

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
April 12, 2021

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, April 12, 2021 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Anderson, Dufault and Mulry. Members absent: Bosselman. Also present was: Cassie Heide, David Larson, Sheriff Tadman, Ethan Nagel, Lee Cariveau, Sarah Manecke, Steven Lyseng, Amelia Linehan, Karen Graham and Keith Kinnen.

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 March 8, 2021, minutes of the special meeting held March 18, 2021 and minutes of the special meeting held March 29, 2021.
- B) To approve Accounts Payable Bill Listing #21-04 in the amount of \$80,348.96 and Supplemental AP Bill Listing #21-04A in the amount of \$54,889.63.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$5,197.86.

A forum for members of the public present to speak was held. No one from the public wished to speak during this forum.

COMMITTEES/BOARDS/COMMISSION:

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

- Nagel reported there has been an increase in animal complaint and dogs at large calls. Dan Ekre has been great to assist the deputies as needed.
- Nagel addressed the dog napping incident that was reported on a local news station. They have not received any complaints of dogs being taken and there has been no evidence. Deputies reached out to neighboring communities and they have had no reports of dogs being taken from their homes.
- Nagel reported on an incident that occurred within the City in which a resident was arrested for DWI at three times the legal limit.
- Tadman reported they had to send seven (7) deputies to Bemidji last week during the pipeline protests.

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

- Heide presented Minnesota Department of Transportation’s official request for City approval of the Final Layout for SP 6005-74, which includes the striping work detailing a 3-lane layout for the community of Fosston. The City is required to provide at least 30-days’ notice of the public hearing, which will be held at our regular council meeting in May.
- Heide reported on the various County roads that will be under construction during the 2021 construction season.
- Heide reported that she mailed Notice & Order for Abatement letters to six (6) residents for violating the nuisance ordinance. These residents must remove junk vehicles, materials, supplies or equipment from their property within 10 days.
- Heide presented the formal letter from MnDOT informing us that the Northwest Minnesota Area Transportation Partnership has selected the City of Fosston’s “Sidewalk Connections & Extensions” application for Federal Transportation Alternatives program funding in the amount of \$134,414 in federal funds for fiscal year 2024. The sidewalk is to be completed during the summer of 2023.
- Heide reported that Polk County has given sector-specific reductions on the Solid Waste Assessment for 2021 to those sectors specifically identified in the Governor’s Executive Orders.
- Heide reported that the City bus will be funded 100% by MnDOT this year.

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

- Utility staff continues to work on the substation feeder replacement project.
- Larson reported on a couple new electrical transformer services – Elevator grain bin site and Bethany Assisted Living.
- Larson reported they have electrical & cable relocation projects at Highway 2 and First Street and Highway 2 and Skeie Drive.
- Larson stated they will be installing new pipe from switch to switch before the new fit trail is established on Highway 2 West next summer.
- Larson reported on the proposal the City received from NPL for labor to construct 12,754’ of 6” pipe to service natural gas and expand capacity north of the City to the industrial park.
- Lyseng reported that chemical will be here this week and they will take another sample in preparation for the Spring discharge of the ponds.
- Staff will meet to finalize the SIU agreements for MDV, JRS and Specialty Products.
- The street department staff has begun street sweeping and blading alleys. Larson stated they do have some cold mix on hand to start filling potholes as needed.

Civic Center: Karen Graham reported on matters pertaining to her departments

- Graham met with area Rec Directors and the plan is to have a regular, full summer rec program. Registration will take place sometime in May.

- Graham reported a major issue with the boardwalk sloping towards the swamp along the FIT trail. Both ends have been blocked off with the unsafe areas marked in paint. Heide was instructed to work with the engineers to gather options for resolving this issue.

Community Development

- Dufault informed the council that the EDA board met at noon today. In addition to regular business, Dufault stated they continued their discussion of the interested buyer of the mobile home park. He also reported that the Prairie Pines Childcare Center is still awaiting its 501(c)(3) status before moving forward.

Hospital Board: No report

Arts & Culture Commission: No report

City Attorney: No report

Introduced by Council Member Anderson.

Seconded by Council Member Mulry.

