

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA  
June 14, 2021

The regular meeting of the Council of the City of Fosston, Polk County Minnesota was held in council chambers on Monday, June 14, 2021 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Bosselman, Dufault and Mulry. Members absent: Anderson. Also present was: Cassie Heide, David Larson, Sergeant Scott Bixby, Ethan Nagel, Lee Cariveau, Sarah Manecke, Stephen Larson, Steven Lyseng, Amelia Linehan, Keith Kinnen, Barb Johnson, Mark Hagen and Craig Larsen.

Motion was made by Mulry, seconded by Bosselman to approve the agenda. Motion carried by unanimous vote.

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

- A) To approve the minutes of the regular meeting held May 10, 2021.
- B) To approve Accounts Payable Bill Listing #21-06 in the amount of \$69,324.25 and Supplemental AP Bill Listing #21-06A in the amount of \$1,127,752.58.
- C) To approve Accounts Payable Bill Listing – Omland Court, \$5,181.09.

A forum for members of the public present to speak was held. Craig Larsen, 420 Brandt Ave N, wished to speak during this forum. He would like council to consider repealing Ordinance No. 701.1. This ordinance regulates renewable energy systems, including solar energy systems and wind energy systems. He expressed the desire to place solar panels in his yard.

COMMITTEES/BOARDS/COMMISSION:

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

- Nagel reported that May was a slower paced month.
- Nagel reported that animal complaint calls are down.
- Bixby reported they will set up a law enforcement staging area in Fosston in the event deputies are needed to help with protests in Clearwater County.

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

- Heide reported there will be a 4<sup>th</sup> of July parade and fireworks display on Saturday, July 3<sup>rd</sup> in the City of Fosston.
- Heide reported that the airport funding rates for State Fiscal Year 2022, MnDOT's participation on state funded grants as well as the state matching share for Federal

Aviation Administration Airport Improvement Program (FAA AIP) grants, will remain the same as SFY2021.

- Heide reported that she mailed a couple more Notice & Order for Abatement letters to residents for violating the nuisance ordinance.
- Heide reported that the City of Fosston was not awarded any funds for those projects in which local road improvement grants were applied for.

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

- Utility staff continues to work on the substation feeder replacement project.
- New electrical service at the Elevator grain bin site is approximately 60% complete.
- Natural gas and electrical sales are up.
- MNOPS natural gas safety inspection May 23-27 went well with only a few minor adjustments required.
- NPL is scheduled to begin constructing the 12,754' of 6" pipe to service natural gas and expand capacity north of the City to the industrial park mid-July.
- MDV is slated to operate into July.
- The street department staff has been busy street sweeping, mowing, painting, and crack sealing some of the streets.
- Larson reported that the burn site will continue to be closed on weekends but will be open all weekdays to city residents only.

Civic Center: No report

Community Development

- Dufault informed the council that the EDA board met at noon today. The EDA board recommended to council approval of the purchase agreement between Real Estate Acquisitions USA, Corp and the City of Fosston for the sale of Omland Court Mobile Home Park. They also recommended to council approval of a loan to MJ Café in the amount of \$47,500.

Hospital Board: No report

Arts & Culture Commission: Barb Johnson presented on behalf of the Arts & Culture Commission. They have been presented with a funding opportunity through the Minnesota State Arts Board to apply for funding to support the pursuit of a permanent arts space in Fosston. This space would not only provide a permanent economic space for the arts but also provide a venue for collaboration with mental health services. Council considered approval of grant submission to MN State Board of Arts.

Motion was made by Bosselman, seconded by Mulry to approve the grant submission to MN State Board of Arts for proposed funding of a permanent art space in Fosston. Motion carried by unanimous vote.

City Attorney: No report

Council considered approval of the Civic Center lease between the City of Fosston and Independent School District No. 601 as presented with a two-year term. Heide informed the council that last month Heide recommended council approving presenting a two-year term lease renewal to the school board with a 0% increase in year one and a 3% increase in year two, per superintendent Chase and director Duppong's request earlier this year. Council did approve those terms and the school board has accepted them.

Motion was made by Dufault, seconded by Mulry to approve the Civic Center lease as presented with a two-year term. Motion carried by unanimous vote.

