

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
NOVEMBER 13, 2017

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, November 13, 2017 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Veum, and Hoialmen, Dufault and Anderson Also present was: Charles Lucken, Cassie Heide, Lee Cariveau, Zach Folkert, Amelia Linehan, Karen Graham, and Keith Kinnen.

Motion was made by Anderson, seconded by Dufault to approve the agenda with the following modifications:

- Consider adoption of Ordinance No. 4.30 annexing land into City of Fosston
- Consider adoption of Ordinance No. 4.31 annexing land into City of Fosston
- Consider adoption of Ordinance No. 4.32 annexing land into City of Fosston
- Consider adoption of Ordinance No. 4.33 annexing land into City of Fosston
- Consider adoption of Ordinance No. 4.34 annexing land into City of Fosston
- Consider adoption of Ordinance No. 4.35 annexing land into City of Fosston

Motion carried by unanimous vote.

Motion was made by Dufault seconded by Anderson to approve Consent Agenda items A. and B.  
Motion carried by unanimous vote.

- A) To approve the minutes of the regular meeting held October 9, 2017 regular meeting minutes.
- B) To approve Accounts Payable Bill Listing #17-11 in the amount of \$67,258.55 and AP Bill Listing #17-11A in the amount of \$147,503.88.

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement: Zach Folkert was present to discuss matters pertaining to their department.

- October was a very busy month with a few big cases, one of which is still pending.
- Regular traffic and school patrol took place

Civic Center/Parks & Recreation: Karen Graham was present to discuss matters pertaining to her departments.

- The old bathrooms have been converted into a garage with a new garage door.
- Bagley Fosston youth hockey will use the rink Wednesday nights for practice
- Possible Saturday morning learn to skate lessons will be held this winter. Karen is working out the detail of this.

- Swede Bro will do a final assessment of the pool deck this week. Demolition will begin the first week in December.
- Regarding the lift for the pool, letters were sent to the Rotary club of Fosston, Essentia , and Fosston/Lengby Lions for assistance with the purchase of the lift. Essentia did respond with further questions that Karen will answer.

Airport: Lowell Veum reported on matters concerning the airport

- The blacktopping has been finished, but, there is some landscaping left to do this Spring and compass rose that need to be put back on the apron.

Star Committee: Cassie Heide reported on matter concerning the Star Committee

- During Rotary roses, the Fosston High School Student Council and committee members handed out roses to the elderly living in care or assisted living facilities. This is the fourth year for this project and is well received.
- Light up the Night and Lefse Fest will be on Friday the 17<sup>th</sup>. The City is lit with Christmas lights as of today and Lefse Fest begins at 3:00p.m. at the Civic Center.

Street/Utilities/Sanitation: Dave Larson reported on matters pertaining to his departments

- Street sweeping stopped when the snow came. Plows have plowed and sanded once so far this year and equipment is working well. The new snow plow truck should be here by the end of this month.
- Natural gas installs are completed.
- Cathodic protection and leak surveys have been done on the natural gas.
- IPF is working well
- Two full ponds were discharged and everything was in limits.
- J. Rettenamaier will be closing down for a couple weeks for some electrical updates. We will take this time to do some updating on our equipment as well.
- Bucket truck had the ram on the extender fail. Crews took the ram apart and brought it to Bemidji to be repaired. It is now back and in working order.
- A zoning permit application was turned in for the placement of a heritage home at Heritage grounds. Chris Killian is the contractor and Dave will ensure that the building is being placed in a suitable place and does not infringe on green space for Veterans Memorial Park.

Mayor Offerdahl called the Public Hearing on Proposed Special Assessments for the 2017 Street and Utility Improvement Project to order. There were no members from the public present.

Mayor Offerdahl closed the Public Hearing on Proposed Special Assessments for the 2017 Street and Utility Improvement Project.

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION ADOPTING ASSESSMENT  
FOR 2017 STREET AND UTILITY IMPROVEMENT PROJECT  
RESOLUTION NO. 17-26**

**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:

North Mark Avenue from Second Street NW to Third Street NW

South Mark Avenue from U.S. Highway #2 to Second Street SW

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, 2018, 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, 2018. 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 Anderson and upon vote being taken thereon, the following voted in favor thereof: Veum, Anderson, Dufault, Hoialmen, Offerdahl.

