

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
October 16, 2023

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, October 16, 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, Mary Olson, Karen Graham, Keith Kinnen, Jerry Bolin, Jarda Solc, Nicole Dolejs, Abby Pearson, Andrew Hanson and Mark Hagen.

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

- A) To approve the minutes of the regular meeting held September 11, 2023, and minutes of the special meeting held September 19, 2023, as presented.
- B) To approve Accounts Payable Bill Listing #23-10 in the amount of \$523,559.83 and Supplemental AP Bill Listing #23-10A in the amount of \$929,671.54.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$4,696.82.

COMMITTEES/BOARDS/COMMISSION:

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

- Heide indicated that the Rotary Club of Fosston wrote a letter of support to the city council encouraging them to continue the work to see that OB services and all core services are retained in Fosston.
- There will be training in Thief River Falls on October 25<sup>th</sup> for council/mayor, city administrators, department heads and other staff covering a variety of important topics.
- Heide provided the council with an electric vehicle charging report from September.
- Heide noted that Amelia went to regional training for payroll updates; Sarah, Steven and Heide went to the gas consultant meeting. Heide noted that she will be working with our gas consultant to lock in future natural gas prices for the city and MDV. Gas prices remain steady.
- Mediation between the City of Fosston and Essentia is set for November 8, 2023.

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

- All the Johnson Ave water lines have been replaced. Lyseng indicated that concrete will be poured on Thursday and asphalt next week.
- City staff patched Stephens Blvd due to the large bump in the street.
- The street department has been busy mowing, sweeping streets, picking up brush and trimming trees.
- Lyseng has been working on updating garbage rates for 2024.
- A company has been in town cleaning all the sewer line dead ends and then will camera the lines.
- Ponds 2 & 3 have been discharged. Seven (7) loads of alum were added to the ponds.
- All water lines along Northwood Ave have been disconnected.
- The city has been continuing to collect water service line data from homes for the Lead & Copper Rule Revision.
- There were eight (8) natural gas installations for the year.
- Staff are working on ripple controls as well as replacing streetlights.
- Lyseng indicated that the IPF had some PLC issues, so they were unable to flare off gas for a couple weeks; thus, the reason for the odor. It has since been fixed.
- Davidson Construction started paving the runway today.
- Skinner Roofing finished the Civic Center roof repair and should be done with the library roof repair by the end of the month.

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

- The roof repair was completed a couple weeks ago.
- Graham finished up the fall elementary swim lessons with the Fosston 5<sup>th</sup> graders. The Bagley 4<sup>th</sup> & 5<sup>th</sup> grade classes will be coming over for lessons in January & February.
- Graham indicated that there are already several birthday parties booked for this fall.
- Heide noted that the city's portion of the rock wall restoration is approximately \$9,500 with the additional donations that have come in.

Police Department: Mayor Offerdahl indicated that Chief Manecke is out on medical leave for an undetermined amount of time. Mary Olson reported on matters pertaining to the police department.

- Olson reported they had 224 calls for service and 31 reports were completed since the last council meeting. There have been 187 ICR's for the year.
- Olson indicated that they have had more vulnerable adult calls as of late.
- Other calls for service include damage to property, burnouts at the sports complex, hands free & speeding violations. They also had two felony DWI reports.
- Olson said they see a rise in ordinance violations this time of year, especially with trailers, campers, boats, etc. parked on the street. They will be tagging these items as necessary.

Community Development:

- Dufault informed the council that the EDA board met at noon today. The board continues to provide updates from the Childcare Center regarding staffing and children. A new mobile home was brought into Omland Court. Dufault indicated that all EDA loans are current.
- The EDA board received a micro-loan request from TheoRose on Main in the amount of \$25,239.92 for upgrades to the heating & cooling system. Heide noted that this would be a 5-year, 6% interest loan.

Council considered approval of the micro-loan request from TheoRose on Main in the amount of \$25,239.92, per recommendation of the EDA board.

Motion was made by Dufault, seconded by Anderson to approve the micro-loan request from TheoRose on Main in the amount of \$25,239.92. Motion carried by unanimous vote.

Hospital Board: No report.

Arts & Culture Commission: No report.

City Attorney: No report.

ISD 601 Superintendent: No report.

Introduced by Council Member Anderson.