Member Dufault introduced the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING SUBMISSION  
OF PUBLIC TRANSIT ASSISTANCE  
APPLICATION TO MN/DOT  
RESOLUTION 21-25**

RESOLVED, that the City of Fosston enter into an Agreement with the State of Minnesota, Department of Transportation, to provide transportation service in the City of Fosston.

FURTHER RESOLVED, that the City of Fosston agrees to provide fifteen (15) percent of the total operating costs from local funds and twenty (20) percent of the total capital costs.

FURTHER RESOLVED, that authorization to execute the aforementioned Agreement and any amendments thereto is hereby given to the Mayor and the City Administrator.

FURTHER RESOLVED, that the Mayor and the City Administrator are hereby authorized to execute requests for reimbursement from the Minnesota Department of Transportation.

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

And the following voted against same: none.

Whereupon said resolution was passed and adopted this 14th day of June, 2021.

\_\_\_\_\_  
James Offerdahl, Mayor

ATTEST:

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Cassie Heide, City Administrator

Member Bosselman introduced the following resolution and moved its adoption:

**CITY OF FOSSTON  
RESOLUTION NO. 21-26**

**A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

**WHEREAS**, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans (“Pandemic”). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs;

**WHEREAS**, as a result of the Pandemic cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19.

**WHEREAS**, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic.

**WHEREAS**, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included **\$65 billion in recovery funds for cities across the country.**

**WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.**

**WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds.**

**WHEREAS**, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance.

**WHEREAS**, the State of Minnesota will distribute ARPA funds to the City because its population is less than 50,000.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOSSTON, MINNESOTA AS FOLLOWS:**

1. The City intends to collect its share of ARPA funds from the State of Minnesota to use in a manner consistent with the Department of Treasury’s guidance.
2. City staff, together with the Mayor and the City Attorney are hereby authorized to take any actions necessary to receive the City’s share of ARPA funds from the State of Minnesota for expenses incurred because of the Pandemic.
3. City staff, together with the Mayor and the City Attorney are hereby authorized to make recommendations to the City Council for future expenditures that may be reimbursed with ARPA funds.

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

And the following voted against same: none.

Adopted by the City Council of FOSSTON, Minnesota this 14th day of June, 2021.

\_\_\_\_\_  
James Offerdahl, Mayor

Attested:

\_\_\_\_\_  
Cassie Heide, City Administrator

City attorney, Stephen Larson, presented & reviewed the amended City Code, chapter 93 entitled “Animals”. Mayor Offerdahl explained that the city has recently been dealing with a greater number of animals running at large, un-licensed and un-vaccinated animals and sadly, dog bites. With the most recent dog attack on a human Administrator Heide reviewed the ordinance and discussed with Attorney Larson what improvements can be made to the ordinance and what tools the ordinance can provide the city with to better handle the growing issue of owners not being responsible. Several changes were made including allowing the animal control officer to take an un-licensed animal to the pound, clearer licensing timelines, the requirement for a \$250 bond to be paid when a dangerous or potentially dangerous dog designation is being appealed. Heide informed that the last couple of incidents have caused the owners to appeal costing the city additional administrative and legal fees and feels that the owner of the animal should be responsible if they do not prevail during an appeal process. Animals must always wear an identification tag. Other changes provided clarification in language in the ordinance and better matching the state statute.

Introduced by Council Member Mulry.

Seconded by Council Member Dufault.

**ORDINANCE NO. 21-02**

**AN ORDINANCE OF THE CITY OF FOSSTON, MINNESOTA REPEALING AND REPLACING CHAPTER 93, WHICH IS THE PORTION OF THE CITY CODE THAT REGULATES ANIMALS**

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

**Section 1.** Fosston City Code, Chapter 93, entitled “Animals” is repealed and replaced in its entirety with the following:

**§ 93.01 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (A) *Animal* means any living creature, excluding humans and plants.
- (B) *Animal control officer* means any person so designated by the city administrator primarily responsible for responding to animal-related problems and the enforcement of this chapter and related ordinances and statutes.
- (C) *At large* means not under the control of the owner or some other person of suitable age and discretion by leash, chain, or cable, none of which may be longer than ten feet in length, or fence, kennel, or other suitable enclosure. An animal enclosed within a residence, dwelling, business, or other structure so that it cannot leave on its own volition shall not be considered at large.
- (D) *Domesticated animal* means those animals commonly accepted as domesticated household pets. Unless otherwise defined, domesticated animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.
- (E) *Farm animals* means those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.
- (F) *Non-domesticated animal* means those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly

considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domesticated animals shall include:

1. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
2. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
4. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys, and game fish.

