

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
September 14, 2020

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, September 14, 2020 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Anderson, Dufault and Hoialmen. Members absent: Bosselman. Also present was: Cassie Heide, David Larson, Steven Lyseng, Karen Graham, Matt Bellamy, Jim Tadman, Lee Cariveau, Ed Lavelle, Sarah Manecke, Stephen Larson, Josh Houska, Gloria & Richard Illies, Aaron Lenes, Randy Rue and Tyler McGlynn, in person. Also present via zoom was: Keith Kinnen.

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

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

- A) To approve the minutes of the regular meeting held August 10, 2020 and special meeting held September 8, 2020
- B) To approve Accounts Payable Bill Listing #20-09 in the amount of \$92,965.39 and AP Bill Listing #20-09A in the amount of \$426,775.28
- C) To approve Accounts Payable Bill Listing – Omland Court, \$4,555.88

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement: Deputy Matt Bellamy and Sheriff Jim Tadman were present to report on matters pertaining to Fosston Law Enforcement

- August was a busier month with increased traffic stops & an increase in activity
- Reminder to residents to lock their vehicles and remove items of value as they are still getting calls about vehicle break-ins
- Deputies remained in contact with our Public Works department during the latest storm in an effort to get large branches picked up and keep the significant amounts of rain water moving through the storm drains

City Administration: Cassie Heide reported on matters pertaining to City Administration

- The City received \$150,000 in CARES funds from Polk County to address small business relief
- Heide continues to work on the USDA grant loan application for the wastewater project

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

- City has received five (5) applications for new natural gas services and hope to get a few more added

- The electric substation feeder line project started so staff has been busy helping with that
- MDV started operations again in August and the Industrial Pretreatment Facility (IPF) start up went well for them
- SIU (Significant Industrial User) Permit agreements have been updated ahead of meetings with the large industrial water & sewer users

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

- Rec staff continues to mow until ground freezes
- Residents are loving the new gym floor & have provided a lot of positive feedback
- Graham met with a group of local pickleball players to set up exclusive days/times to play – she will figure out an appropriate fee to charge each individual

Community Development

- Dufault informed the council the EDA board met at noon today and were updated on the childcare center from the daycare task force

Hospital Board: Dufault reported the hospital has been spending significant time with COVID protocols & procedures. The Fosston facility has been able to maintain their finances well despite the COVID-19 pandemic

Arts & Culture Commission: No report

City Attorney: No report

Council held a public hearing at 7:15 p.m. to determine whether a substandard or hazardous conditions exists on the property located at 204 Inderlee Avenue North, Fosston, MN 56542, Parcel No. 87-00173.00 and to determine what action needs to be take to remedy such conditions. Gloria & Richard Illies were present at the meeting and indicated their intent to either sell the home or remove it, but would like someone to discuss it with her. As stated in the inspection letter from Brad Bail, an estimate to remove the building and clean up the lot and fill the foundation would be \$6,000.

Motion was made by Anderson, seconded Hoialmen to continue this discussion at the next council meeting. Motion carried by unanimous vote.

Council considered approval of a variance application from Old Barn, LLC, Kimberly Wilson per recommendation of the planning commission. The planning commission met prior to council and recommended approval of the variance to construct a garage at 205 Larson Avenue N. The proposed garage would be two (2) feet from the south property and seven (7) feet from the north property, whereas zoning ordinance calls for a ten (10) foot side yard setback.

Motion was made by Anderson, seconded by Dufault to approve the variance application from Old Barn, LLC, Kimberly Wilson per recommendation of the planning commission. Motion carried by unanimous vote.

Council considered approval of a variance application from Tyler & Melissa McGlynn per recommendation of the planning commission. The planning commission met prior to council and recommended approval of the variance to construct a building addition at 203 Inderlee Ave North. The proposed addition would be ten (10) feet from the boulevard of Newton Avenue North, whereas zoning ordinance calls for a fifteen (15) foot side yard setback.

Motion was made by Hoialmen, seconded by Dufault to approve the variance application from Tyler & Melissa McGlynn per recommendation of the planning commission. Motion carried by unanimous vote.

Council considered approval of receipt and administration of CARES funds from Polk County for use of small business relief. Polk County and the City of Fosston Economic Development Authority has set aside \$170,000 for grant funding to eligible Fosston businesses. Administrator Heide has drafted a letter to send to Fosston business owners letting them know of these grant opportunities.

Motion was made by Hoialmen, seconded by Dufault to approve the receipt and administration of CARES funds from Polk County for use of small business relief. Motion carried by unanimous vote. Motion was made by Anderson, seconded by Hoialmen to approve of Administrator Heide mailing out this letter to Fosston business owners. Motion carried by unanimous vote.