Seconded by Council Member LePier.

**ORDINANCE NO. 23-04**

**AN ORDINANCE AMENDING LICENSING REGULATIONS RELATING TO THE SALE OF EDIBLE CANNABINOID PRODUCTS WITHIN THE CITY OF FOSSTON BY LIMITING THE NUMBER OF LICENSES ISSUED, MINNESOTA**

**WHEREAS**, the City Council of the City of Fosston finds and concludes that a limitation on the number of licenses for the sale of edible cannabinoid products with the City of Fosston serves best interests of the community and provides for the safety, health, and general welfare of the public.

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

**Section 1.** Fosston City Code, Section 115.4 entitled “License” is amended by adding subpart “L. Number of licenses.”, as follows:

---L. Number of licenses. No more than three (3) licenses may be issued in the city.---

**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, Dufault, LePier, Mulry and Offerdahl.

Passed this 16th day of October, 2023.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Administrator

Attorney Larson did note that this ordinance will be temporary. The Office of Cannabis Management will regulate cannabis and issue licenses, and there won't be any limitations on the number of licenses that may be issued.

Council considered approving the 2023-2024 Workers Compensation Premium Options. Heide noted that the coverage will include a \$1,000 deductible per occurrence. The premium increased by approximately \$850 from last year.

Motion was made by Dufault, seconded by Anderson to approve the 2023-2024 Workers Compensation Premium Options. Motion carried by unanimous vote.

Council considered approval of an application for exempt permit from Fosston Area Sportsmen Club for the Annual Sportsman Banquet.

Motion was made by Anderson, seconded by Mulry to approve the application for exempt permit from Fosston Area Sportsmen Club for the Annual Sportsman Banquet. Motion carried by unanimous vote.

Council considered approval of a compensation study by David Drown Associates. Heide noted that our last pay study was done by Baker Tilly during 2020, and effective 2021. David Drown Associates submitted a proposal for job classification and compensation services for 19 positions, 12 different job classes. The cost for the full classification and compensation study is not to exceed \$12,650. Heide indicated that this study would be done during 2024 and be effective in 2025. Dufault asked if the ongoing maintenance option was necessary to which

Heide said no. Dufault believes it's a good idea to have a different company performing the study.

Motion was made by Anderson, seconded by Mulry to approve the compensation study by David Drown Associates. Motion carried by unanimous vote.

Member Anderson introduced the following resolution and moved its adoption:

**RESOLUTION OF CITY OF FOSSTON  
RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT  
23-37**

Be it resolved that the City of Fosston Police Department enter into a grant agreement with the Minnesota Department of Public Safety, for traffic safety enforcement projects during the period from October 1, 2023 through September 30, 2024.

Chief of Police is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of City of Fosston Police Department and to be the fiscal agent and administer the grant.

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

And the following voted against the same: none.

Whereupon said resolution was declared passed and adopted by the City Council this 16th day of October, 2023.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

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City Administrator

Council considered approval of a license to sell cannabinoid products (low potency, CBD) to CannaRHx, LLC. The prorated fee for the 2023 license is \$250, which CannaRHx has not paid. The City of Fosston does not have any restrictions on where low potency cannabinoid products can be sold, but Heide notified Mr. Reitmeier that if they were considering selling marijuana in the future, their location would be too close to the school & childcare center. Being the city had no limit on the number of licenses prior to CannaRHx's application, Attorney Larson said it would be risky business to deny their application.

Motion was made by Anderson, seconded by Mulry to approve the license to sell cannabinoid products (low potency, CBD) to CannaRHx, LLC. Members in favor: Anderson, LePier, Mulry and Offerdahl. Members opposed: Dufault. Motion carried.

Council considered approving a license agreement between the City of Fosston and Travis Quam. Travis Quam is part owner of property along 400<sup>th</sup> street north of Fosston. He must access his property via an entrance on city owned property. This agreement allows him to legally do so.

Motion was made by Anderson, seconded by Dufault to approve the license agreement between the City of Fosston and Travis Quam. Motion carried by unanimous vote.

Council considered approval of pay estimate No. 3 for the 2023 Utility & Street Improvement Project to Hagen Construction, Inc in the amount of \$279,319.00.