And the following voted against same: none

Whereupon said resolution was declared passed and adopted this 13<sup>th</sup> day of November, 2017.

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Council considered a request for NW MN Multi-County HRA for additional rehab funds for the final Rental Rehab project under the SCDP grant. Lucken reported that the HRA had one final project to complete with the final grant money available. The amount requested exceeds the grant money but can be taken out of the revolving funds which is for housing redevelopment. A motion was made by Dufault, seconded by Anderson to approve the request from NW MN Multi County HRA for \$6,493.00 for final rental rehab project under the SCDP grant. Motion carried by unanimous vote.

Council considered approving the Farm Land Lease with Mike Affeldt for the 2018 season. A motion was made by Anderson, seconded by Hoialmen to approve the Farm Land Lease with Mike Affeldt for the 2018 season. Motion carried by unanimous vote.

Council considered approving the purchase agreement with Charles & Millicent Balstad for Parcel No. 87.00016 and 87.00019. Larson reported that there is a sanitary sewer that runs under this property and there is not an easement currently recorded. The cost of moving this sewer service could easily exceed the purchase price. Offerdahl would like to purchase the parcels and place an easement on the utilities for possible future re-sale. A motion was made by Dufault, seconded by Anderson to approve purchase agreement with Charles & Millicent Balstad for parcel no. 87.00016 & 87.00019. Motion carried by unanimous vote.

Council considered approving Worker's Compensation Insurance premium for 2017-2018 to the League of Minnesota Cities Insurance Trust in the amount of \$37,325.00. Lucken reported that there was an increase due to increased payroll and our experience modification rate. A motion was made by Veum, seconded by Anderson to approve the 2017-2018 Worker's Compensation Insurance Premium in the amount of \$37,325.00 to the League of Minnesota Cities Insurance Trust. Motion carried by unanimous vote.

Council considered approving employee health insurance renewal for 2018 per recommendation of Personnel Committee. Lucken reported that the City and employees were faced with a 49% increase this year. Our current provider BCBS, part of the Northwest Service Co-op, along with A.T. Group, representing Preferred One presented staff with insurance options. A.T. Group came in under the increased proposed budget on a similar \$1,000 deductible plan that employees

currently have. A motion to approve coverage with A.T. Group, representing Preferred One for city employees was made by Hoialmen, seconded by Anderson. Motion carried by unanimous vote.

Council considered approving the 2018 Cost of Living Adjustment and Step Increases for City Employees per the recommendation from the Personnel Committee. A motion was made by Anderson, seconded by Hoialmen to approve the 2018 Cost of Living Adjustment and Step Increases for City Employees per the recommendation from the Personnel Committee.

Larson reported that one sanitation worker position is open and that he would recommend Derek Rud for the open position. Rud has passed his written CDL and will get more behind the wheel time before he takes his driving portion of his test. Larson would also recommend that Tom Percerwicz who is currently still on staff from summer help would be a good fit for the open maintenance position that Derek would leave vacant if moving into sanitation. A motion was made by Anderson, seconded by Hoialmen to approve Derek Rud's position change to sanitation and Tom Percerwicz position change to maintenance worker. Motion carried by unanimous vote.

Lee Cariveau was present to address the council on possible 2018 street and utility improvement projects as part of his preliminary engineering report. Cariveau presented many options including Northwood Ave/8<sup>th</sup> Street, Berge Stafford Park buildup, Industrial Ave/11<sup>th</sup> St, 3<sup>rd</sup> St drainage and trailer park paving. Dufault would like to see what kind of debt load will be coming off in 2018 and what kind of funds would be available before determining what work should be done. Larson and Cariveau should sit down and narrow the list down to see what really is most important. Council will table this issue and get more information before making any further decisions regarding 2018 street and utility improvements.

Council considered approving the Law Enforcement Contract with Polk County for 2018. The contract has an increase of about 3-4% due to payroll and this was built into the budget. No other changes were made to this contract. A motion was made by Hoialmen, seconded by Anderson to approve the Law Enforcement Contract with Polk County for 2018. Motion carried by unanimous vote.

