

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
April 15, 2019

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, April 15, 2019 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, Anderson, Hoialmen, and Bosselman. Members absent: none. Also present was: Cassie Heide, Chuck Lucken, Lee Cariveau, David Larson, Steven Lyseng, Scott Bixby, Ethan Nagel, Amelia Linehan, Karen Graham, Russell & Mary Reichenbach, Deanna Haagenon, Bonnie Stewart, Ed LaVelle, Matthew Hagen, Stephen Larson, and Tracee Bruggeman

Motion was made by Anderson, seconded by Bosselman to approve the agenda with no modifications:

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

- A) To approve the minutes of the regular meeting held March 11, 2019.
- B) To approve Accounts Payable Bill Listing #19-04 in the amount of \$74,523.32 and AP Bill Listing #19-04A in the amount of \$24,908.01.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$6,162.44

A forum for members of the public present to speak was opened. Mary Reichenbach presented pictures to the council of her neighbors yard containing large amounts of wood piled, junk vehicles, along with other junk equipment in the yard. Reichenbach asked council to take action on the ordinance violations. Mayor Offerdahl informed that City staff will work with law enforcement to enforce ordinance violations.

COMMITTEES/BOARDS/COMMISSION:

Law Enforcement: Deputy Ethan Nagel and Sergeant Scott Bixby were present to report on matters pertaining to Fosston Law Enforcement

- There were some accidents earlier in the month due to poor weather conditions.
- The animal case that occurred at the end of March was handled by law enforcement. Working with Bagley animal officer and using their facilities was helpful in dealing with the situation.
- The drug task force continues to work on cases in our area.

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

- Grading of allies will be done this Spring along with filling potholes.
- Street sweeping began and will continue once the most recent snow melts.

- MNOPS will be here Thursday to conduct a distribution integrity management plan inspection and an inspection of the biogas line. These are routine inspections.
- The IPF is sampling well. Excess foam caused the flare to go out but was quickly remedied.
- Spring discharge will begin shortly. Preliminary samples are coming in good.

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

- The boardwalk is in rough shape after the winter. It will be assessed to determine if it needs to be closed if there is a safety risk.
- Tango and Cash was held at the beginning of the month. The event went well and Graham received compliments on the building.
- Pool is currently being used by seniors from a program sponsored by Essentia Health. Fosston and Bagley schools will be using it this Spring.

Community Development:

- Three homes in the mobile home court are for sale. One has been sold and two more have had interest. The City's goal is to sell all three homes.

Hospital Board: Roy Dufault reported on matters pertaining to the Hospital Board.

- The recent Tango and Cash event was a successful fundraiser for the First Care Foundation.
- The 2018 audit report results were presented to the board.

Arts & Culture Commission: Bonnie Stewart was present to update the council.

- An Art Crawl is scheduled for May 2<sup>nd</sup>. Artists from Fosston, Lengby and the surrounding area will be participating in the event.
- The website is still being designed.
- A new logo was made for the commission. It will be used on the flags that will advertise for Art Crawls.

The public hearing was cancelled due to a plea agreement with Blake Miller and the withdrawal of his appeal of a dangerous dog determination by Fosston Law Enforcement.

Deputy Nagel reported a call was made by Blake Miller informing law enforcement that his dog had attacked another dog owned by Mary Reichenbach. Nagel responded and received Miller's account of the incident and was able to later follow up with Mary Reichenbach when she returned from the veterinarian where she had to take her dog as a result of the attack. Reichenbach informed Nagel that she was walking her dog when Miller's dog came onto the roadway and attacked her dog around the neck and shook the dog. Reichenbach was unsure if her dog was still alive. She and her husband rushed the dog to the veterinarian where it stayed overnight and was later euthanized as the result of the attack.

City Attorney Stephen Larson informed the council that he worked with deputy Nagel to serve the proper paperwork on Blake Miller. Fosston Animal Control Officer, Fosston Law Enforcement, deemed the dog a “dangerous dog”, as defined in the Fosston Animal Ordinance, due to the unprovoked attack on Reichenbachs dog.

Miller has entered a plea agreement where he has plead guilty to animal attack, unlicensed animal, and running at large. As part of the plea, Miller has waived his appeal of the dangerous dog designation and has consented to the euthanization of his dog. Miller has also agreed to pay restitution to Reichenbachs. Fosston Law Enforcement asked the Reichenbachs to submit all bills relating to the attack. The court will decide what bills will be paid.