Exceptions to the definition of the term "wild animal" are:

1. Nonpoisonous snakes, domesticated birds, hamsters, mice, rabbits, lizards, spiders and other similar small animals capable of being kept in cages, including rats, if purchased from a bona fide pet store;
2. Medically prescribed companion animals;

(G) *Service animals* means those animals trained to assist a person with a disability.

**§ 93.02 PERMITTED DOMESTICATED ANIMALS; LICENSE REQUIRED.**

(A) Any person may own, keep, harbor, or maintain any domesticated animal that is not susceptible to rabies.

- (B) Any person may own any domesticated animal which is susceptible to rabies if it can be vaccinated for rabies and it has been vaccinated with a vaccine licensed for use specifically for that species of animal.
- (C) No person shall own, keep, or harbor any dog or cat over the age of six months within the city unless a license has first been secured. Licenses shall be issued by the city administrator for a fee as established by resolution by the city council, as amended from time to time. The owner shall provide the following information on forms provided by the city administrator: owner name and address; animal name; breed; color; and sex. Each person owning, keeping or harboring a dog or cat shall pay the license fee imposed to the city administrator upon acquiring ownership or possession of any unlicensed dog or cat. Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog or cat to be licensed has been given a vaccination against rabies and distemper. The license issued by the city administrator is valid for up to three years, provided, however that the vaccine certificate identifies that the vaccination is effective for three or more years. If the vaccine certificate states that the vaccination period is effective for a period of less than three years, then the license issued shall be limited to the time period identified in the vaccine certificate. The licensing provisions of this section shall not apply to animals brought to the city for participating in a show, nor shall the license requirement of this section apply to a service animal properly trained to assist blind persons for the purpose of aiding them in going from place to place.

### **§ 93.03 OWNERSHIP LIMITS.**

- (A) No person shall keep four or more dogs and cats per household exceeding six months of age, which number shall consist of no more than three dogs and one cat, three cats and one dog, or two cats and two dogs. For the purposes of this section, the term "household" refers to a single-family residence or single unit of a town home, condominium, apartment or comparable structure which is rented, leased or used as a single unit. This section shall not be construed to limit the ability of apartment managers, landlords, town home associations or other representatives of property owners to impose greater restrictions.
- (B) Any person who moves into the city may bring into the city any number of cats or dogs that do not exceed the limits identified in this section. The animals must be provided with an ID tag meeting the requirements of this chapter within 30 days of establishing residence in the city.

### **§ 93.04 PROHIBITED ANIMALS.**

- (A) It shall be unlawful to keep any non-domesticated animal within the city limits.
- (B) Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of



an adjoining property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a show or exhibition.

**§ 93.05 IDENTIFICATION REQUIREMENTS.**

It is unlawful for any person to keep, harbor or maintain a dog or cat over the age of six months unless it has an ID tag, to be worn at all times, that has on it the owner's name and contact information, including a valid telephone number. However, if the animal is harbored or kept on the premises of a recognized humane society shelter or pet store it need not have an ID tag.

**§ 93.06 RABIES/DISTEMPER VACCINATION REQUIRED.**

- (A) It is unlawful for any person to keep, harbor, or maintain any animal over the age of four months which is susceptible to rabies unless that animal has a current rabies vaccination or unless otherwise specified by a licensed veterinarian.
- (B) All dogs and cats kept, harbored, maintained, or transported within the city shall be vaccinated at least once every three years for rabies and distemper.

**§ 93.07 RUNNING AT LARGE.**

No owner of any animal, whether kept, harbored, or maintained within or without the city, shall permit or suffer such animal to run or move at large at any time within the city. For the purpose of this section, every such animal at large shall be deemed at large with the permission and at the sufferance of its owner, and in the event of a violation of the provisions of this section, it shall be no defense that the offending animal escaped or is otherwise at large without the permission or sufferance of its owner.