Council considered approval of a development agreement with D3D, Todd Sandwick on the expansion of the dental facility. Mr. Sandwick requested Tax Increment Financing (TIF) to assist with the development of the project. The city will reimburse the developer 90% of the tax increments generated by the project, up to \$65,000, over a nine (9) year life. In addition, the city will request reimbursement of \$27,000 for related electrical and natural gas utility upgrades to support the expansion. Sandwick's property is part of the economic development TIF district that was set up earlier this year.

Motion was made by Dufault, seconded by Anderson to approve the development agreement with D3D, Todd Sandwick on the expansion of the dental facility. Motion carried by unanimous vote.

Member Anderson introduced the following resolution and moved its adoption:

**RESOLUTION ACCEPTING DONATIONS RECEIVED
BY THE CITY OF FOSSTON FROM QUEEN TOWNSHIP
RESOLUTION 20-18**

WHEREAS, the City of Fosston received a donation from Queen Township in the amount of \$5,325.00: and,

WHEREAS, the funds used for the donation are Coronavirus Relief Funds Queen Township received;

WHEREAS, the intended use of the donation is for Fosston Fire Department to purchase necessary Personal Protective Equipment needed as a result of the Coronavirus pandemic and not budgeted for;

WHEREAS, Minnesota Statutes Section 465.03 provides that donations to the City be accepted by resolution of the City Council; and

WHEREAS, the City Council expresses its gratitude for the donations given to the Fosston Fire Department which serves the Fosston community; and

WHEREAS, the City Council agrees that said donations would be of benefit to the citizens of Fosston.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT the City Council of the City of Fosston, Minnesota hereby acknowledges and agrees to accept said donations as described in Exhibit A attached to this resolution.

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

and the following voted against same:

Whereupon said resolution was declared passed and adopted by the City Council of the City of Fosston on this 14th day of September, 2020.

James Offerdahl, Mayor

Attest:

Cassandra Heide, City Administrator

Member Hoialmen introduced the following resolution and moved its adoption:

**RESOLUTION ACCEPTING DONATIONS RECEIVED
BY THE CITY OF FOSSTON FROM ROSEBUD TOWNSHIP
RESOLUTION 20-19**

WHEREAS, the City of Fosston received a donation from Rosebud Township in the amount of \$8,525.00: and,

WHEREAS, the funds used for the donation are Coronavirus Relief Funds Rosebud Township received;

WHEREAS, the intended use of the donation is for Fosston Fire Department to purchase necessary Personal Protective Equipment needed as a result of the Coronavirus pandemic and not budgeted for;

WHEREAS, Minnesota Statutes Section 465.03 provides that donations to the City be accepted by resolution of the City Council; and

WHEREAS, the City Council expresses its gratitude for the donations given to the Fosston Fire Department which serves the Fosston community; and

WHEREAS, the City Council agrees that said donations would be of benefit to the citizens of Fosston.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT the City Council of the City of Fosston, Minnesota hereby acknowledges and agrees to accept said donations as described in Exhibit A attached to this resolution.

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

and the following voted against same:

Whereupon said resolution was declared passed and adopted by the City Council of the City of Fosston on this 14th day of September, 2020.

James Offerdahl, Mayor

Attest:

Cassandra Heide, City Administrator

Introduced by Council Member Anderson.

Seconded by Council Member Dufault.

ORDINANCE NO. 20-01

AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA AMENDING FOSSTON ZONING ORDINANCE, SECTION 701.10, SECTION IV BY CHANGING THE EXCEPTIONS TO TEMPORARY DWELLINGS AND ADDING LIABILITY FOR OWNERS AND RESPONSIBLIE PARTIES

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

Section 1. Fosston Zoning Ordinance, SECTION IV, Subdivision 12 entitled “Temporary dwellings” is repealed and replaced with the following:

Subdivision 12. Temporary dwellings.

No temporary dwelling may be erected or occupied on any parcel of land with the following exceptions:

- A. A recreational vehicle or a tent may be occupied for a period of not more than three days in a six-month period by family members of the landowner who are related by blood, marriage, or adoption.
- B. Temporary residence in a basement or foundation structure while awaiting the completion of the total structure may be allowed for a period not to exceed twelve (12) months.

For purposes of this subdivision, temporary dwelling shall include, without limitation, a garage, tent, trailer, recreational vehicle, motor vehicle, or similar vehicle or structure.

No owner or responsible party shall allow or permit any other person to violate this provision. For purposes of this subdivision, “owner” shall mean the owner or owners of the parcel of land on file with the Polk County Taxpayer Services Center – Recorder, and “responsible party” shall mean any current owner of record of the parcel of land or occupying tenant.

