

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
SEPTEMBER 14, 2015

The regular meeting of the City Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, September 14, 2015 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Veum, Anderson, Dufault and Hoialmen. Also present was Lee Cariveau, Greg Mireault, Ed Lavelle, Paige Tompkins, Deputies Folkert and Bixby, Doreen Norgaard, Tom Norgaard, John Carlin, Berniece Carlin and Gary Carlin.

Motion was made by Anderson seconded by Veum to approve the agenda with the following modifications: Motion carried by unanimous vote.

- A) Consider approval of Resolution for Airport Grant;
- B) Consider IRP Revolving Loan Fund settlement agreement

Motion was made by Hoialmen 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 August 10, 2015 as per copies furnished each member.
- B) To approve Accounts Payable Bill Listing #15-09 in the amount of \$78,848.79 and AP Bill Listing #15-09A in the amount of \$142,178.16.

COMMITTEES/BOARDS/COMMISSION

Law Enforcement: Deputies Folkert and Bixby were present to discuss law enforcement activities. They worked a couple of big cases recently, one being second degree drugs. Speeding along Sixth Street is still a problem. Law Enforcement will coordinate directed patrols in that area and other locations as needed.

Streets/Sanitation/Utilities:

Councilmember Anderson stated that weed whipping needs to be done around the posts, signs and trees in public spaces. This needs to be done. City crews will be directed to take care of this.

Civic Center/Parks and Recreation:

Motion was made by Veum seconded by Anderson to approve the Civic Center Lease with the School for the 2015/16 school year for \$87,230, and to approve the lease agreement for the Natural Play Space with the School for \$1 annually. Motion carried by unanimous vote.

Community/Economic Development:

- Mayor Offerdahl reports that the EDA board met today to discuss current projects and all are on track. We may have a special council meeting in the next couple of weeks to consider approval of two purchase agreements – one for the Carlson's and the other Mark Hagen; and also to consider approval of a development agreement between the City and Palubicki's.
- The board also considered a loan settlement for Brenda Berg formerly dba Customer Traac. The principal balance remaining due is \$28,823.84. Berg has offered \$5,000 to settle this and after a review of financials provided it was determined that there is nothing left to go after and the

board is recommending council approval to settle the matter. Motion was made by Anderson seconded by Hoialmen to accept \$5,000 to settle the matter as recommended by the FEDA board. Motion carried by unanimous vote.

Airport:

- The Grant Agreement being considered this evening is for Crack Repairs to be done September 28<sup>th</sup>. Overall project cost is \$61,732.00. The City share is \$3,087.40, State share is \$3,086.60 and the Federal share is \$55,558.00.

Member Veum introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXECUTION  
OF MN/DOT AGREEMENT FOR  
AIRPORT IMPROVEMENTS EXCLUDING LAND ACQUISITION  
RESOLUTION #15-34**

BE IT RESOLVED by the Council of the City of Fosston as follows:

1. That the State of Minnesota Agreement No. 1001501, "Grant Agreement for Airport Improvement", for State Project No. SP6009-25 at the **Fosston Municipal Airport** is accepted.
2. That the Mayor and City Administrator are hereby authorized to execute this Agreement and any amendments on behalf of the City of Fosston.

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

And the following voted against same: None

Whereupon said resolution was declared passed and adopted this 14<sup>th</sup> day of September, 2015.

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Motion was made by Hoialmen seconded by Anderson to approve Partial Payment Estimate #5 from Gordon Construction in the amount of \$65,450.97 for the Downtown Street and Utility Improvement Project. Motion carried by unanimous vote.

Motion was made by Dufault seconded by Anderson to approve the Workers' Compensation Insurance premium for 2015-2016 to the League of Minnesota Cities Insurance Trust in the amount of \$28,205. Motion carried by unanimous vote.

Motion was made by Anderson seconded by Veum to approve the Invoice from C. Killian Masonry & Concrete in the amount of \$12,365 for sidewalk replacement and handicap curb ramp construction. Motion carried by unanimous vote.

Motion was made by Anderson seconded by Hoialmen to approve Partial Payment Estimate #2 in the amount of \$15,223.75 for the Blower Building Improvements project. Motion carried by unanimous vote.

