

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
November 18, 2019

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, November 18, 2019 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, Hoialmen, Anderson, and Bosselman. Members absent: none. Also present was: Cassie Heide, David Larson, James Tadman, Ethan Nagel, Ed Lavelle, Stephen Larson, Lee Cariveau, and Keith Kinnen.

Motion was made by Anderson, seconded by Hoialmen to approve the agenda with no modifications.

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

- A) To approve the minutes of the regular meeting held October 14, 2019 and special joint meeting of the City Council and Utilities Commission held October 30, 2019.
- B) To approve Accounts Payable Bill Listing #19-11 in the amount of \$253,637.45 and AP Bill Listing #19-11A in the amount of \$135,541.53.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$5,818.14.

A forum for members of the public present to speak was held.

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement:

- October was a slow month overall
- New processes for ordinance violation is working well.

City Administrator: Heide discussed matters pertaining to City Administration

- City Hall renovations are currently being designed with hopes for a winter project for local contractors to bid on.
A hazardous materials survey will need to be performed on the building prior to construction
- The new City bus arrived at the end of the month and is working well. It was acquired through a grant from MnDOT with an 80/20 match with the final cost being \$16,744.20 to the City transit system.
- There are three elections in 2020 with the addition of the presidential nomination primary on March 3rd. Election judges have been notified and asked for their service again in 2020.

- The Highway 2 Corridor study review panel meets on Thursday at 8:30am to review proposed alternatives.

Report from Director of Public Works: Dave Larson reported on matters pertaining to his departments

- There were 16 new gas installs this Fall.
- MDV is having trouble getting potatoes; the IPF is currently shut down. They are currently doing some repackaging work.
- Wastewater ponds were dumped; approximately 75-78 million gallons were discharged.
- JR Wastewater Systems was in town a couple of weeks ago and cleaned a number of sewers in the City including portions of Granum, most of the South side, a lift station by the hospital and all of 6th Street. This cleaning is good preventative maintenance.
- We are still waiting for permits from the railroad for the substation cable feeder replacement project that has been postponed until 2020.

Report from Aquatics & Recreation Director: Roy Dufault reported on matters pertaining to aquatics and recreation.

- Audiocare will be renting a room in the Civic Center going forward. In the past they rented from Cornerstone who now does not have the space for them.
- Classes are being taught in the Civic Center as well as service groups for fundraising activities; the seniors are using the pool.
- Graham renewed her pool operator license.
- The state inspector visited the Civic Center and pool and gave a good report.
- The new toolcat was delivered at the end of October.

Community Development: Roy Dufault reported on matters pertaining to community development

- Heide sent a letter to the tenants on Northwood Avenue in Omland Court last month regarding the move from Northwood Avenue into the cul de sacs on Omland Ave as the City is vacating Northwood Avenue for mobile home housing. Some residents have replied and are not upset but interested in being informed and kept up to date. Heide will continue to work with residents through the move.
- Refinance of the housing bond for Prairie Pines will save approximately \$150,000 and reduce the exposure of the City as the general obligator. This is a win for both the City and Essentia who as part of the management agreement makes those bond payments.

Council considered approving the 2020 Law Enforcement Contract with Polk County Sheriff's Office. The contract includes a 2% increase due to payroll increases.

Motion was made by Bosselman, seconded by Anderson to approve the 2020 Law Enforcement Contract with Polk County Sheriff's Office. 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. 19-31**

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:

Lots Sixteen (16) and Nineteen (19) of Fairlawn Park, being a part of the resubdivision of Outlots D and E of Park Addition to Fosston.

("Land")

Buyer/Transferee:

Midwest Minnesota Community Development Corporation, a nonprofit corporation under the laws of Minnesota

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

and the following voted against same: none.

Upon this vote, this resolution passed and is effective the 18th day of November, 2019.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Member Hoialmen introduced the following resolution and moved its adoption:

**RESOLUTION DESIGNATING POLLING PLACE
FOR PRECINCT ONE IN THE CITY OF FOSSTON
RESOLUTION NO. 19-32**

WHEREAS, Minnesota Statutes, Section 204B.16, Subd. 1, Polling Place Designation, in the 2020 Minnesota State Election Laws, requires that the City of Fosston must annually designate its polling place for each election precinct; and

WHEREAS, the City of Fosston has one election precinct for the entire City.

NOW THEREFORE BE IT RESOLVED, that the City of Fosston City Council does hereby designate the Embassy Community Center, 603 3rd Street NE, as the polling place for Precinct One for 2020.