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, Hoialmen and Offerdahl.

Passed this 14th day of September, 2020.

Mayor

ATTEST: _____
City Administrator

[Published in _____ on _____, 2020.]

Council considered approving the coronavirus relief fund (CRF) expense report to the State of Minnesota Management and Budget office for August, 2020 CRF expenses. Heide informed the council that monthly reports are due to the Minnesota Management and Budget Department where a special department was formed to deal with the CARES funding the state received. Expenses included in the report are eligible under Coronavirus Relief Fund, as they were a necessary expenditure to respond to the COVID-19 public health emergency, were not accounted for in the current budget, and were incurred during the covered period.

Motion was made by Hoialmen, seconded by Anderson to approve the coronavirus relief fund (CRF) expense report submittal to the State of Minnesota Management and Budget office for August 2020 CRF expenses. Motion carried by unanimous vote.

Council considered approval of a purchase agreement between David & Brook Burggraf and the City of Fosston for the purchase of parcel 87.00968.00 & 87.00969.00 in the Aspen addition. Administrator Heide presented an e-mail she received from Jim & Nikki Juve in regard to purchasing an additional 30 feet to the north of their property line. It was concluded that this purchase agreement needs to be completed as is and Juve's need to approach Burggraf's to purchase that extra 30 feet.

Motion was made by Dufault, seconded by Anderson to approve the purchase agreement between David & Brook Burggraf and the City of Fosston for the purchase of parcel 87.00968.00 & 87.00969.00 in the Aspen addition. Motion carried by unanimous vote.

RESOLUTION 20-20

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION

It is resolved by the City of Fosston as follows:

1. That the state of Minnesota Agreement No. 1034787,
"Grant Agreement for Airport Improvement Excluding Land Acquisition,"
for State Project No. A6009-28 at the Fosston Municipal-Anderson Field
Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this Agreement and any amendments on behalf of the City of Fosston.

CERTIFICATION

STATE OF MINNESOTA

COUNTY OF POLK

I certify that the above Resolution is a true and correct copy of the Resolution adopted by the City of Fosston at an authorized meeting held on the 14th day of September, 2020 as shown by the minutes of the meeting in my possession.

Signature: _____

(Clerk or Equivalent)

CORPORATE SEAL

/OR/

NOTARY PUBLIC

My Commission Expires:

Council considered approval of pay application number 4 from Hagen Construction, Inc for 2020 street and utility improvements in the amount of \$182,962.40. Cariveau has approved the pay application.

Motion was made by Anderson, seconded by Hoialmen to approve application number 4 from Hagen Construction, Inc for 2020 street and utility improvements in the amount of \$182,962.40. Motion carried by unanimous vote.

Lee Cariveau, Widseth was present to discuss the 2020 street and utility improvement project and the wastewater expansion. Cariveau reported that they will continue with the concrete the rest of this week in hopes of being completed by Friday. The water main on 6th Street passed the test so residents along this stretch will be taken off temporary water. Cariveau reported they are continuing to monitor the ground water as part of the wastewater expansion project.

Council considered approval of the amendment to task order no. 16 from Karvakko, PA, airport wetland mitigation project. Bidding for removal of 2 wetlands at the Fosston Municipal Airport was originally scheduled for summer of 2020 but was postponed due to FAA's request in order to finalize EA review and approvals. It will now be administered the winter of 2020-2021 in preparation of Spring 2021 construction.

Motion was made by Anderson, seconded by Dufault to approve the amendment to task order no. 16 from Karvakko, PA, airport wetland mitigation project. Motion carried by unanimous vote.

Keith Kinnen, Karvakko was present via zoom to discuss the highway 2 corridor study and airport. Kinnen reported that the highway 2 project is still on hold, so there is nothing new to report.

The final payment for the FIT trail was received and the one-year warranty period has begun. Kinnen reported they are expecting the letter of permission for the Airport project later this month with permits hopefully in place by next council meeting.

Council considered approval of termination of city employee for violations of the City of Fosston personnel policy. Houska was invited to address the council regarding the letter he received detailing the new allegation which prompted his continued unpaid suspension. Administrator Heide and Public Works Director Larson stuck with their recommendation to terminate after hearing from Houska. Council members have further questions for Houska that need to be addressed in a closed meeting. Houska was asked if Monday, September 21 at 7 p.m. worked for him to attend another council meeting and he acknowledged that that date would work.

Motion was made by Hoialmen, seconded by Dufault to table the decision and call for a special closed meeting with Houska on Monday, September 21 at 7 p.m. in council chambers. Motion carried by unanimous vote.

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

Cassandra Heide, City Administrator