Mr. Reichenbach addressed the council that he and his wife, Mary, have lived in their home in Fosston for thirty years and are law abiding residents. This was the second time one of Blake Miller’s dogs has attacked their dog. Miller keeps his dog caged which makes the dog bad tempered. They are very saddened and upset about the incident.

Reichenbachs want to make sure that Blake Miller can never have another dog in the City of Fosston again. Attorney Larson informed the council that he does not believe the City can enforce that as a number of things have to happen to rise to the level where a person cannot be legally able to own a dog. Larson will research the topic further and provide an opinion for Council review.

Reichenbach thanked deputy Nagel for his kindness and concern in the matter. Mayor Offerdahl expressed his sympathy to the Reichenbach family on the loss of their family pet. Mayor Offerdahl stated that enforcing dogs running at large is a difficult thing and we rely on the public letting City staff or law enforcement know when dogs are running at large so that we can act quickly and find the owner or impound the animal. This is an unfortunate situation that we can learn from.

Tracee Bruggeman of Brady Martz was present to report the findings of the 2018 City Audit. Bruggeman reported that the City received an unmodified opinion, as they did the prior year.

Member Dufault introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING BID AND AWARDING CONTRACT  
FOR 2019 UTILITY AND STREET IMPROVEMENT PROJECT  
RESOLUTION NO. 19-12

WHEREAS, pursuant to an advertisement for bids for the improvement of the following:

450	LF	8” PVC Sanitary Sewer	280	LF	Concrete Curb and Gutter
290	Ton	Bituminous Pavement	320	CY	Aggregate Base
2	EA	Sanitary Manholes			Miscellaneous Sanitary Sewer

WHEREAS, bids were received, opened and tabulated according to law, and six (6) bids were received complying with the advertisement as follows:

Gordon Construction 2222 270 <sup>th</sup> Ave SE Mahnomen, MN 5657	Total Bid	\$145,019.70
Hagen Construction and Trucking, Inc 1055 250 <sup>th</sup> Ave SE Fosston, MN 56542	Total Bid	\$125,000.00
Lenes Sand & Gravel 31201 410 <sup>th</sup> Street SE Fosston, MN 56542	Total Bid	\$139,073.50
Sellin Brothers, Inc. 40739 US 71 Hawley, MN 56549	Total Bid	\$168,587.00
Spruce Valley Corporation 39469 130 <sup>th</sup> Avenue NE Middle River, MN 56737	Total Bid	\$178,407.00
Taggart Contracting Inc 28485 120 <sup>th</sup> Ave NW New Folden, MN 56738	Total Bid	\$159,949.54

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOSSTON, MINNESOTA

1. The Mayor and City Administrator are hereby authorized to enter into an agreement with Hagen Construction and Trucking, Inc, 1055 250<sup>th</sup> Ave SE., Minnesota in the name of the City of Fosston for the 2018 Utility and Street Improvements Project, Total Bid of \$125,000.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

And the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 15<sup>th</sup> day of April, 2019.

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Council considered adoption of Ordinance No. 111, an ordinance of the City of Fosston, Minnesota amending chapter 111 entitled “alcoholic beverages” by revising the inspection procedures and adopting new penalties for violations. Attorney Larson informed the council that this broadens the licensee’s duties to cooperate with compliance checks. The City has discretion in penalizing a licensee for non-cooperation. Offerdahl questioned if we should also update the tobacco ordinance. Larson can update the tobacco ordinance and fix some typographical errors on the alcohol ordinance for council to review and consider adoption at its next regular meeting.

Motion was made by Anderson, seconded Hoialmen to table the adoption of Ordinance No. 111, an ordinance of the City of Fosston, Minnesota amending chapter 111 entitled “alcoholic beverages” by revising the inspection procedures and adopting new penalties for violations. Motion carried by unanimous vote.

Council considered adopting “Arts In Public Places” As A “Council Policy” For The City Of Fosston, Minnesota. Bonnie Stewart informed the council this policy is modeled after another city and provides a solid foundation to move the Arts & Culture Commission forward with the City while also providing a policy that outlines the type of art, and location of permanent and temporary art in the City of Fosston. Offerdahl questioned when the nine member board needs to be formed. Stewart thought it should not need to happen for several more months. Attorney Larson reviewed the policy and found that it does not bind the City to anything and can be amended by resolution in the future if necessary.