Motion was made by Anderson, seconded by Mulry to approve pay estimate No. 3 for the 2023 Utility & Street Improvement Project to Hagen Construction, Inc in the amount of \$279,319.00. Motion carried by unanimous vote.

Council considered approval of pay estimate No. 2 for the 2023 Pickleball Courts to Lenex Sand & Gravel in the amount of \$42,351.00. Kinnen noted that this covers everything but the paint which will be done next spring.

Motion was made by Anderson, seconded by LePier to approve pay estimate No. 2 for the 2023 Pickleball Courts to Lenex Sand & Gravel in the amount of \$42,351.00. Motion carried by unanimous vote.

Council considered approval of pay estimate No. 3 for the 2023 Airport Runway Rehabilitation project to Davidson Construction in the amount of \$828,790.40. Kinnen noted that they have started paving the runway. This will take approximately 4 days to complete.

Motion was made by Dufault, seconded by Anderson to approve pay estimate No. 3 for the 2023 Airport Runway Rehabilitation project to Davidson Construction in the amount of \$828,790.40. Motion carried by unanimous vote.

Council considered approval of amendment to Karvakko Task Order 10 -- AWOS Engineering to be reimbursed at 100%. MnDOT Aeronautics is recommending that airports with older AWOS systems replace them; thus, they currently fund these projects at a rate of 100%, with a local match of 0%. Initially there was a local match of 5%.

Motion was made by Dufault, seconded by Anderson to approve the amendment to Karvakko Task Order 10 -- AWOS Engineering to be reimbursed at 100%. Motion carried by unanimous vote.

Member Anderson introduced the following resolution and moved its adoption:

**RESOLUTION NO. 23-38**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN  
THE CITY OF FOSSTON AND ROSEBUD TOWNSHIP  
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325**

**WHEREAS**, on June 27, 2023 and on September 26, 2023, Notices of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes, Section 414.0325 Subd. 1b.

**WHEREAS**, the City of Fosston and Rosebud Township jointly agree to designate and request the immediate annexation of the following described land located within Rosebud Township to the City of Fosston, County of Polk, State of Minnesota:

**Parcel No. 61.00017.05:**

**Owner:** City of Fosston

**Legal Description:**

---Beginning at a point 47 feet North of the Southwest corner of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North of Range Forty (40), said point being on the West line of the Southeast Quarter of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40); thence North, 33 degrees and 30 minutes east, a distance of 405 feet; thence northerly a distance of approximately 366.58 feet, more or less, to the southeast corner of cemetery property; thence west a distance of 233.25 feet along the south line of cemetery property to the west line of the southeast quarter of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40); thence south to the point of beginning.

AND

Commencing at a point on Beginning at a point 47 feet North of the Southwest corner of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North of Range Forty (40), said point being on the West line of the Southeast Quarter of Section Three (3), Township One Hundred Forty-seven (14 7) North, Range Forty ( 40); thence North, 33 degrees and 30 minutes east, a distance of 405 feet; thence northerly a distance of approximately 366.58 feet, more or less, to the southeast corner of cemetery property; thence southerly along the east line of the west 233.25 feet to a point 233.25 feet east of the southwest corner of the Southeast Quarter (SE1/4) of Section Three (3); thence west 233.25 feet to said Southwest corner of Section Three (3), thence north 47 feet to the point of beginning; excluding land already in the city.---

(consisting of approximately 2.88 acres)

