

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
SEPTEMBER 30, 2019

Pursuant to due call and notice thereof, a special meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, September 30, 2019 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, Hoialmen, Bosselman and Anderson. Others in attendance were: Chuck Lucken, Cassie Heide, and Steven Lyseng.

Mayor Offerdahl stated the purpose of the meeting was to consider accepting the proposed mediation settlement agreement in *Warren K. Affeldt and Deborah L. Affeldt v. City of Fosston, a municipal corporation*, Court File No. 60-CV-18-931.

Mayor Offerdahl informed the council that member Dufault, himself, Administrator Lucken and Assistant Administrator Heide attended mediation at the Vogel Law Firm in Fargo, North Dakota on the 24th of September. Calculations were made based on best- and worst-case scenarios before negotiations began and divided the worst-case number in half to establish the maximum offer to be presented to Affeldts during negotiations. Mayor Offerdahl believes that because the City needs the land for construction of future wastewater ponds, there is value in providing certainty for sanitary sewer users that the expansion project will be completed on a timely basis.

Councilmember Dufault informed the council that while negotiations were difficult and coming to a mediated settlement wasn't easy, the responsibility to the taxpayers and customers of the City of Fosston was kept in mind. Minimizing expenses, additional time spent, and gaining certainty was the main objective for an agreement to take back to the council.

Member Dufault introduced the following resolution and moved its adoption:

RESOLUTION APPROVING MEDIATED SETTLEMENT AGREEMENT
RESOLUTION NO. 19- 31

WHEREAS, Warren K. Affeldt and Deborah L. Affeldt (“Affeldts”) initiated litigation against the City of Fosston in Minnesota State District Court, Ninth Judicial District, Polk County, styled *Warren K. Affeldt and Deborah L. Affeldt v. City of Fosston, a municipal corporation*, Court File No. 60-CV-18-931, alleging the City of Fosston was required under Minnesota Statutes, Section 117.226 to sell the real estate, which the City of Fosston acquired under threat of eminent domain, back to them.

WHEREAS, as part of case processing and in accordance with Minnesota General Practice Rule 114, the City of Fosston and the Affeldts agreed to attempt to settle and compromise all disputes through mediation which was held on September 24, 2019 in Fargo, North Dakota.

WHEREAS, as part of the mediation process, Mayor Offerdahl and Councilmember Dufault agreed to recommend that the City Council approve the mediated Settlement Agreement, a copy of which was as presented and attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Fosston hereby approves and accepts the mediated Settlement Agreement as presented.

The motion for the adoption of the foregoing resolution was made by Council member Dufault duly seconded by Councilmember Anderson and upon roll call vote the following voted in favor thereof: Dufault, Anderson, Bosselman, Hoialmen, and Offerdahl.

and the following voted against the same: None

whereupon said resolution was declared duly passed adopted.

James Offerdahl, Mayor

Attest:

Charles Lucken, City Administrator

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

Charles Lucken, City Administrator