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

and the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 18th day of November, 2019.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

Introduced by Council Member Anderson.

Seconded by Council Member Bosselman

ORDINANCE NO. 97

AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA AMENDING FOSSTON CITY CODE, TITLE IX BY ADDING CHAPTER 97 REGULATING CAMPING ON PUBLIC PROPERTY.

BE IT ORDAINED BY THE CITY OF FOSSTON, as follows:

Section 1. Fosston City Code, Title IX is amended by adding Chapter 97 entitled “Camping Regulations”, as follows:

CHAPTER 97: CAMPING REGULATIONS

§ 97.01 DEFINITIONS. The following definitions apply to this Chapter:

- (A) “Park” means a park or other outdoor area of public property owned or used by the City which is devoted to active or passive recreation.
- (B) “Motor home” means a motor home as set forth in Minnesota Statutes, Section 168.002, Subd. 17, as amended from time to time.
- (C) “Fosston RV Park” means the publicly owned campground located at 230 Johnson Avenue South.

§ 97.02 CAMPING. The following regulations apply to all public property.

- (A) No person shall park a motor home on public property, except as follows:
 - a. Street parking in accordance with parking regulations; and
 - b. At the Fosston RV Park in accordance with park terms and use regulations.
- (B) No person shall set up or occupy a tent or any other temporary shelter on public property, except at a public park for non-overnight camping purposes.
- (C) No person shall set up or occupy a tent or any other temporary shelter on a public park for the purpose of overnight camping. Any tent or other temporary shelter set up on a public park shall be removed by 9:00 p.m. that same day. It is a violation of this section for the owner of, or the person or persons who set up, the tent or temporary shelter to fail to remove such tent or temporary shelter by 9:00 p.m. on the same day the tent or temporary shelter was set up.

§ 92.03 PENALTY.

- (A) Any person who violates any provision or fails to comply with any of the requirements of this chapter shall be charged by a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted.
- (B) Any person convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

§ 92.04 SEVERABILITY.

If any provision of this ordinance [Fosston City Code, Chapter 97] is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 2. This ordinance shall take effect upon the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Voting in the negative: none.

Voting in the affirmative: Anderson, Bosselman, Dufault, Hoialmen, and Offerdahl.

Passed this 18th day of November, 2019.

Mayor

ATTEST: _____
City Administrator

Member Dufault introduced the following resolution and moved its adoption:

RESOLUTION 19-33

RESOLUTION APPROVING THE TERMS OF HOUSING DEVELOPMENT REFUNDING BOND, SERIES 2019A (GENERAL OBLIGATION OF THE CITY OF FOSSTON, MINNESOTA), AND AUTHORIZING A GENERAL OBLIGATION PLEDGE THEREFOR

BE IT RESOLVED, by the City Council (the “Council”) of the City of Fosston, Minnesota (the “City”), as follows:

Section 1. Recitals. The Council makes the following statements of fact:

1.01. Pursuant to Minnesota Statutes, Sections 469.090 through 469.1081 (collectively the “Act”), the City created the Economic Development Authority of the City of Fosston, Minnesota (the “EDA”), in part, to undertake housing development projects to provide safe and sanitary housing affordable by low and moderate income persons and families.

1.02 In furtherance of the objectives of the EDA, the EDA undertook a qualified housing development project under Sections 469.017 and 469.034, Subdivision 2 of the Act, consisting of financing the acquisition and construction of a housing development project for elderly persons (the “Project”) owned and operated by the EDA.

1.03 The EDA has previously issued its \$2,220,000 General Obligation Housing Development Refunding Bonds, Series 2011A (City of Fosston, Minnesota, General Obligation), dated November 15, 2011 (the “2011 Bonds”). \$1,865,000 in stated principal amount of the 2011 Bonds (the “Refunded Bonds”) is subject to redemption and prepayment on December 20, 2019 (the “Redemption Date”).

1.04. There has been presented to the Council the form of resolution of the EDA authorizing the issuance and sale of the Bond (the “Bond Resolution”).

Section 2. Findings. The principal amount of the Bond along with other outstanding bonds secured by the City’s general obligation pursuant to Section 469.034 of the Act does not

exceed the greater of (a) one-half of one percent of the taxable market value of the City or (b) \$5,000,000.

Section 3. Approval of Bond; General Obligation.