Member Veum introduced the following resolution and moved its adoption:

RESOLUTION RELATING TO LEASE WITH OPTION  
TO PURCHASE AGREEMENT NO. 40000952  
RESOLUTION NO. 17-27

BE IT RESOLVED by the governing body of the CITY OF FOSSTON, MN (the Issuer), as follows:

Section 1. Recitals and Authorization. The Issuer, as lessee, has heretofore entered into a Lease with Option to Purchase Agreement No. 40000952 dated as of November 13, 2017 (the Lease), with CapFirst Equipment Finance, Inc., as lessor. It is hereby determined that it is necessary and desirable and in the best interests of the Issuer to enter into the Lease for

the purposes therein specified, and the execution and delivery of the Lease by the Issuer are hereby approved, ratified and confirmed.

Section 2. Designation as Qualified Tax-Exempt Obligation. Pursuant to Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1986 (the Code), the Issuer hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Code. In compliance with Section 265(b)(3)(D) of the Code, the Issuer hereby represents that the Issuer will not designate more than \$10,000,000 of obligations issued by the Issuer in the calendar year during which the Lease is executed and delivered as such "qualified tax-exempt obligations."

Section 3. Issuance Limitation. In compliance with the requirements of Section 265(b)(3)(C) of the Code, the Issuer hereby represents that the Issuer (including all "subordinate entities" of the Issuer within the meaning of Section 265(b)(3)(E) of the Code) reasonably anticipates not to issue in the calendar year during which the Lease is executed and delivered, obligations bearing interest exempt from federal income taxation under Section 103 of the Code (other than "private activity bonds" as defined in Section 141 of the Code) in an amount greater than \$10,000,000.

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: Veum, Hoialmen, Anderson, Dufault, and Offerdahl.

and the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 13<sup>th</sup> day of November, 2017.

**CITY OF FOSSTON, MN**

By: \_\_\_\_\_

Name/Title: James Offerdahl / Mayor

**ATTEST:**

By: \_\_\_\_\_

Name/Title: Charles Lucken, City Administrator

Council considered approving Partial Pay Estimate No. 5 from Hagen Construction and Trucking in the amount of \$29,134.57 for the 2017 Street and Utility Improvement Project. Cariveau reported that this amount includes all except for retainage in the amount of \$5,694.73 for grass growth. A motion was made by Anderson, seconded by Hoialmen to approve Partial Pay Estimate No. 5 from Hagen Construction and Trucking in the amount of \$29,134.57 for the 2017 Street and Utility Improvement Project. Motion carried by unanimous vote.

Member Dufault introduced the following ordinance and moved its adoption.

**ORDINANCE NUMBER 4.30**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA  
ANNEXING LAND LOCATED IN ROSEBUD TOWNSHIP, POLK COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 3  
PERMITTING ANNEXATION BY ORDINANCE**

An ordinance annexing land into the City of Fosston:

Section 1. RECITALS.

A. WHEREAS, Kevin Spong is the sole owner of the following described unincorporated real property containing 1.08 acres, more or less, situated in Polk County, Minnesota:

The East 214.5 feet of the West 412.5 feet of the South 219.95 feet of Government Lot Four (4), Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian.

(Parcel No. 61.00033.02)

B. WHEREAS, the property described above is not presently within the corporate limits of any incorporated city.

C. WHEREAS, the area proposed for annexation is 40 acres or less in size, is 60% or more bordered by land already within the corporate limits of the City of Fosston, and is not appropriate for annexation by ordinance pursuant to Minnesota Statutes § 414.033, Subd. 2(3).

D. WHEREAS, the subject property is being served by city water, sewer, and electricity.

E. WHEREAS, the members of the Fosston City Council are reasonably familiar with said property and believe same is now or is about to become urban or suburban in character.

F. WHEREAS, no part of said tract is included in another boundary adjustment proceeding pending before the Municipal Boundary Adjustments, and no other municipality borders said property.

G. WHEREAS, on July 17, 2017, the City of Fosston's Notice of Intent for Annexation was served upon Kevin Spong by U. S. Mail and ninety (90) days have elapsed without objection

H WHEREAS, the City of Fosston, pursuant to Minnesota Statute § 414.036, shall reimburse property taxes to said Township in which the annexed property is located the sum of \$32.13, payable in equal annual installments of \$16.07 per year for 2 years, commencing with and including the year 2017, the first installment of which shall be paid on or before December 31, 2017

I. WHEREAS, the City of Fosston, pursuant to Minnesota Statute § 414.036, shall reimburse special assessments to said Township in which the annexed property is located the sum of \$160.00 payable in equal annual installments of \$80.00 per year for 2 years, commencing with and including the year 2017, the first installment of which shall be paid on or before December 31, 2017.