Member Hoialmen introduced the following resolution and moved its adoption:

CITY OF FOSSTON, MINNESOTA  
CITY COUNCIL RESOLUTION19-13  
APPROVING “ARTS IN PUBLIC PLACES” AS A “COUNCIL POLICY”  
FOR THE CITY OF FOSSTON, MINNESOTA

WHEREAS, one of the purposes of the Arts and Culture Commission (ACC) is to advise the City of Fosston (the City) on arts policies and arts development; and

WHEREAS, one of the purposes of the Arts and Culture Commission (ACC) is to advise the City of Fosston (the City) on arts policies and arts development, as detailed in City Code (Sec. 33.18) under Responsibilities as follows:

f) Upon request of the city council, develop and advocate design standards for city facilities, public areas, and private development, which represent a coherent image of Fosston as a place of unique aesthetic, architectural, and cultural identity.

g) Plan and advocate funding for the installation of public art in Fosston that enhances the city's appearance and artistic appeal;

WHEREAS, the ACC is developing guidelines related to the development, sitting, and installation of public arts and, in the case of public funding, review standards and procedures for the selection of quality public art; and

WHEREAS, a web-link to the guidelines and review procedures will be published on the ACC website, and the document will also be incorporated into the five-year goals document that the ACC has developed; and

WHEREAS, the City is pursuing best practices to include a formal written "Art in Public Places Policy" as a formal "Council Policy" of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. The City of Fosston approves the "Art in Public Places" as a "Council Policy" of the City, attached hereto, is hereby adopted.

PASSED by the City Council of the City of Fosston on this 15th day of April 2019.

ATTEST: Bosselman, Hoialmen, Anderson, Dufault, and Offerdahl.

**CITY OF FOSSTON – COUNCIL POLICY - ART IN PUBLIC PLACES**

**POLICY NUMBER:**

**ADOPTED: APRIL 15N 2019**

1. PURPOSE:

- a. The purpose of this policy is to guide public and private development and the installation of public art within the City of Fosston.
- b. The Fosston Arts and Culture Commission (ACC) is designated to develop and advocate for art and design standards for city facilities, public areas, and private development that will present a coherent image of Fosston as a place of unique aesthetic, architectural, and cultural identity.

2. OBJECTIVES:

- a. The Fosston Arts and Culture Commission (ACC) advocates for public support of the arts and promotes art that demonstrates the following objectives:
  - i. Enhances the aesthetic environment of public places, such as buildings, roads, paths, sidewalks, and landscapes, through high-quality public art, including permanent and temporary art installations.
  - ii. Contributes to community identity and place by, for instance:
    - 1. Building awareness and celebrating the community's diverse history, identity, cultures, and geography; and
    - 2. Inviting community response to proposed installations of public art; and
    - 3. Involving a broad range of groups, neighborhoods, and organizations in the planning or creation of public artworks.
  - iii. Adds to community vitality by, for instance:
    - 1. Promoting Fosston as a nationally and internationally recognized arts city and tourist destination;
    - 2. Building the capacity of and cooperation between the private and public sectors, artists, and community members; and
    - 3. Encouraging civic dialogue about the role of art in civic life and Fosston development.
  - iv. Involves artists in the creation and development of art by encouraging a variety of creative opportunities for artists with a range of experiences.
  - v. Provides opportunities for public, private, or public/private support of the creation, acquisition and installation of art works by, for instance:
    - 1. Integrating artwork into City building projects by involving artists in the planning process; and
    - 2. Identifying grant, municipal and other funding sources; and

3. PUBLIC ART REVIEW COMMITTEE (PARC): PURPOSE, MEMBERSHIP, PROCESSES:

- a. To carry out its public art responsibilities per Sec. 33.18 (f), the ACC proposes to establish and maintain a Public Arts Review Committee, which will have the following responsibilities:
  - i. Advise the ACC regarding commission, installation, maintenance, and decommissioning of publicly funded art to ensure positive impact on civic quality of life and aesthetic environment.
  - ii. Reserves the right, on behalf of the ACC, and the City, to approve art and may reject any art that it deems offensive to any race, age, creed, religion, gender or disability.
  - iii. Approve the design, installation, maintenance and decommissioning of privately or publicly funded two or three-dimensional art, sculpture or garden-art decoration or installations on city-owned property.

- iv. Where the parties agree to a cooperative effort, advise private and non-profit projects that will be installing art in locations that will be accessible to and frequented by the public.

4. MEMBERSHIP:

- a. A committee of up to nine members shall be appointed by the ACC and approved by the City Administrator.
- b. The panel will include two ACC members, a City staff liaison, a Public Works staff member, and panelists appropriate to the genre of artwork and to the location and project under consideration.
- c. Panel members may include artists, arts faculty members, architects and department staff related to the project, arts administrators, and two or more at-large community representatives, including representatives of diverse groups. ACC will convene PARC on an ad hoc basis when the need arises.