**Parcel No. 61.00028.00:**

**Owner:** Rosehill Cemetery Association

**Legal Description:**

---That part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Three (3), Township One Hundred Forty-seven (147), North of Range Forty (40), described as follows: Beginning at a point 977 feet north of the quarter post on the south boundary of Sec. 3, Twp. 147, N. Rg. 40, on a line running nearly south and north from said quarter post to the center of the same section, thence south 88 degrees East 233 ¼ feet, thence North 2 degrees East 208 feet; thence North 88 degrees West 233 ¼ feet; thence south 2 degrees West 208 feet to the point of beginning, magnetic declination 11 degrees 12' east. This tract of land is divided into two Blocks named "A" and "B" with a driveway running east and west between the blocks said driveway, being 12 feet wide. It is further subdivided into lots 16 feet by 20 feet and an alley between each lot. 4 ½ feet wide. Another alley 4 ½ feet wide runs along the south, east and north sides, while along the west side runs an alley 7 ¼ feet wide; also that part described as follows: Beginning at a point on the quarter line of said section, 743.56 feet north of the quarter post on the south boundary of said section; thence south 88 degrees East a distance of 233 ¼ feet; thence north 2 degrees East a distance of 233.44 feet to the southeast corner of Rosehill Cemetery; thence North 88 degrees West along the South line of said Cemetery a distance of 233 ¼ feet to the southwest corner of said Cemetery; thence south 2 degrees West along said quarter line 233.44 feet to the point of beginning; AND That part of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North of Range Forty (40) West, described as follows, to-wit: Beginning at a point 977 feet north of the quarter post on the south boundary of said Section 3 on a line running nearly north and south from said quarter post to the center post of said Section 3, thence S. 88 degrees E. 233 ¼ feet; thence N. 2 degrees E. 208 feet to the place of commencement of the tract herein intended to be described, said last



described line hereinafter described as Line "A"; thence at right angles to said Line "A" in an easterly direction a distance of 66 feet; thence at right angles in a southerly direction and parallel to said Line "A" a distance of 412.5 feet; thence at right angles in a westerly direction a distance of 66 feet, more or less, to the easterly line of the existing Rose Hill Cemetery Association property; thence northerly along the easterly line of said Rose Hill Cemetery Association property to the place of commencement EXCEPT the following described tract:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 147 North, Range 40 West of the Fifth Principal Meridian described as follows: Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence northerly along the west line of said Southwest Quarter of the Southeast Quarter having an assumed bearing of North 00 degrees 39 minutes 33 seconds West a distance of 743.56 feet to the southwest corner of a tract of land conveyed to the Rosehill Cemetery Association by Warranty Deed Document Number 293685 on file and recorded in the Office of the County Recorder, Polk County, Minnesota dated April 2<sup>nd</sup>, 1948 and the point of beginning; thence continuing northerly along the west line of said conveyed tract of land North 00 degrees 39 minutes 33 seconds West a distance of 126.17 feet; thence South 52 degrees 24 minutes 52 seconds East a distance of 165.84 feet to a line being 25.00 feet northerly of and parallel with the south line of said conveyed tract of land; thence South 89 degrees 25 minutes 15 seconds East along said parallel line a distance of 102.75 feet, more or less to the east line of a tract of land conveyed to the Rosehill Cemetery Association by said Warranty Deed Document Number 293685; thence south 00 degrees 39 minutes 33 seconds East along said east line a distance of 25.00 feet to the southeast corner of said conveyed tract of land; thence North 89 degrees 25 minutes 15 seconds West along the south line of said conveyed tracts of land a distance of 233.25 feet to the point of beginning .---

(consisting of approximately 2.7 acres)

**Parcel No. 61.00037.01:**

**Owner:** City of Fosston

**Legal Description:**

---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.

AND

The southerly Thirty (30) feet of the Westerly Two Thirty-three and one-fourth (233.25) feet of the Northerly One Thousand Four Hundred Eight-five (1,485) 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; lying north of the north line of the land conveyed to the Rosehill Cemetery Association by Warranty Deed Document 293685.---

(consisting of approximately 3.75 acres)

**Parcel No. 61.00075.02:**

**Owner:** William J. Malwitz and Phyllis J. Malwitz, as Trustees of the Malwitz Revocable Trust Agreement dated November 23, 2010

**Legal Description:**

---That part of the Northeast Quarter, Section 9, Township 147 North, Range 40 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows: Commencing at the northeast corner of said Northeast Quarter; thence South 88 degrees 54 minutes 59 seconds West, assumed bearing, along the north line of said Northeast Quarter, a distance of 165.00 feet to the point of beginning; thence continuing South 88 degrees 54 minutes 59 seconds West, along the north line of said Northeast Quarter, a distance of 132.00 feet; thence South 00 degrees 50 minutes 01 second East 198.00 feet; thence North 88 degrees 54 minutes 59 seconds East 132.00 feet; thence North 00 degrees 50 minutes 01 second West 198.00 feet, more or less, to the point of beginning, EXCEPT THE FOLLOWING DESCRIBED TRACT: That part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Nine (9) Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, described as follows: Beginning at the corner stake between Sections Three (3) and Nine (9), thence West 8 rods to the point of beginning, thence West 8 rods, South 10 rods, East 8 rods and North 10 rods to the point of beginning.---

