

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
October 14, 2024

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, October 14, 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, Michelle Landsverk, Keith Kinnen (Karvakko Engineering), Erik Bratager (AE2s Engineering), Malorie Vig, Andrea Wilson, Tanner Goodrich (Essentia), Thomas Hill (Essentia), Dr. Chris Anderson (Essentia), Chief Juve, and Officer Olson.

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

Motion was made by Anderson, seconded by Mulry 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 September 16, 2024.
- B) To approve Accounts Payable Bill Listing #24-10 in the amount of \$332,580.34 and Supplemental AP Bill Listing #24-10A in the amount of \$106,222.86.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$4653.39.

COMMITTEES/BOARDS/COMMISSION:

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

- Heide addressed the Notice of Consideration of Amendment of: An ordinance of the City of Fosston regulating cannabis business. Consideration of adoption for this ordinance will come before the Fosston Council on November 12th at 7:30pm at City Hall. Notice has been posted.
- Online bid opening for the Berge Park Fit Trail Project will be held of Friday, October 18, 2024, at 10:00am.
- Heide reported the Industrial Project paperwork has been sent off to EDA, with eligible reimbursement expenses of approximately \$670,000.
- Heide has been busy working on policy work, ordinances, open grants and quarterly reporting associated with open grants.
- Heide acknowledged the Police Department receiving a Certificate of Compliance for successfully completing the 2024 Body Camera Audit.
- Heide is working on the 2025 Street Improvement project costs and associated assessments. The expense will be bonded for in the Spring with the local share of the EDA Industrial Park/T Hangar project local share to save on issuance costs.
- Heide informed the council of a donation submitted by Erin Green requesting a monetary donation for her to continue to supply meal boxes on both Thanksgiving Day and Christmas Day to those in need.

Heide informed the council that Mallory Vig and Andrea Wilson with Pine Peak Therapy met with her to discuss the removal of excess yellow paint on the corner of Pine Peak Therapy and the Fosston Theatre along highway 2. Heide advised her that the two business owners should communicate on the matter. Heide, Vig and Kevin Moore met regarding the paint on the curb. Moore does not wish to have it removed as it serves as a drop off for his patrons and allows visibility of the marquis. Removing the excess yellow paint would create more parking spaces for both businesses and would be consistent with the other intersecting corners. Heide reminded the council they have street authority to make the decision. Vig and Anderson addressed the council stating that their business is open 4 days a week and by appointment on Friday. Some of their clients have mobility issues. They would appreciate the yellow paint be reduced to the standard traffic limits.

Motion was made by Anderson, seconded by Dufault, abstained by Pearson to reduce the excess yellow line to 30 feet and be consistent with the intersecting corners. Motion carried.

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

- The street department has been sweeping streets, and trimming/cutting boulevard trees needing to be taken care of. Staff have also been busy with picking up and hauling brush and yard waste from yards.
- Lyseng reported the park bathrooms are winterized and closed for the season.
- Pond 3 has been discharged and more alum has been added to Pond 2.
- Lyseng reported the water, and sanitary sewer have been installed for the Industrial Park Expansion as well as new lights.
- There has been a total of 5 water breaks for the year.
- Lyseng briefed the council of the unexpected power outage that took place on September 24th. One of the electrical feeder reclosures had started on fire. The utility staff worked quickly with Minnkota to get the power restored. Lyseng thanked Minnkota for their help as well as Thief River Falls who had a reclosure on hand they brought to the substation for the city to use to restore the power. The power was out for approximately 1.5 hours.
- The electrical outage previously planned by Minnkota has been postponed until Spring. Residents will be notified once the date has been determined.
- Lyseng reported a total of 6 gas line services have been installed for the year, and pressure checks have been completed on the large gas meters.

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

- Graham informed the council the Boardwalk Project is underway. The existing footings are in great shape and do not need to be replaced. With these cost savings, Kosel Services will fix the walkway from field 4 and will use a water jet to level the field entrances at the complex.
- Graham reported the pool heater went out after approximately 9 years. Peterson Sheet Metal was able to get a new heater shipped. Pool temperatures are up to 78 degrees with the new heater being replaced on Thursday.

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

- Olson reported the month of September had 184 calls for service, 44 ICR's, 7 citations-3 of which were criminal; uninsured vehicles, speed issues, 5 arrests, 1 warrant, 1 agency assist for pursuit, and additional child protection, suicidal and vulnerable adult matters. There is an increase of cases totaling 237 to date compared to 172 last year at this time.
- Olson reported the TZD fiscal year wrapped up on September 30th. Olson will be going to the TZD (Toward Zero Deaths) Conference October 22nd & 23rd.
- Juve reported the body camera audit has been successfully completed. The police department received a Certificate of Compliance. The audit takes place every 2 years.
- Juve reported the BCA Audit will be coming up. Seargent Juve previously attended a BCA training that Chief Juve will also need to attend prior to the upcoming audit.
- Juve stated they have worked with Polk County and assist when needed. Harvest time has brought on more accidents. It is important to keep a good relationship and help each other when possible.
- Juve informed the council of progress being made on a couple burnt houses in town. One has been removed and the other is still in the process of removal with a plan in place.
- Juve reported the issues with campers at the campground are improving. Several have moved out while others are still staying long term with a plan to be cleared out by snowfall.
- Juve informed the council he has been working with the City Attorney Stephen Larson's office on ordinances.
- Juve reported the Police Department received a medical equipment grant. Medical bags, tourniquets, and choking suction devices were purchased.
- Juve directed traffic during the September power outage until stop signs were temporarily placed to be treated as a 4 way until the power was restored.