5. SCOPE OF WORK:

- a. ACC/PARC will facilitate communication among City staff coordinating public art projects, artists, and public arts stakeholders.
- b. ACC/PARC will work closely with the representatives of public arts sites to advance outcomes, goals, and the interests of Fosston residents, businesses, and property owners.

6. REVIEW CRITERIA:

- a. PARC review of publicly funded commissions, purchases, or installations shall consider, but not be bound by any one of, the following review criteria in choosing works to recommend to the ACC and the City:
  - i. Artistic excellence
    - 1. Does the project represent workmanship of the highest quality?
    - 2. Does the project satisfy the parameters of the RFP, if applicable?
    - 3. Does the project represent a cohesive, unified theme or idea?
    - 4. Is the project original, compelling and creative work?
  - ii. Public involvement
    - 1. Does the project's development and review include participation by residents, users, community organizations and institutions, businesses, cultural communities, advocacy groups, and students and youth, as appropriate?; and
    - 2. Does the project facilitate public involvement via community meetings, community surveys, and requests for proposals?
  - iii. Enhancement of community identity and place
    - 1. Does the site, surrounding area, or project provide an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures?
    - 2. Is the project appropriate for public display?

3. Is the project acceptable to current community standards?
  4. Are there opportunities within the project to integrate artwork into the design or function of structures?
- iv. Community vitality
1. Will the site and project be visible to visitors and residents?
  2. Will the project appeal to a broad range of people?
  3. Is the project making an effort to build capacity and cooperation between the private and public sectors, artists, arts organizations, and community members?
  4. Does the project encourage civic dialogue about art and civic issues?
- v. Safety and maintenance of public art
1. What is the plan for maintenance and repair?
  2. Is the piece safe for public interaction?

7. STATEMENT OF NON-DISCRIMINATION:

- a. Recommendations about public art decisions will be made without regard to an individual's or the perception of an individual's race, color, creed, religion, sex, domestic relationship status, parent status, familial status, sexual orientation, national origin, gender identity, age, or disability.
- b. Each call for artists will be posted on the City of Fosston and the Arts and Culture Commission websites.

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

And the following voted against same: none.

Whereupon said resolution was declared passed and adopted this 15<sup>th</sup> day of April, 2019.

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James Offerdahl, Mayor

ATTEST:

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Charles Lucken, City Administrator

Council considered approving a letter of intent to MNDOT District 2 for 2020 Highway 2 Improvements. Heide informed the council through a local partnership program, Minnesota Department of Transportation District 2 has up to \$700,000 set aside for projects in 2020. To be eligible for funding the City must submit a letter of intent. Proposed work in 2020 includes

addressing pedestrian and traffic safety on highway 2 by adding a flashing pedestrian signal between the high school and Burggrafs Ace Hardware and LePiers East along. As well as study the reconfiguration of the five legged intersection near Dairy Queen, the High School and LePiers East to possibly square up the intersections. Finally, re-striping highway 2 to a 3 lane to calm traffic and reduce speeds. MNDOT will be re surfacing highway 2 in 2025 or 2026. By performing re-striping in 2020 to a 3 lane, we can get a feel for the change before the major reconstruction is done. Public meetings with MNDOT will occur before any final decisions are made and the letter of intent is a necessary preliminary step in the process. As indicated in the letter of intent: While the City is happy to take the lead on the project, the City is not in a position to be responsible for any of the design and construction engineering costs that would be incurred in relation to work on the U.S. Highway number 2. The City acknowledges its responsibility to pay for up to 50% of the cost of pedestrian flashing beacons that would be installed along U.S. Highway number 2.

Motion was made by Anderson, seconded by Hoialmen to approve the letter of intent to MNDOT District 2 for 2020 Highway 2 Improvements. Motion carried by unanimous vote.

Council considered a funding request from Fosston Senior Meals in the Amount of \$1,000. This request has been made annually and has been budgeted for.

Motion was made by Anderson, seconded by Dufault to approve funding request from Fosston Senior Meals in the Amount of \$1,000. Motion carried by unanimous vote.

Council considered approving Task Order No. 11 from Karvakko, P.A. for 2019 Airport work. The task order includes a wildlife hazardous management plan, grant work, and wetland mitigation work. Lucken informed council that the grant pays 90% from Federal, 5% from state and 5% from the City.

Motion was made by Bosselman, seconded by Anderson to approve Task Order No. 11 from Karvakko, P.A. for 2019 Airport work.

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.

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Charles Lucken, City Administrator