(consisting of approximately 0.21 acres)

**Parcel No. 61.00075.03:**

**Owner:** Richard A. Rhodes, Trustee, or his successors in trust, under the Rhodes Revocable Trust dated July 3, 2014

**Legal Description:**

---That part of the Northeast Quarter, Section 9, Township 147 North, Range 40 West of the Fifth Principal Meridian, Polk County, Minnesota described as

follows: Beginning at the northeast corner of said Northeast Quarter; thence South 88 degrees 54 minutes 59 seconds West, assumed bearing, along the north line of said Northeast Quarter, a distance of 165.00 feet; thence South 00 degrees 50 minutes 01 second East 198.00 feet; thence North 88 degrees 54 minutes 59 seconds East 165.00 feet, more or less, to the east line of said Northeast Quarter; thence North 00 degrees 50 minutes 01 second West, along the east line of said Northeast Quarter, a distance of 198.00 feet, more or less, to the point of beginning, EXCEPT THE FOLLOWING DESCRIBED TRACT: That part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Nine (9), Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, described as follows: Beginning at the corner stake between Sections Three (3) and Nine (9), thence West 8 rods, South 10 rods, East 8 rods and North 10 rods to the point of beginning, ALSO EXCEPT LAND ALREADY WITHIN THE CITY.---

(consisting of approximately 0.12 acres)

**WHEREAS**, the City of Fosston and Rosebud Township are in agreement as to the orderly annexation of the unincorporated land described.

**WHEREAS**, Minnesota Statutes, Section 414.0325 provides a procedure whereby the City of Fosston and Rosebud Township may agree on a process of orderly annexation of a designated area.

**WHEREAS**, the City of Fosston and Rosebud Township have agreed to all the terms and conditions for the annexation of the above-described lands, and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED**, jointly by the City Council of the City of Fosston and the Township Board of Rosebud Township as follows:

**Section 1. Property.** That the following described land is subject to orderly annexation pursuant to Minnesota Statutes, Section 414.0325, and that the parties hereto designate the area for orderly annexation and agree that the land be immediately annexed:

**Parcel No. 61.00017.05:**

**Owner:** City of Fosston

**Legal Description:**

---Beginning at a point 47 feet North of the Southwest corner of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred Forty-seven (147)

North of Range Forty (40), said point being on the West line of the Southeast Quarter of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40); thence North, 33 degrees and 30 minutes east, a distance of 405 feet; thence northerly a distance of approximately 366.58 feet, more or less, to the southeast corner of cemetery property; thence west a distance of 233.25 feet along the south line of cemetery property to the west line of the southeast quarter of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40); thence south to the point of beginning.

AND

Commencing at a point on Beginning at a point 47 feet North of the Southwest corner of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North of Range Forty (40), said point being on the West line of the Southeast Quarter of Section Three (3), Township One Hundred Forty-seven (147) North, Range Forty (40); thence North, 33 degrees and 30 minutes east, a distance of 405 feet; thence northerly a distance of approximately 366.58 feet, more or less, to the southeast corner of cemetery property; thence southerly along the east line of the west 233.25 feet to a point 233.25 feet east of the southwest corner of the Southeast Quarter (SE1/4) of Section Three (3); thence west 233.25 feet to said Southwest corner of Section Three (3), thence north 47 feet to the point of beginning; excluding land already in the city.---

(consisting of approximately 2.88 acres)

**Parcel No. 61.00028.00:**

**Owner:** Rosehill Cemetery Association

**Legal Description:**

---That part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Three (3), Township One Hundred Forty-seven (147), North of Range Forty (40), described as follows: Beginning at a point 977 feet north of the quarter post on the south boundary of Sec. 3, Twp. 147, N. Rg. 40, on a line running nearly south and north from said quarter post to the center of the same section, thence south 88 degrees East 233 ¼ feet, thence North 2 degrees East 208 feet; thence North 88 degrees West 233 ¼ feet; thence south 2 degrees West 208 feet to the point of beginning, magnetic declination 11 degrees 12' east. This tract of land is divided into two Blocks named "A" and "B" with a driveway running east and west between the blocks said driveway, being 12 feet wide. It is further subdivided into lots 16 feet by 20 feet and an alley between each lot. 4 ½ feet wide. Another alley 4 ½ feet wide runs along the south, east and north sides, while along the west side runs an alley 7 ¼ feet wide; also that part described as follows: Beginning at a point on the quarter line of said section, 743.56 feet north of the quarter post on the south boundary of said section; thence south 88 degrees