Community Development:

- Landsverk reported businesses are doing well and loans are current.
- FireFly applied for a loan from the IRP fund. The board has tabled the application process as they need more information.
- Effective January 1, 2025 the trailer court will see a 5% lot rent increase. This is allowed under the grant the city received for improvements to the park. The last increase was in 2020.

Hospital Board/Healthcare:

- Heide stated there is nothing new to report as the last Essentia Directors Council meeting has been cancelled twice but she is not sure why.
- Heide informed the council the Task Force met last week and the members present were asked how they feel about moving forward. All members present were supportive of the city continuing to work to secure Fosston's healthcare future. The city is working with its

legal team to find ways to do that, including finding a partner that is patient focused rather than profit focused.

Arts & Culture Commission:

- Heide reported the Studio Art Crawl took place on October 5th. Approximately 10-12 artists participated in Fosston and surrounding towns.
- The committee is continuing to look for art grants available.
- Heide reported Ta-Coumba Aiken worked with the high school art students to update his original mural painting located northwest of the stop lights. Expenses are covered with grant funding and city match.

City Attorney: No report.

Airport Commission: Cassie Heide

- Karvakko helped in finding the draft master sales and master lease agreements needed for the Industrial Park and T Hangar EDA grant..
- There are 5 hangars utilized, leases will be completed over the winter.
- Approximately 10 pilots are on the wait list.
- Fosston being a smaller airport, has a federal cost share of 95%.

Heide informed the council the Interim Ordinance Establishing a Moratorium of the Approval, Siting and uses of Solar Projects/Solar Energy Systems has been reviewed by the City Attorney, Stephen Larson. This ordinance has also been implemented by Roseau. A rate structure will need to be adopted along with guidelines on interconnections. Dufault suggested the ordinance should include details on specific locations. Heide will work with Star Energy Services on infrastructure planning. The council placed a moratorium at the Monday night meeting.

Introduced by Council Member Dufault

Seconded by Council Member Anderson

CITY OF FOSSTON
COUNTY OF POLK
STATE OF MINNESOTA
ORDINANCE NUMBER 24-01

AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE
APPROVAL, SITING, AND USES OF SOLAR PROJECTS/SOLAR ENERGY
SYSTEMS

WHEREAS, the Fosston City Council administers zoning within the City of Fosston (the “City”);

WHEREAS, the Council may regulate land use as part of the City’s zoning authority;

WHEREAS, the City is concerned that unregulated solar projects can have negative impacts on existing developments, which can impact the health, safety, and welfare of the City and its residents; and

WHEREAS, the City zoning ordinances do not currently address the installation and use of solarenergy systems within the City;

WHEREAS, the City believes it is necessary for the City hold discussions and to conduct a studyto determine the appropriate criteria for installation and use of solar energy systems;

WHEREAS, the City’s zoning ordinances must be updated to address solar projects in light of current trends involving solar projects across the City.

WHEREAS, Minnesota Statute §462.355 authorizes the City to adopt an interim ordinance to regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction for a period not to exceed one year (interim ordinance) for necessary studies to protect the planning process and the health, safety, and welfare of its citizens.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Fosston City Council herebyordains:

Interim Ordinance/Moratorium.

Section 1. Definition. For purposes of this Ordinance, “Solar Project” or “Solar Energy System” shall be defined as a solar array composed of multiple solar panels that convert sunlight to electricity.

Section 2. Temporary Restriction. A moratorium prohibiting the construction, installation, replacement, or enlargement of Solar Projects is hereby established.

Section 3. Duration. This moratorium shall be in effect for a period of one year, or until such earliertime as the Fosston City Council determines the moratorium is no longer necessary.

Section 4. Effective Date. This Ordinance shall be effective immediately upon its adoption.

Section 5. Validity. Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.

Section 6. Enforcement and Penalty. The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

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

Voting in the negative: Mulry

Passed this 14th day of October, 2024.

ATTEST:

James Offerdahl, Mayor

Cassie Heide, City Administrator

Council considered approving 2024-2025 Workers Compensation Premium Options.

Heide reported this is an annual renewal. There is a slight increase from last year as the city now has a full police department. Heide stated the city is fortunate to keep incidents low and recommends the \$1000 deductible renewal option for next year.