**§ 93.08 EXCREMENT.**

- (A) *Dog and cat excrement.* It is unlawful for any person who owns or has custody of a dog or cat to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this subsection shall not apply to a service animal under the control of a blind person or dogs while being used in law enforcement activity.
- (B) *Excessive accumulation of animal excrement.* No person shall allow excessive animal excrement to accumulate on his or her premises, including his or her yard. Excessive accumulation of animal excrement is a public nuisance. For purposes of this section, "excessive" shall mean more than ten separate deposits or droppings of animal excrement.

**§ 93.09 BARKING DOGS.**

- (A) *Nuisance.* It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any reasonable person of ordinary sensibilities, provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible outside the property limits of where the dog is kept. It shall not be a violation of this section if the dog was barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.
- (B) *Seizure; noise abatement.* Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:
1. There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking;
  2. The officer reasonably believes that the barking meets the criteria set forth in subsection (A) of this section;
  3. The officer can demonstrate that there has been at least one previous complaint of a dog barking at this address on a prior date;
  4. The officer has made reasonable attempts to contact the owner of the dog or the owner of the property and those attempts have either failed or have been ignored;
  5. The seizure will not involve forced entry into a private residence. Use of a passkey obtained from a property manager, landlord, innkeeper, or other person authorized to have such a key shall not be considered as a forced entry;
  6. No other less intrusive means to stop the barking is available; and
  7. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.
- (C) *Disposition of seized animals.* Any dog seized under the provisions of subsection (B) of this section shall be taken to the animal control shelter as designated by the city administrator and kept there to be reclaimed by the owner. The owner shall pay all fees required under § 93.13. Any dog seized under subsection (B) of this section which is unclaimed may be disposed of according to the provisions of § 93.14.

**§ 93.10 ABUSE/NEGLECT OF ANIMALS.**

- (A) *Food.* Animals must be provided with food of sufficient quantity and quality to allow for normal growth and maintenance of body weight.
- (B) *Water.* Animals must be provided with clean, fresh water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water supply.
- (C) *Transportation.* Animals must be contained within the passenger section of any vehicle or placed in crates or carriers of sufficient size to accommodate the animal. Animals carried in open vehicles, including trucks, boats, motorcycles, dirt bikes, trailers, etc., must be restrained in a crate or carrier or restrained by a chain or cable to prevent the animal from leaving the vehicle or being tossed out.
- (D) *Shelter.* Animals must be provided with shelter at all times during inclement weather. The shelter must be large enough to comfortably accommodate the animal, be windproof and waterproof and contain enough bedding to provide the animal with insulation against the elements. Shade must be provided at all times during the months of May through September.
- (E) *Sanitation.* It shall be unlawful for any person to allow food or water receptacles, kennels, yards or the premises where the animal is kept to be or to remain in an unhealthy, unsanitary, or obnoxious condition or to permit the premises to be in such condition that obnoxious odors can be plainly detected on adjacent public or private property.
- (F) *Enforcement.* An animal control officer or a police officer may remove any such animal from any premises if the welfare of that animal is threatened due to a violation of this section.
- (G) *Reclaiming neglected animals.* Any animal removed from any premises pursuant to subsection (F) of this section may be reclaimed in accordance with § 93.13. Any animal not reclaimed within the time allowed may be disposed of pursuant to § 93.14.

#### **§ 93.11 APPREHENSION OF ANIMALS.**

- (A) *Seizure of animals at large.* An animal control officer or police officer may apprehend and take possession of any animal at large. Any animal apprehended by an animal control officer may be transported to the city animal shelter to be there confined until released in accordance with § 93.13. Any animal not reclaimed within the time allowed may be disposed of pursuant to § 93.14.
- (B) *Seizure of unlicensed or unvaccinated animals.* Any animal control officer or police officer may seize any animal which is not licensed or not vaccinated or the possession of which is prohibited within the city, whether or not such animal is on private property, upon obtaining an administrative search warrant which has been supported by probable cause that such animal is not licensed or not

vaccinated or the possession of which is prohibited within the city. Any animal seized under this section shall be taken to the shelter and held according to the provisions of § 93.13. Any animal not reclaimed within the time allowed may be disposed of pursuant to § 93.14. Any other prohibited animal shall be confined by the animal control officer in an appropriately secure place and disposed of according to state law.