East a distance of 233 ¼ feet; thence north 2 degrees East a distance of 233.44 feet to the southeast corner of Rosehill Cemetery; thence North 88 degrees West along the South line of said Cemetery a distance of 233 ¼ feet to the southwest corner of said Cemetery; thence south 2 degrees West along said quarter line 233.44 feet to the point of beginning; AND That part of the Southeast Quarter (SE1/4) of Section Three (3), Township One Hundred Forty-seven (147) North of Range Forty (40) West, described as follows, to-wit: Beginning at a point 977 feet north of the quarter post on the south boundary of said Section 3 on a line running nearly north and south from said quarter post to the center post of said Section 3, thence S. 88 degrees E. 233 ¼ feet; thence N. 2 degrees E. 208 feet to the place of commencement of the tract herein intended to be described, said last described line hereinafter described as Line "A"; thence at right angles to said Line "A" in an easterly direction a distance of 66 feet; thence at right angles in a southerly direction and parallel to said Line "A" a distance of 412.5 feet; thence at right angles in a westerly direction a distance of 66 feet, more or less, to the easterly line of the existing Rose Hill Cemetery Association property; thence northerly along the easterly line of said Rose Hill Cemetery Association property to the place of commencement EXCEPT the following described tract:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 147 North, Range 40 West of the Fifth Principal Meridian described as follows: Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter; thence northerly along the west line of said Southwest Quarter of the Southeast Quarter having an assumed bearing of North 00 degrees 39 minutes 33 seconds West a distance of 743.56 feet to the southwest corner of a tract of land conveyed to the Rosehill Cemetery Association by Warranty Deed Document Number 293685 on file and recorded in the Office of the County Recorder, Polk County, Minnesota dated April 2<sup>nd</sup>, 1948 and the point of beginning; thence continuing northerly along the west line of said conveyed tract of land North 00 degrees 39 minutes 33 seconds West a distance of 126.17 feet; thence South 52 degrees 24 minutes 52 seconds East a distance of 165.84 feet to a line being 25.00 feet northerly of and parallel with the south line of said conveyed tract of land; thence South 89 degrees 25 minutes 15 seconds East along said parallel line a distance of 102.75 feet, more or less to the east line of a tract of land conveyed to the Rosehill Cemetery Association by said Warranty Deed Document Number 293685; thence south 00 degrees 39 minutes 33 seconds East along said east line a distance of 25.00 feet to the southeast corner of said conveyed tract of land; thence North 89 degrees 25 minutes 15 seconds West along the south line of said conveyed tracts of land a distance of 233.25 feet to the point of beginning .---

(consisting of approximately 2.7 acres)

**Parcel No. 61.00037.01:**

**Owner:** City of Fosston

**Legal Description:**

---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.

AND

The southerly Thirty (30) feet of the Westerly Two Thirty-three and one-fourth (233.25) feet of the Northerly One Thousand Four Hundred Eight-five (1,485) 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; lying north of the north line of the land conveyed to the Rosehill Cemetery Association by Warranty Deed Document 293685.---

(consisting of approximately 3.75 acres)

**Parcel No. 61.00075.02:**

**Owner:** William J. Malwitz and Phyllis J. Malwitz, as Trustees of the Malwitz Revocable Trust Agreement dated November 23, 2010

**Legal Description:**

---That part of the Northeast Quarter, Section 9, Township 147 North, Range 40 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows: Commencing at the northeast corner of said Northeast Quarter; thence South 88 degrees 54 minutes 59 seconds West, assumed bearing, along the north line of said Northeast Quarter, a distance of 165.00 feet to the point of beginning; thence continuing South 88 degrees 54 minutes 59 seconds West, along the north line of said Northeast Quarter, a distance of 132.00 feet; thence South 00 degrees 50 minutes 01 second East 198.00 feet; thence North 88 degrees 54 minutes 59 seconds East 132.00 feet; thence North 00 degrees 50 minutes 01 second West 198.00 feet, more or less, to the point of beginning, EXCEPT THE FOLLOWING DESCRIBED TRACT: That part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Nine (9) Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, described as follows: Beginning at the corner stake between Sections Three (3) and Nine (9), thence West 8 rods to the point of beginning, thence West 8 rods, South 10 rods, East 8 rods and North 10 rods to the point of beginning.---