Motion was made by Anderson, seconded by Mulry to approve the 2024-2025 Workers Compensation Premium with \$1000 deductible. Motion carried by unanimous vote.

Heide informed the council the lot purchased by Ellsworth and Carol Danielson has been resurveyed due to changes to the adjacent lot. After purchase, there was some confusion as to where the lot lines were. Danielson's are looking to build a 30x36' shop. To do so, the city parcel to the south would be utilized and would still provide space for the Fit Trail Expansion. Danielson's currently has 2 parcels; this would make 3. Heide will work with the county to combine all 3 parcels into 1 parcel.

CITY COUNCIL OF FOSSTON, MINNESOTA

RESOLUTION NO. 24-36

At a regular meeting of the City of Fosston, State of Minnesota, held on October 14, 2024, council member Anderson offered the following Resolution which was seconded by council member Pearson:

**RESOLUTION AUTHORIZING AND/OR RATIFYING THE SALE
OR DISPOSAL OF REAL PROPERTY**

WHEREAS, it is in the best interest of the City of Fosston of the State of Minnesota (“City”) to authorize the previous sale, transfer, or disposal of real property located in the County of Polk, State of Minnesota, as follows:

Legal Description:

That part of Outlot A, Block 1, ASPEN ADDITION TO THE CITY OF FOSSTON lying north and east of the line described as follows: Beginning at the Southwest corner of said Lot 7; thence South 00° 54’ 07” East, an extension of the west line of said Lot 7, 72.00 feet; thence North 89° 03’ 19” East, parallel to the south line of said Lot 7, 210.95 feet to the right-of-way of North Eaton Avenue and there terminating.

Except that part of Outlot A, Block 1, ASPEN ADDITION TO THE CITY OF FOSSTON lying north and east of the line described as follows: Beginning at the Southwest corner of said Lot 7; thence South 00° 54’ 07” East, an extension of the west line of said Lot 7, 52.00 feet; thence North 89° 03’ 19” East, parallel to the south line of said Lot 7, 209.15 feet to the right-of-way of North Eaton Avenue and there terminating.

(“Land”)

Buyer/Transferee: Ellsworth Danielson and Carol Danielson

(“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 of Fosston’s council as follows:

1. That the City sell or otherwise dispose of or transfer the Land to the Transferee or any previous disposal of or transfer of the Land to the Transferee is hereby 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 Pearson and upon vote being taken thereon, the following voted in favor thereof:

Dufault, Anderson, Pearson, Mulry, and Offerdahl.

And the following voted against the same: none.

Whereupon said resolution was declared passed and adopted by the City Council this 14th day of October, 2024.

Mayor

Attest:

City Administrator

Council considered approval of Pay Estimate No. 1 for the **Industrial Park**/Airport T-Hangar & Utilities Project to Gordon Construction of Mahnomen, Inc. in the amount of \$980,265.20.

Heide reported Gordon Construction began work in August, a lot of work has been completed and paperwork has been filed. A balance of \$2,992,063.56 including retainage remains after Pay Estimate No.1.

Motion was made by Anderson, seconded by Dufault to approve Pay Estimate No. 1 for the **Industrial Park/Airport T-Hangar & Utilities Project** to Gordon Construction of Mahnomen, Inc. in the amount of \$980,265.20. Motion carried by unanimous vote.

Council considered approval of Pay Estimate No. 1 for the Industrial Park/**Airport T-Hangar & Utilities Project** to Gustafson & Goudge, Inc. in the amount of \$210,953.48

Heide reported the dirt has been moved and the foundation should be able to go in this Fall. There is a 15 day window in the schedule for the foundation. The foundation will sit over winter with plans to build in April until June. All is going well with the project.

Motion was made by Anderson, seconded by Dufault to approve Pay Estimate No. 1 for the Industrial Park/**Airport T-Hangar & Utilities Project** to Gustafson & Goudge, Inc. in the amount of \$210,953.48. Motion carried by unanimous vote

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

Kinnen has been working on getting a couple grants closed out. Kinnen informed the council there will be a bid opening on October 18th which will be held online for the Berge Park Trail project. State aid has pushed the county to use the online bidding system. The timeline for the project is May 5, 2025, through August 31st with 30 consecutive working days. The benefit to bidding now is there are extra funds available that can be used if bids come in high. Kinnen will also be submitting the 2nd Street Environmental Project application and informed the council \$250,000 has been granted for the 2nd Street Northeast sidewalk project..

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

Bratager is on site daily and gave a project update. The sanitary sewer and water main are complete, adjustment rings and castings remain. The water main pressure testing has also been completed and passed just need to take a few water samples. There will be 18-inch RCP pipe left to go to the ponds in addition to topsoil clay grading. Bratager reported 400th street is currently closed due to culverts being installed.

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, a motion was made by Anderson seconded by Mulry to adjourn. Motion carried by unanimous vote.

Cassandra Heide, City Administrator