J. WHEREAS, members of the Fosston City Council have determined that annexation of the above described real property is and will be in the best interests of the City of Fosston, Minnesota, and of the territory effected.

Section 2. THEREFORE, upon motion duly made, seconded and carried,

**IT IS RESOLVED, and the City Council of the City of Fosston, Minnesota, hereby ordains and declares that the afore-described tract be and is hereby annexed and incorporated within the City of Fosston, Minnesota.**

Section 3. This ordinance shall be final and shall take effect and be in full force from and after the date on which it is passed, published, recorded and approved by the Municipal Boundary Adjustments Unit.

**Dated and passed by the City Council of the City of Fosston, Minnesota, on this 13th day of November, 2017.**

CITY OF FOSSTON

By: \_\_\_\_\_

James Offerdahl, Mayor

By: \_\_\_\_\_

Charles Lucken, City Administrator

Member Dufault introduced the following ordinance and moved its adoption.

**ORDINANCE NUMBER 4.31**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA  
ANNEXING LAND LOCATED IN ROSEBUD TOWNSHIP, POLK COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 5,  
PERMITTING ANNEXATION BY ORDINANCE**

An ordinance annexing land into the City of Fosston

Section 1. RECITALS.

A. WHEREAS, **Orland J. Aspen and Linda K. Aspen**, husband and wife, Petitioners, have filed a Petition for Annexation by the City of Fosston of the following described unincorporated real property containing .07 acres, more or less, situated in Polk County, Minnesota:

Commencing at the Northwest corner of Government Lot Four (4), Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40) West, thence running South along the West line of Government Lot 4 a distance of 1,292.44 feet to a point, thence running East along a line having a bearing of S88°58'06"E a distance 412.71 feet to a point, thence running North along a line having a bearing of N01°00'28"W a distance of 220.14 feet to a point, thence running East along a line having a bearing of S88°57'53"E a distance of 145.09 feet to a point being the POINT OF BEGINNING, thence running South along a line having a bearing of S01°00'27"E a distance of 220.14 feet to a point, thence running East along a line having a bearing of S88°57'53"E a distance of 12 feet to a point, thence running North to a point being 17 feet Easterly of the point of beginning, thence Westerly to the point of beginning.

(Parcel No. 61.00032.03)

B. WHEREAS, said Petitioners, **Orland J. Aspen and Linda K. Aspen**, are the sole owners of said property.

C. WHEREAS, the members of the Fosston City Council are reasonably familiar with said property and believe same is now or is about to become urban or suburban in character.

D. WHEREAS said tract abuts the City of Fosston, is unplatted and does not exceed two hundred (200) acres.

E. WHEREAS, no part of said tract is included in another boundary adjustment proceeding pending before the Municipal Boundary Adjustments, and no other municipality borders said property.

F. WHEREAS, the City of Fosston, pursuant to Minnesota Statute § 414.036, shall reimburse property taxes to said Township in which the annexed property is located the sum of \$2.03, payable in equal annual installments of \$1.02 per year for 2 years, commencing with and including the year 2017, the first installment of which shall be paid on or before December 31, 2017.

G. WHEREAS, no special assessments are payable in 2017 and therefore no reimbursement is due from the City of Fosston to said Township as would otherwise be required pursuant to Minnesota Statute § 414.036.

H. WHEREAS, members of the Fosston City Council have determined that annexation of the above described real property is and will be in the best interests of the City of Fosston, Minnesota, and of the territory effected.

Section 2. THEREFORE, upon motion duly made, seconded and carried

**IT IS RESOLVED, and the City Council of the City of Fosston, Minnesota, hereby ordains and declares that the aforescribed tract be and is hereby annexed and included in the City of Fosston, Minnesota, as if it had originally been a part thereof.**

Section 3. This ordinance shall be final and shall take effect and be in full force from and after the date on which it is passed, published, recorded and approved by the Municipal Boundary Adjustments Unit.