(consisting of approximately 0.21 acres)

**Parcel No. 61.00075.03:**

**Owner:** Richard A. Rhodes, Trustee, or his successors in trust, under the Rhodes Revocable Trust dated July 3, 2014

**Legal Description:**

---That part of the Northeast Quarter, Section 9, Township 147 North, Range 40 West of the Fifth Principal Meridian, Polk County, Minnesota described as follows: Beginning at the northeast corner of said Northeast Quarter; thence South 88 degrees 54 minutes 59 seconds West, assumed bearing, along the north line of said Northeast Quarter, a distance of 165.00 feet; thence South 00 degrees 50 minutes 01 second East 198.00 feet; thence North 88 degrees 54 minutes 59 seconds East 165.00 feet, more or less, to the east line of said Northeast Quarter; thence North 00 degrees 50 minutes 01 second West, along the east line of said Northeast Quarter, a distance of 198.00 feet, more or less, to the point of beginning, EXCEPT THE FOLLOWING DESCRIBED TRACT: That part of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Nine (9), Township One Hundred Forty-seven (147) North, Range Forty (40) West of the Fifth Principal Meridian, described as follows: Beginning at the corner stake between Sections Three (3) and Nine (9), thence West 8 rods, South 10 rods, East 8 rods and North 10 rods to the point of beginning, ALSO EXCEPT LAND ALREADY WITHIN THE CITY.---

(consisting of approximately 0.12 acres)

**Section 2. Acreage/Population/Usage.** That the orderly annexation area consists of approximately 9.66 acres, no one lives in the annexation area, and the land use type is in part residential, cemetery, public, and undeveloped.

**Section 3. Jurisdiction.** That Rosebud Township and the City of Fosston, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

**Section 4. No Municipal Reimbursement/Tax Exempt Property.** Rosebud Township and the City of Fosston agree that there shall be no reimbursement. The overwhelming majority of the property in the annexation area is tax exempt, being owned by the City of Fosston and the Rosehill Cemetery Association.

**Section 5. Assessments and Debt.** That pursuant to Minnesota Statutes § 414.036 with respect to any special assessment assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property

to be annexed, but for which no special assessments are outstanding, for the area legally described there are no special assessments or debt.

**Section 6. Review and Comment.** The City of Fosston and Rosebud Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

**Section 7. Filing and Costs.** The City of Fosston is responsible for filing this resolution with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, paying all filing costs and publication costs associated with the orderly annexation, and for providing additional information or corrections as may be needed to complete the requested annexation.

Adopted by affirmative vote of all the members of the Rosebud Township Board of Supervisors this 16th day of October, 2023.

**ROSEBUD TOWNSHIP**

ATTEST:

By: \_\_\_\_\_  
Chairperson  
Board of Supervisor

By: \_\_\_\_\_  
Township Clerk

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

And the following voted against the same: none.

Adopted by affirmative vote of the City Council of Fosston this 16th day of October, 2023.

**CITY OF FOSSTON**

ATTEST:

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

By: \_\_\_\_\_  
City Administrator

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 Davidson paved a test strip (300 tons) today and the cores were sent to the lab. If they pass, paving will move forward. It will take 4 days to pave the runway. The runway is scheduled to be open the 2<sup>nd</sup> week of November.

FIT Trail Expansion – no report.

2023 Utility & Street Improvement project – All the Johnson Ave water lines have been replaced. They are just waiting on concrete and asphalt.

TAP/Berge Park Sidewalk project – Kinnen is working through the environmental items right now. They are looking to bid the project in April/May with construction starting summer of 2024.

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.

The current Industrial Park/Airport Utilities design is back within budget, largely due to the amount of dirt saved from the airport. Solc indicated that the drainage ditch that snakes through the industrial property, will have to be re-routed. Heide and Lyseng will get updated plans once they are ready.

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 Mulry to adjourn. Motion carried by unanimous vote.

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Cassandra Heide, City Administrator