ORDINANCE NO. 21-01

AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA AMENDING SECTION 93.11 (DANGEROUS ANIMALS) BY ADDING A REQUIREMENT THAT THE OWNER OF A DANGEROUS ANIMAL POST A BOND OF \$250 WHEN SUCH OWNER APPEALS A DANGEROUS ANIMAL DETERMINATION

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

Section 1. Fosston City Code, Section 93.11(G) entitled “Procedure” is repealed and replaced with the following:

(G) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting in writing a hearing before the City Council for a review of this determination. If an owner requests in writing, directed to the City Administrator, and posts a bond of \$250.00 with the City, a hearing for determination as to the dangerous nature of the animal shall be conducted. The bond amount of \$250.00 shall be used to cover a portion of the costs incurred by the City in the dangerous dog proceeding, including, but not limited to, legal costs, administrative costs, vaccination costs, and pound fees. However, the bond amount of \$250.00 shall be returned to the owner of the animal in the event the dangerous animal determination is reversed.

(1) If no appeal is filed, the orders issued will stand or the Animal Control Officer may order the animal destroyed.

(2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Administrator's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer.

(3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

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, Mulry and Offerdahl.

Passed this 12th day of April, 2021.

Mayor

ATTEST: _____
City Administrator

[Published in _____ on _____, 2021.]

Sealed bids for Skeie Drive Sidewalk Construction were opened by Mayor Offerdahl. Osland Construction had a bid of \$73,387 and Hagen Construction had a bid of \$42,611. The apparent low bidder, pending verification, was Hagen Construction in the amount of \$42,611.

Motion was made by Anderson, seconded by Mulry to award the apparent low bidder, Hagen Construction, the Skeie Drive Sidewalk Construction project in the amount of \$42,611. Motion carried by unanimous vote.

Member Anderson introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
COUNTY OF POLK
STATE OF MINNESOTA**

RESOLUTION NO. 21-19

**RESOLUTION AGREEING TO PURCHASE, INSTALL & MAINTAIN VEHICLE
SPEED FEEDBACK SIGNS**

WHEREAS: the Minnesota Department of Transportation (MnDOT) has requested acknowledgment of the City of Fosston's intent to purchase, install and maintain vehicle speed feedback signs to be placed at the east and west end of the City of Fosston limits; and

WHEREAS: the City of Fosston is requesting approval of speed feedback sign installation from MnDOT; and

WHEREAS: the proposed speed feedback sign installation locations are eastbound on US 2 on the 30MPH sign and westbound on US 2 on the 30 MPH sign; and

WHEREAS: the city is formally requesting that MnDOT approve adding speed feedback signs as listed above; and

WHEREAS: the city acknowledges that if the requested designation is approved, the City is responsible for installation and ongoing maintenance of the speed feedback signs.

THEREFORE BE IT RESOLVED THAT: the City of Fosston hereby requests the installation of speed feedback signs as listed above and acknowledges it is responsible for installation and maintenance of the speed feedback signs.

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

and the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 12th day of April, 2021.

James Offerdahl, Mayor

ATTEST:

Cassie Heide, City Administrator

Council considered awarding the 2021 Street Improvement project to Knife River Materials in cooperative agreement with Polk County in the amount of \$162,516.75. Eaton Ave North and First Street East bituminous overlay will be completed as part of the Polk County project with the City paying 100 percent of their project costs.

Motion was made by Anderson, seconded by Mulry to award the 2021 Street Improvement project to Knife River Materials in cooperative agreement with Polk County in the amount of \$162,516.75. Motion carried by unanimous vote.

Lee Cariveau, Widseth was present to discuss the 2021 street improvement project and the wastewater expansion. Cariveau reported that he will schedule a pre-construction meeting with Hagen Construction in the next couple weeks to discuss the 2021 street improvement project, which they hope to start in May. Hagen will have work to complete prior to Knife River's portion being started.

Cariveau provided an update to the wastewater expansion project. He reported they will check the groundwater levels once more prior to locking in on the depth of the ponds.

Keith Kinnen, Karvakko was present to discuss the Highway 2 Corridor study and Airport. Airport – Kinnen reported that Novco Inc was awarded the wetland project and he has been in contact with them. He is waiting on approval of paperwork by the FAA for the snow removal equipment before writing the grant for both pieces.

Highway 2 Corridor Study – public meetings were held Thursday, March 25th at 3p.m. and 6p.m. at the Civic Center and via zoom. Kinnen stated that the report is complete. The Minnesota Department of Transportation gave us the official request for City approval of the Final Layout for SP 6005-74, which includes the striping work detailing a 3-lane layout for the community of Fosston. The City is required to provide at least 30-days’ notice of the public hearing, which will be held at our regular council meeting in May. The review panel will meet one more time prior to this council meeting and make their recommendation to the Council.

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.

Cassandra Heide, City Administrator