- (C) *Seizure of potentially dangerous dogs and dangerous dogs.* The animal control officer, having determined that an animal is dangerous or potentially dangerous in accordance with § 93.17, may order the animal seized and held, subject to the provisions of §§ 93.12, 93.13, 93.14, and 93.17.

### **§ 93.12 NOTICE OF APPREHENSION.**

Within 48 hours after apprehending any properly identified dog or cat under this chapter, the animal control officer or police officer shall make reasonable efforts to contact the owner at the address/telephone number listed on the ID tag or other available information.

### **§ 93.13 RECLAIMING ANIMALS FROM THE ANIMAL SHELTER.**

- (A) Within the time limit set forth in § 93.14, the owner of any animal seized pursuant to this chapter may retrieve the animal from the city animal shelter, provided the owner first purchases the appropriate license, pays all impound fees to cover the cost of apprehending the animal, boarding fees to cover the cost of sheltering the animal, and pays any veterinary costs incurred by the city. Additionally, if vaccination is required, the owner must make arrangements to have the animal appropriately vaccinated by a veterinarian in the presence of the animal control officer prior to being released from the shelter. Any owner who fails to comply with these requirements within seven calendar days shall be deemed to have forfeited any property right to the animal and the city may dispose of it pursuant to § 93.14.
- (B) A rabid dog, cat, or other animal may not be reclaimed and shall be immediately destroyed by the animal control officer.

### **§ 93.14 DISPOSING OF UNCLAIMED ANIMALS.**

If any animal apprehended by the animal control officer is not claimed by its owner within ten (10) calendar days after the date of apprehension, excluding holidays or other days the animal shelter is closed, the animal control officer shall cause the animal to be destroyed in a humane way or may allow the animal to be adopted by any other interested person over the age of 18 years after payment of such fees as may be determined by the city council.

### **§ 93.15 OFFENSES.**

- (A) *Generally.* No person shall take or attempt to take from an animal control officer or any police officer or any other authorized representative of the city, any animal taken up or

apprehended in compliance with this chapter or in any manner intentionally interfere with or hinder such persons in the discharge of their duties under this chapter.

- (B) *Animal attack.* It shall be unlawful the owner of any animal to permit or suffer such animal to inflict or attempt to inflict bodily injury on any person or other animal. For the purpose of this provision, every such animal attack shall be deemed an attack with the permission and at the sufferance of its owner, and in the event of a violation of the provisions of this section, it shall be no defense that the offending animal escaped or is otherwise at large without the permission or sufferance of its owner. The provisions of this section, however, shall not apply to an animal under the control of an on-duty police officer or to an attack upon an uninvited intruder.
- (C) *Abandonment.* It shall be unlawful for the owner of any dog or cat to abandon such animal in the city.

### **§ 93.16 OWNER’S DUTY TO REPORT ANIMAL BITE.**

Whenever any animal shall have bitten a person or there is good reason to believe that such animal has bitten a person, the owner of the animal shall report the bite or bites within 24 hours to the county health department and, thereafter, the owner of such animal shall comply with the instructions of said department concerning such animal.

### **§ 93.17 POTENTIALLY DANGEROUS AND DANGEROUS DOGS.**

- (A) *Definitions.* The city hereby adopts by reference the definitions provided in Minn. Stat. § 347.50 as now in effect or as may be hereafter amended.
- (B) *Dangerous Dogs.* The Owner of a dangerous dog must comply with the requirements of Minn. Stat. § 347.50 through 347.54 as now in effect or as may be hereafter amended.
- (C) *Procedure For Designating A Dog As Potentially Dangerous Or Dangerous.*
  - 1. *Authority.* The animal control officer shall, upon a finding of probable cause, have the authority to designate a dog as potentially dangerous or dangerous as defined in this section.
  - 2. *Notice of Designation.* Upon a designation by the animal control officer that a dog is potentially dangerous or dangerous, the animal control officer shall provide notice of the designation to the dog’s owner by serving a designation notice upon the owner in the same manner as provided for service of civil process or by certified mail with return receipt requested. Mailed notice shall be effective two days after mailing to the owner’s last known address. The designation notice shall include the following:

- i. A description of the dog designated as potentially dangerous or dangerous;
  - ii. The factual basis for that determination;
  - iii. The name of the animal control officer making the determination;
  - iv. Notice of requirement for registration within 14 days in accordance with § 93.17(E);
  - v. Notice of right to appeal as set forth below.
3. Immediate compliance; muzzling; enclosure confinement. Upon notification that a dog has been designated as dangerous, the dog's owner must comply with state law requirements for muzzling and confining it in an enclosure.

(D) *Appeal.* The owner of the dog may appeal the designation by a written appeal statement and by posting cash or a bond of \$250.00 which shall be received at the office of the city administrator within ten (10) day after the designation notice is served upon the owner. The appeal statement must include a summary statement as to why the dog should not be declared potentially dangerous or dangerous as the case may be. The \$250.00 cash or bond will be held by the city administrator to secure payment of the costs which the owner or keeper of the animal is responsible for, including the costs of impoundment and destruction of the animal, if so ordered.

1. Hearing. The city council shall hold a hearing at its next meeting after receipt of the appeal statement. The city council shall make written findings of fact and a written decision as to whether the dog is potentially dangerous or dangerous pursuant to this chapter. After the hearing, the city council shall have the authority to order what it deems proper under the circumstances, including, but not limited to, changing the designation from dangerous to potentially dangerous or, in the case of a potentially dangerous dog designation, ordering the animal control officer to designate the animal as dangerous, subject to the appeal rights in this section.
2. Findings. The city council's findings and decision must be served upon the dog's owner in the same manner as the designation notice provided above. Notice of the decision is effective upon delivery or mailing.
3. Court appeal. The decision of the city council is final but may be appealed by a writ of certiorari to the district court within 30 days after notice of the decision.

4. Compliance. If the city council upholds the designation made by the animal control officer, the dog's owner must comply with requirements of this chapter and other law, if applicable.

(E) Registration Requirements. No potentially dangerous dog or dangerous dog shall be kept in the city unless the owner, at his or her own cost, has implanted a microchip in the dog, containing the owner's address and home telephone number, work telephone number, and cell phone number, if applicable, and a back-up contact name and telephone number and chip identification number and has completed an application to register the dog as a potentially dangerous or a dangerous dog and submitted said application to the city administrator. In addition, the owner shall be required to post a sign, satisfactory to the animal control officer, at the owner's residence, notifying the public of the presence of a dangerous or potentially dangerous dog.

(F) Application Contents.

1. The application to register the dog, as a potentially dangerous dog shall include the following:

- i. The owner's address and home, work and cell phone numbers and the implanted microchip identification number, as well as a back-up contact person and number;
- ii. Proof of continuing liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons, which may result from the ownership, keeping, or maintenance of dogs designated as potentially dangerous;
- iii. A yearly registration fee of \$200.00.

2. The application to register the dog, as a dangerous dog shall include the following:

- i. The owner's address and home, work and cell phone telephone number and the implanted microchip identification number, as well as a back-up contact person and number;
- ii. Proof of continuing liability insurance in a single incident amount of \$300,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping, or maintenance of dogs designated as dangerous;

- iii. Proof that said dog has been sterilized and has current vaccinations; and
  - iv. A yearly registration fee of \$500.00.
- (G) Yearly Registration Requirement. All dogs designated as potentially dangerous dogs or dangerous dogs shall file a new application each year with an accompanying registration fee. It shall be unlawful and violation of this chapter to be an owner, or be in possession of a potentially dangerous dog in violation of the registration requirements set forth in this section.
- (H) Additional Requirements for Dangerous Dogs. In addition to filing a yearly application to register a dangerous dog and paying the accompanying yearly registration fee of five hundred dollars (\$500.00), the owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside an enclosure, the dog must be securely muzzled and restrained by a chain or leash and under the physical restraint of a competent adult. The owner of a dangerous dog shall also comply with the requirements of Minnesota Statutes, Section 347.52.
- (I) Potentially Dangerous and Dangerous Dogs Brought Into The City. Any dog designated as potentially dangerous or dangerous by another jurisdiction must be registered within twenty-four (24) hours of being brought into the city limits of the city. Such registration shall be with the city administrator. A dog declared potentially dangerous by another jurisdiction may be brought into the city limits of the city for up to a fourteen (14) day period after notifying the city administrator: the dog's breed, location where the animal will be kept, microchip number, owner contact information, and length of stay.