3.01. The Bond in an aggregate principal amount not to exceed \$1,824,000, and its form and denominations, maturities, interest rates, redemption privileges and such other details and provisions are approved as prescribed in the Bond Resolution.

3.02. The City agrees to pay principal of and interest on the Bond in the event Net Revenues (as defined in the Bond Resolution) are insufficient therefor. In the event that the City receives notice from the EDA that Net Revenues are insufficient to pay principal of or interest on the Bond, or both, the City shall proceed to make such payment from its available general funds. If City funds are not available, the City shall levy ad valorem taxes against all taxable property in the City for collection in the next calendar year. The City's payment obligation with respect to the Bond is a general obligation of the City and all taxable property within the limits of the City is subject to the levy of ad valorem taxes to the extent needed to pay principal of and interest on the Bond in the event that Net Revenues pledged for payment thereof are insufficient to pay such amounts when due.

Section 4. Additional Proceedings.

4.01. The Mayor and the City Administrator are authorized to execute and deliver, on behalf of the City, such other documents as are necessary or appropriate in connection with the issuance, sale and delivery of the Bond, subject to the prior approval of the City Attorney.

4.02. The Mayor, the City Administrator and other officers of the City are authorized and directed to prepare and furnish, with regard to the issuance of the Bond, certified copies of all proceedings and records of the City relating to the Bond and such other affidavits, certificates and opinions as may be required to show the facts relating to the legality, tax exemption and marketability of the Bond as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; that all such certified copies, certificates,

affidavits and opinions, including and heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained herein.

4.03. The officers and other agents or employees of the City are authorized to do all acts and things required of them by or in connection with this Resolution, the Refunded Bonds and the Bond for the full, punctual and complete performance of all the terms, covenants and agreements contained in the Bond, the aforementioned documents and this Resolution.

4.04. In the event any of the officers of the City authorized to execute the City Documents under this Resolution shall for any reason be unable to do so, any other officer of the City, in the opinion of the City Attorney, authorized to act for such designated officer is directed and authorized to do so on behalf of the City with the same effect as if executed by the officer authorized to do so in this Resolution.

Section 5. Covenants. All covenants, stipulations, obligations and agreements of the City contained in this Resolution shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City or its officers by the provisions of this Resolution or of the aforementioned documents to be executed and delivered by the City shall be executed or performed by the City or by such officers of the City, or such board, body, authority or agency thereof as may be required by law to exercise such powers and to perform such duties.

Section 6. Limitation. Except as herein otherwise expressly provided, nothing in this Resolution, expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the EDA, the City, the Lender (as defined in the Bond Resolution) or any holder of the Bond issued under the provisions of this Resolution, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any provision hereof, that the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the EDA, the City, the Lender and any holder from time to time of the Bonds issued under the provisions of this Resolution.

Section 7. Defined Terms. Capitalized terms not otherwise defined herein, have the meanings given in the Bond Resolution.

Section 8. Effective Date. The provisions of this Resolution are subject to approval of the issuance of the Bond and the Documents by the City and this Resolution shall be effective upon such approval.

Adopted: November 18, 2019

James Offerdahl, Mayor

ATTEST:

Charles Lucken, City Administrator

Council considered approving final pay estimate no. 6 for 2019 Street and Utility Improvements to Hagen Trucking, Inc in the amount of \$12,323.73. Cariveau explained that this final pay estimate includes a previously approved change order and completes the payments on this project.

Lee Cariveau, WSN reported that he has been working with staff to continue moving the 2020 project ahead with looking at Eaton Avenue work from 4th St to 8th St NW to include water main and street reconstruction.

Keith Kinnen, Karvakko reported that the 2019 East end multi use path is substantially complete. There are punch list items, including, areas of the trail that do not slope properly, as well as other minor items such as turf establishment and sweeping of the trail.

Heide and Karvakko have worked on closing out grants for the airport. Work for 2020 includes wetland mitigation and acquisition of snow removal equipment. The buy America requirement makes it more difficult for Fosston to get the appropriate size tractor for our airport. Therefore, a bigger tractor will be necessary.

The highway 2 corridor study continues with the next community review panel meeting being held on Thursday the 21st at 8:30am. Heide, Laron and Karvakko staff met with MnDOT staff last week to review alternatives that will be presented to the panel. Ultimately, the work that is

being done will include a recommendation from the community review panel to the City Council to formalize as a request for MnDOT to undertake in phases as determined by the panel and council.

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

Charles Lucken, City Administrator