**Dated and passed by the City Council of the City of Fosston, Minnesota, on this 13th day of November, 2017.**

CITY OF FOSSTON

By: \_\_\_\_\_  
James Offerdahl, Mayor

By: \_\_\_\_\_  
Charles Lucken, City Administrator

**ORDINANCE NUMBER 4.32**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA  
ANNEXING LAND LOCATED IN ROSEBUD TOWNSHIP, POLK COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 5,  
PERMITTING ANNEXATION BY ORDINANCE**

An ordinance annexing land into the City of Fosston

Section 1. RECITALS.

A. WHEREAS, **Carrol D. Melbo and Linda G. Melbo**, husband and wife, Petitioners, have filed a Petition for Annexation by the City of Fosston of the following described unincorporated real property situated in Polk County, Minnesota:

**See attached Exhibit A.**

B. WHEREAS, said Petitioners, **Carrol D. Melbo and Linda G. Melbo**, are the sole owners of said property.

C. WHEREAS, the members of the Fosston City Council are reasonably familiar with said property and believe same is now or is about to become urban or suburban in character.

D. WHEREAS said tract abuts the City of Fosston, is unplatted and does not exceed two hundred (200) acres.

E. WHEREAS, no part of said tract is included in another boundary adjustment proceeding pending before the Municipal Boundary Adjustments, and no other municipality borders said property.

F. WHEREAS, the City of Fosston, pursuant to Minnesota Statute § 414.036, shall reimburse property taxes to said Township in which the annexed property is located the sum of \$88.83, payable in equal annual installments of \$44.42 per year for 2 years, commencing with and including the year 2017, the first installment of which shall be paid on or before December 31, 2017.

G. WHEREAS, the City of Fosston, pursuant to Minnesota Statute § 414.036, shall reimburse special assessments to said Township in which the annexed property is located the sum of \$160.00 payable in equal annual installments of \$80.00 per year for 2 years, commencing with and including the year 2017, the first installment of which shall be paid on or before December 31, 2017.

H. WHEREAS, members of the Fosston City Council have determined that annexation of the above described real property is and will be in the best interests of the City of Fosston, Minnesota, and of the territory effected.

Section 2. THEREFORE, upon motion duly made, seconded and carried,

**IT IS RESOLVED, and the City Council of the City of Fosston, Minnesota, hereby ordains and declares that the aforescribed tract be and is hereby annexed and included in the City of Fosston, Minnesota, as if it had originally been a part thereof.**

Section 3. This ordinance shall be final and shall take effect and be in full force from and after the date on which it is passed, published, recorded and approved by the Municipal Boundary Adjustments Unit.

**Dated and passed by the City Council of the City of Fosston, Minnesota, on this 13th day of November, 2017.**

CITY OF FOSSTON

By: \_\_\_\_\_  
James Offerdahl, Mayor

By: \_\_\_\_\_  
Charles Lucken, City Administrator

**ORDINANCE NUMBER 4.33**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA  
ANNEXING LAND LOCATED IN ROSEBUD TOWNSHIP, POLK COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 5,  
PERMITTING ANNEXATION BY ORDINANCE**

An ordinance annexing land into the City of Fosston

Section 1. RECITALS.

A. WHEREAS, **J. Rettenmaier USA LP, a Delaware limited partnership**, Petitioner, has filed a Petition for Annexation by the City of Fosston of the following described unincorporated real property containing .74 acres, more or less, situated in Polk County, Minnesota:

**See attached Exhibit A.**

B. WHEREAS, said Petitioner, **J. Rettenmaier USA LP, a Delaware limited partnership**, is the sole owner of said property.

C. WHEREAS, the members of the Fosston City Council are reasonably familiar with said property and believe same is now or is about to become urban or suburban in character.

D. WHEREAS said tract abuts the City of Fosston, is unplatted and does not exceed two hundred (200) acres.

E. WHEREAS, no part of said tract is included in another boundary adjustment proceeding pending before the Municipal Boundary Adjustments, and no other municipality borders said property.

F. WHEREAS, the City of Fosston, pursuant to Minnesota Statute § 414.036, shall reimburse property taxes to said Township in which the annexed property is located the sum of \$25.72, payable in equal annual installments of \$12.86 per year for 2 years, commencing with and including the year 2017, the first installment of which shall be paid on or before December 31, 2017.

G. WHEREAS, no special assessments are payable in 2017 and therefore no reimbursement is due from the City of Fosston to said Township as would otherwise be required pursuant to Minnesota Statute § 414.036.