**§ 93.18 PENALTIES.**

Unless otherwise specified, violations of this chapter are declared to be misdemeanor offenses and are punishable by a fine of up to \$1,000.00 and/or 90 days in jail. The animal control officer or a police officer is authorized to issue a citation to any person, firm, or entity for any alleged violations of this chapter and any other ordinance or statute which provides the basis for prosecution of violations of this chapter. Nothing within this chapter shall be construed to limit the authority of police officers, the animal control officer, or the city attorney to enforce any provisions of this chapter or related statutes or ordinances, whether or not through civil, criminal, or administrative means.

**§ 93.19 QUARANTINE OF UNVACCINATED ANIMAL.**

The owner of an animal that inflicts a bite on a human shall provide to the animal control officer evidence that the animal is current on its rabies vaccination. The animal control officer may seize and hold such animal at the city's animal pound for a period of not less than ten days



if evidence of a current rabies vaccination is not presented or otherwise of record. The animal may be reclaimed by the owner in accordance with § 93.13. If the animal is not reclaimed in accordance with § 93.13, it shall be disposed of in accordance with § 93.14.

**§ 93.20 RESTRICTIONS.**

The city hereby adopts by reference the provisions in Minn. Stat. § 347.542 as now in effect or as may be hereafter amended.

**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: Bosselman.

Voting in the affirmative: Dufault, Mulry and Offerdahl.

Passed this 14th day of June, 2021.

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Administrator

Council considered approval of a purchase agreement between Real Estate Acquisitions USA, Corp and the City of Fosston for the sale of Omland Court Mobile Home Park per recommendation of the Economic Development Authority with modifications to the Right of First Refusal. Heide informed the council that over the past year she has worked with the company who wished to purchase the mobile home park. The Economic Development Authority has had lengthy discussions over the last year on the pros and cons of selling the property. Heide and staff at Greater Minnesota Management researched the company and their reputation and found their work to match what their promises were. A smaller group of EDA members and council members were tasked with meeting with the buyers and learning more and asking questions. Heide developed a document outlining the advantages and reasons to sell the property. The need for low-income housing is great in our community as the 2020 housing study proved. The sale of the property means filling a need in a short period of time and realizing our goal of providing more low-income housing. The buyers have also included in the purchase agreement that all homes will be clad in vinyl siding and shingled roofs. They have communicated that upon closing, five to six new homes will be purchased to move into the park and existing vacant homes will be rehabbed and put for sale. Heide feels that this company can better serve the current residents and future residents of the park and that the city has accomplished many of the goals we had in cleaning up the property, but now is the time to sell the park.

Motion was made by Bosselman, seconded by Dufault to approve the purchase agreement between Real Estate Acquisitions USA, Corp and the City of Fosston for the sale of Omland Court Mobile Home Park per recommendation of the Economic Development Authority with modifications to the Right of First Refusal. Motion carried by unanimous vote.

Council considered approval of a loan to Beth Munter, MJ Café, LLC in the amount of \$47,500 per recommendation of Economic Development Authority. The loan is for 15 years at 4% interest. Munter must complete the City of Fosston's Money Smart training.

Motion was made by Mulry, seconded by Dufault to approve the loan to Beth Munter, MJ Café, LLC in the amount of \$47,500 per recommendation of Economic Development Authority. Motion carried by unanimous vote.

Council considered approval of the land option extension request from MDV for Lots 1& 2, Block 2 in the Industrial Park. Mayor Offerdahl recommended taking no action at this time.