Motion was made by Hoialmen, seconded by Dufault to approve Partial payment Estimate #2 from Hagen Construction and Trucking in the amount of \$106,553.04 for the First Street Alley and Mary Avenue Project. Motion carried by unanimous vote.

Gary Carlin has requested acquiring a 15' x 144' tract of City right-of-way that is behind the barn by Berge Park. The City had the property surveyed at a cost of \$1,593.75. After discussion, motion was made by Dufault seconded by Anderson to approve the sale provided that Carlin's agree to pay all costs associated with this – the cost of the survey, deed preparation and filing. Motion carried by unanimous vote. The City Administrator will bill Gary Carlin when all is done.

Motion was made by Veum seconded by Anderson to approve the Application for Exempt Permit from Fosston Area Sportsman's Club for the raffle at Ventures on October 24, 2015. Motion carried by unanimous vote.

Council considered the proposal from Karvacko Engineering for the Veteran's Memorial – Phase2 updates. This matter was tabled until after the council reviews the budget for 2016.

Motion was made by Hoialmen seconded by Dufault to approve Liquor License Applications – pro-rated for this fiscal year which ends March 31<sup>st</sup>. Motion carried by unanimous vote:

- A. On-Sale (\$200) – Daroo's Pizza of Bagley, Inc. (pro-rated fee)
- B. On-Sale (\$200) – Palubicki's, Inc. (pro-rated fee)
- C. Sunday On-Sale – DaRoo's Pizza of Bagley, Inc.
- D. Sunday On-Sale – Palubicki's Inc.

Administrator Lucken also informed the council that City Ordinance limits the number of Off-Sale licenses in Fosston to two. Jim Palubicki has inquired about that as well. Council member Veum does not think we should consider changing our ordinance. Council member Hoialmen and Anderson agree. There is no support to change the ordinance.

Council considered approval of the Blue Cross/Blue Shield Health Insurance Renewal for 2016 at a 15% premium increase. Lucken explained this increase is due to claims and there have been some large ones the past couple of years. We have \$45,000 currently in reserves for future health insurance premium increases and can use funds from that to cover the increase. Motion was made by Veum seconded by Anderson to approve the Blue Cross/Blue Shield Health Insurance Renewal for 2015/2016. Motion carried by unanimous vote.

Greg Mireault was present to discuss the sidewalk issue in front of his store along Kaiser Avenue. The sidewalk that was in front of his store was 15 years old and there was no problem or issues with it. When sidewalk was replaced along that block his was as well. Although this sidewalk is ADA compliant, it is also dangerous. ADA law requires less than a 2% slope at the door. This sidewalk is 10 feet wide. Once you get past the five feet by the door the slope to the curb is steep. Someone will fall and sue.

Cariveau explained that he has spoken to MN/DOT and a split sidewalk is an option. The State of MN building Official informed Cariveau that the landing coming out the door is all they govern. The Access Board recommends leaving the sidewalk by the building and taking out the other part of the sidewalk and putting in landscaping or steps. Cariveau needs to call the Justice Department to find out legal issues to protect the City, WSN as well as Mireaults. Lucken informed the council that this is a County street and sidewalk.

Discussion continued and Mireault stated again that he asked the sidewalk not be re-done. There was nothing wrong with the sidewalk he put in 15 years ago. This will have to be blocked off this winter if nothing is done. Offerdahl stated that this is why we hire engineers – to see this beforehand and to come and tell us that this is what the sidewalk is going to look like. Cariveau stated he talked to Mireault and Offerdahl informed him that the City is his client, not Mireault. Cariveau also stated he informed Lucken it would be steep once put in and there were two options. Offerdahl asked if there were any discussions before the old sidewalk was removed and Cariveau stated no.

Council member Anderson requests that Cariveau bring the design engineer to Fosston to have a look and figure out how to fix this. Cariveau will do that.

All agree that this issue is a major problem and needs to be corrected soon. In the meantime, Mireault requests cones, tape and sticks to be prepared for the ice that will come.

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

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Charles Lucken, City Administrator