H. WHEREAS, members of the Fosston City Council have determined that annexation of the above described real property is and will be in the best interests of the City of Fosston, Minnesota, and of the territory effected.

Section 2. THEREFORE, upon motion duly made, seconded and carried,

**IT IS RESOLVED, and the City Council of the City of Fosston, Minnesota, hereby ordains and declares that the aforescribed tract be and is hereby annexed and included in the City of Fosston, Minnesota, as if it had originally been a part thereof.**

Section 3. This ordinance shall be final and shall take effect and be in full force from and after the date on which it is passed, published, recorded and approved by the Municipal Boundary Adjustments Unit.

**Dated and passed by the City Council of the City of Fosston, Minnesota, on this 13th day of November, 2017.**

CITY OF FOSSTON

By:

James Offerdahl, Mayor

By:

Charles Lucken, City Administrator

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(Parcel No. 61.00041.01)

That part of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Four (4), Township One-Hundred Forty-Seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, Polk County, Minnesota, described as follows, to-wit:

Beginning at a point 589.0 feet due North and 320.0 feet due West of the center of Said Section 4 said point being the point of commencement of the tract of land described in the Indenture recorded January 5, 1946, in Book 237 of Deeds, page 328; thence Northerly, parallel with and 320.0 feet West of the North and South quarter line through said Section 4 a distance of 13.7 feet; thence due West 526.0 feet to the Northeast corner of a tract of land, which tract is the parcel described in an indenture dated March 25, 1963, and recorded in Book 351 of Deeds, page 85; thence due South along the Easterly line of said tract a distance of 150.0 feet to its intersection with the Northeasterly boundary of the right of way of Trunk Highway No. 2; thence Southeasterly along said right of way line a distance of 278.5 feet, "more or less" to the Southwesterly corner of the tract hereinbefore mentioned as being recorded in Book 237 of Deeds, page 328; thence due North along the Westerly boundary of said tract to the Northwest corner thereof; thence due East along the Northerly boundary of said tract a distance of 300.0 feet to the point of beginning, EXCEPTING THEREFROM the following described tract:

Beginning at a point 589.0 feet due north and 320.0 feet due west of the center of said Section Four (4); thence northerly, parallel with and 320.0 feet west of the north and south quarter line through said Section Four (4) a distance of 13.7 feet to the southeast corner of Lot Three (3), Block Two (2), Fosston Industrial Park; thence due west 526.0 feet, more or less, and along the southerly line of Lots Three (3), Four (4), and Five (5), Block Two (2), Fosston Industrial Park, to the southwest corner of said Lot Five (5); thence at right angles due south a distance of 40 feet; thence due east and parallel to the south line of said Lots Three (3), Four (4), and Five (5), a distance of 526.0 feet, more or less, to a point which is 320.0 feet west of the north and south quarter line through said Section Four (4) and which is also due south of the point of beginning; thence due north and parallel with such north and south quarter line a distance of 26.3 feet to the point of beginning.

**ORDINANCE NUMBER 4.34**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA  
ANNEXING LAND LOCATED IN ROSEBUD TOWNSHIP, POLK COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 5,  
PERMITTING ANNEXATION BY ORDINANCE**

An ordinance annexing land into the City of Fosston

Section 1. RECITALS.

A. WHEREAS, the **County of Polk, a governmental unit of the State of Minnesota**, Petitioner, has filed a Petition for Annexation by the City of Fosston of the following described unincorporated real property containing .3 acres, more or less, situated in Polk County, Minnesota:

**See attached Exhibit A.**

B. WHEREAS, said Petitioner, the **County of Polk, a governmental unit of the State of Minnesota**, is the sole owner of said property.

C. WHEREAS, the members of the Fosston City Council are reasonably familiar with said property and believe same is now or is about to become urban or suburban in character.

D. WHEREAS said tract abuts the City of Fosston, is unplatted and does not exceed two hundred (200) acres.

E. WHEREAS, no part of said tract is included in another boundary adjustment proceeding pending before the Municipal Boundary Adjustments, and no other municipality borders said property.

F. WHEREAS, no property taxes and no special assessments are payable in 2017 and therefore no reimbursements are due from the City of Fosston to said Township as would otherwise be required pursuant to Minnesota Statute § 414.036.