Council considered improvements at Veteran's Memorial Park in a 3-year approach. Keith Kinnen, Karvakko, presented a couple different options for council to consider. Option 1 included repainting the tank & helicopter, install the flag walk (no bases) and design the military gazebo in 2021; install flagpole bases and plant beds as well as install the ground portion of the gazebo in 2022; and install the vertical portion of the gazebo and sidewalk connection from gazebo to picnic area in 2023. Option 2 included repainting the vehicles, install flag walk (no bases) and design the tank & helicopter pads in 2021; install tank & helicopter walks in 2022; and install flagpole bases and plant beds in 2023. Heide reported that the Veteran's Memorial Committee has approximately \$50,000 to spend in 2021.

It was suggested to have Karvakko submit an additional Task Order not to exceed \$13,500 for the design of the mounded plant beds near the entrance, walk connecting military gazebo to the entrance and ground package for the gazebo construction.

Motion was made by Dufault, seconded by Mulry to have Karvakko submit an additional Task Order not to exceed \$13,500 for the design of the mounded plant beds near the entrance, walk connecting military gazebo to the entrance and ground package for the gazebo construction. Motion was carried by unanimous vote.

Council identified the flag walk to be the primary project and the gazebo package as the alternate. The flag walk consists of a circular sidewalk around the park that will provide a connection to the army tank and helicopter. The gazebo package provides a walk from the north entrance of the park to the flag walk sidewalk and a circular pad for a future gazebo.

Motion was made by Bosselman, seconded by Dufault to solicit bids for the flag walk and gazebo package as presented. Motion was carried by unanimous vote.

Council considered approval of a Task Order from Karvakko for new City of Fosston welcome signs. Proposed services include construction drawings, structural engineering, cost estimate, and

solicitation of contractor quotes for the installation of the signs. Total fees for the proposed services are \$3,950.

Motion was made by Dufault, seconded by Mulry to approve engineering the welcome signs in the amount of \$3,950. Motion was carried by unanimous vote.

Council considered approval of a Task Order from Karvakko for engineering services for the safe routes to school grant & sidewalk ramp updates in 2022. Kinnen reported that services include development of a project memorandum, design documents, bidding services, construction administration and project closeout. Scope of work includes 27 pedestrian ramps along 1<sup>st</sup> street NE, between Granum Ave and Brandt Ave, and along 2<sup>nd</sup> street between Johnson Avenue and Brandt Avenue. The project will also include updates to the high school entrance to achieve ADA compliance and improve the broken up concrete that currently exists. This extra project will be attainable through additional funds the state has set aside of approximately \$25,000 to \$40,000. Total fees for the proposed services are \$56,500.

Motion was made by Mulry, seconded by Bosselman to approve the Task Order from Karvakko for engineering services for the safe routes to school grant & sidewalk ramp updates in 2022 in the amount of \$56,500. Motion was carried by unanimous vote.

Lee Cariveau, Widseth was present to discuss the 2021 street improvement project and the wastewater expansion. Cariveau provided an update to the 2020 Improvement project that has yet to be finalized due to an issue with grass growing in the boulevard. Hagen stated it was seeded too late last fall and a lack of rain this Spring has delayed the progress. Cariveau reported that the preconstruction meeting for the County portion (1<sup>st</sup> street and 4<sup>th</sup> – 8<sup>th</sup> street of Eaton Ave) of our 2021 street improvement project will be held tomorrow morning at 9am in Crookston. Cariveau reported that there is no pay estimate this month from Hagen, but they are approximately 50% complete with the utility construction work from 11<sup>th</sup> St. to 400<sup>th</sup> St. on Eaton Avenue North. Per request of the City, Cariveau reported that it would cost approximately \$100,000 to add a storm sewer & manhole and \$100,000 to gravel, place signs, etc. to complete the unsurfaced road from 11<sup>th</sup> Street to 400<sup>th</sup> Street. Cariveau provided an update to the wastewater expansion project. He reported they are approximately 85% complete with the plans & specifications.

Keith Kinnen, Karvakko was present to discuss the Airport. Kinnen reported that the purchase documents for the SRE equipment was submitted. A preconstruction meeting for the wetland project will be held next week with Novco, Inc.

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

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Cassandra Heide, City Administrator