G. WHEREAS, members of the Fosston City Council have determined that annexation of the above described real property is and will be in the best interests of the City of Fosston, Minnesota, and of the territory effected.

Section 2. THEREFORE, upon motion duly made, seconded and carried,

**IT IS RESOLVED, and the City Council of the City of Fosston, Minnesota, hereby ordains and declares that the aforescribed tract be and is hereby annexed and included in the City of Fosston, Minnesota, as if it had originally been a part thereof.**

Section 3. This ordinance shall be final and shall take effect and be in full force from and after the date on which it is passed, published, recorded and approved by the Municipal Boundary Adjustments Unit.

**Dated and passed by the City Council of the City of Fosston, Minnesota, on this 13th day of November, 2017.**

CITY OF FOSSTON

By: \_\_\_\_\_  
James Offerdahl, Mayor

By: \_\_\_\_\_  
Charles Lucken, City Administrator

EXHIBIT A

(Parcel No. 61.00041.00)

That part of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section Four (4), Township One-Hundred Forty-Seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, Polk County, Minnesota, described as follows, to-wit:

Beginning at a point 589.0 feet due north and 320.0 feet due west of the center of said Section Four (4); thence northerly, parallel with and 320.0 feet west of the north and south quarter line through said Section Four (4) a distance of 13.7 feet to the southeast corner of Lot Three (3), Block Two (2), Fosston Industrial Park; thence due west 526.0 feet, more or less, and along the southerly line of Lots Three (3), Four (4), and Five (5), Block Two (2), Fosston Industrial Park, to the southwest corner of said Lot Five (5); thence at right angles due south a distance of 40 feet; thence due east and parallel to the south line of said Lots Three (3), Four (4), and Five (5), a distance of 526.0 feet, more or less, to a point which is 320.0 feet west of the north and south quarter line through said Section Four (4) and which is also due south of the point of beginning; thence due north and parallel with such north and south quarter line a distance of 26.3 feet to the point of beginning, EXCLUDING THEREFROM any land already within the City of Fosston, said exception being and/or including Parcel #87.00024.00.

Member Dufault introduced the following ordinance and moved its adoption.

**ORDINANCE NUMBER 4.35**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA  
ANNEXING LAND LOCATED IN ROSEBUD TOWNSHIP, POLK COUNTY, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(1),  
PERMITTING ANNEXATION BY ORDINANCE**

An ordinance annexing land into the City of Fosston:

Section 1. RECITALS.

A. WHEREAS, the City of Fosston owns the following described unincorporated real property abutting said City:

The Southerly Seven Hundred (700) feet of the Westerly Two Thirty-three and one-fourth (233.25) feet of the Northerly One Thousand Four Hundred Fifty-five (1,455) feet of the West Half of the Southeast Quarter (W1/2 of SE1/4), Section Three (3), Township One Hundred Forty-seven (147), North of Range Forty (40), West of the Fifth Principal Meridian.

B. WHEREAS, the total area of land is unplatted and contains 3.75 acres.

C. WHEREAS, no part of said tract is included in another boundary adjustment proceeding pending before the Municipal Boundary Adjustments Unit and no other municipality borders said property.

D. WHEREAS, the City of Fosston acquired said property in 1998 and said property as of the date hereof is classified as tax exempt and Rosebud Township is wholly unaffected by this annexation.

E. WHEREAS, members of the Fosston City Council have determined that annexation of the above described real property, utilized for sewer services, will be in the best interests of the City of Fosston, Minnesota, and any territory that may be affected.

Section 2. THEREFORE, upon motion duly made, seconded and carried,

**IT IS RESOLVED, and the City Council of the City of Fosston, Minnesota, hereby ordains and declares that the afore-described tract be and is hereby annexed and incorporated within the City of Fosston, Minnesota.**

Section 3. This ordinance shall be final and shall take effect and be in full force from and after the date on which it is passed, published, recorded and approved by the Municipal Boundary Adjustments Unit.

**Dated and passed by the City Council of the City of Fosston, Minnesota, on this 13th day of November, 2017.**

CITY OF FOSSTON

By: \_\_\_\_\_  
James Offerdahl, Mayor

By: \_\_\_\_\_  
Charles Lucken, City Administrator

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

\_\_\_\_\_  
Charles Lucken, City Administrator

