

MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF FOSSTON, POLK COUNTY MINNESOTA
March 29, 2021

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, March 29, 2021 at 7:00 p.m.

The meeting was called to order by Mayor Offerdahl with the following members present: Dufault, Mulry and Anderson. Absent: Bosselman. Others in attendance were: Cassie Heide, Sarah Manecke, Deputy Matthew Belamy, Stephen Larson, Dan Ekre, Heidi Danos, Lucas Goulet and Kolby Peterson.

Council held an appeal hearing of a potentially dangerous dog determination for two dogs and a dangerous dog determination for the third dog involved in an attack of a resident and his dog.

Lucas Goulet's two dogs, Huxley and Posideon, and Molly Van Erem's dog, Gordon, participated in an alleged attack on Bob Saeter and his dog which resulted in a significant injury to Saeter's hand as well as an injury to his dog. A copy of the police report was handed to the council members and dog owners by Deputy Belamy. These individuals were given time to review the report. Goulet and Danos, on behalf of her father, were given a chance to speak to the Council. Goulet acknowledged that his dog, Huxley, was not in his possession for a brief time and stated he did not witness the attack. Goulet expressed his regrets that the attack happened. Goulet further questioned the validity of the police report regarding time. Deputy Bellamy reported that the times on the report are relative to the incident.

Danos informed the council that her father is currently undergoing rabies shots as the records for vaccinations for all three animals were not available. Danos explained that she was an animal trainer in Las Angeles before she moved back to Fosston and has dealt with dangerous animals including dogs and has even put one of her own dogs down due to aggressive behavior. Danos furnished council and all those in attendance research regarding the scale of dog bites in relation to an animal's potential for being dangerous.

Dan Ekre of Bagley Animal control reported to the council that the dog, Huxley, has been aggressive with him and has attacked and attempted to bite him on several occasions over the course of the last ten days in his possession. Ekre reported on his observations of the other two dogs while in his possession at the pound and informed that Posideon and Gordon behaved normally. Ekre has worked with dogs for over 20 years and believes that the dog, Huxley is dangerous and has a serious potential to bite again if cornered.

Council considered approval of the potentially dangerous dog determination for Gordon. Motion to affirm this designation was made by Mulry, seconded by Dufault. Motion carried by unanimous vote.

Council considered approval of the potentially dangerous dog determination for Posideon. Motion to affirm this designation was made by Dufault, seconded by Mulry. Motion carried by unanimous vote.

Council considered approval of the dangerous dog determination for Huxley. Council discussed the idea of lessening the determination from dangerous to potentially dangerous on the condition that Huxley is vaccinated and he does not return to the City of Fosston.

Member Mulry introduced the following resolution and moved its adoption:

**CITY OF FOSSTON
RESOLUTION NO. 21-18**

FINDINGS, CONCLUSIONS, AND ORDER AFFIRMING TWO POTENTIALLY DANGEROUS DOG DESIGNATIONS AND AMENDING ONE DANGEROUS DOG DESIGNATION TO A POTENTIALLY DANGEROUS DOG DESIGNATION

WHEREAS, the Polk County Sheriff’s Office, after an investigation, determined that three dogs, namely, a multi-colored Basset hound named “Huxley”, which was owned by Lucas Goulet (“Goulet”), a multi-colored Lab-mix named “Poseidon” which is owned by Goulet, and a multi-colored mutt named “Gordon”, which was owned by a juvenile¹, were “potentially dangerous dogs” under Fosston City Ordinance, Section 93.11 because they had bitten a human and domestic animal on private property and had engaged in an unprovoked attack causing injury and otherwise threatened the safety of humans and a domestic animal, by virtue of incident having occurred on March 18, 2021, on the public street near the residence of 344 9th St., Fosston, Minnesota.

WHEREAS, the Polk County Sheriff’s Office personally served Goulet with potentially dangerous dog designations on Huxley, Poseidon, and Gordon on or about March 18, 2021.

WHEREAS, after receiving new information regarding the aggressive nature of Huxley on or about March 26, 2021, and in consultation the Fosston City Attorney, the Polk County Sheriff’s Office changed the potentially dangerous dog designation for Huxley to a dangerous dog designation and personally served such amended designation on Goulet.

WHEREAS, the City of Fosston afforded Goulet the right to appeal the foregoing potentially dangerous dog designations and dangerous dog designation.

WHEREAS, Goulet requested an appeal of the foregoing potentially dangerous dog designations and dangerous dog designation.

WHEREAS, the City Council of Fosston held a hearing on Goulet’s appeals of the foregoing potentially dangerous dog designations and dangerous designation. Goulet’s potentially dangerous dog designation and dangerous dog designation appeals were held on March 29, 2021 at approximately 7:00 p.m. during a specially scheduled meeting.

¹ While although not Gordon’s owner, Goulet filed an appeal as if he had authority to act on behalf of the juvenile owner.

WHEREAS, present at the specially scheduled meeting was Mayor James Offerdahl and the following Councilmembers: Charlie Anderson; Roy Dufault; and Mike Mulry.

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

FINDINGS AND CONCLUSIONS

1. During the appeal hearing, Deputy Matthew Bellamy of the Polk County Sheriff's Office explained the incident and presented the law enforcement report that was generated from the March 18, 2021 incident and subsequent investigation in support of the potentially dangerous dog designations for Poseidon and Gordon and dangerous dog designation for Huxley. Dan Ekre, pound keeper, also presented information in support of the designations.

2. During the appeal hearing, Goulet presented argument and evidence by way of testimony against the potentially dangerous dog designation and the dangerous dog designation.

3. Based on the foregoing evidence, and after its full consideration, the City Council of Fosston finds the following:

- a. The potentially dangerous dog designations made by the Polk County Sheriff's Office against Gordon is affirmed unanimously affirmed.
- b. The potentially dangerous dog designations made by the Polk County Sheriff's Office against Poseidon is unanimously affirmed.
- c. The dangerous dog designation made by the Polk County Sheriff's Office against Huxley is amended to a potentially dangerous dog designation on the condition that Goulet relocates Huxley to his sister's rural residence located at 26849 275th Ave. SE, Brooks, Minnesota, and shall stand, as such, affirmed, with one dissenting vote by Councilmember Charlie Anderson.

4. Based upon the findings and conclusions, the City Council of Fosston now therefore makes the following order:

ORDER

1. That the designation made by the Polk County Sheriff's Office on or about March 18, 2021 that Gordon is a potentially dangerous dog under Fosston City Ordinance, Section 93.11 is **HEREBY AFFIRMED**.

2. That the designation made by the Polk County Sheriff's Office on or about March 18, 2021 that Poseidon is a potentially dangerous dog under Fosston City Ordinance, Section 93.11 is **HEREBY AFFIRMED**.

3. That the designation made by the Polk County Sheriff's Office on or about March 26, 2021 that Huxley is a dangerous dog is **HEREBY AMENDED** to a potentially dangerous dog under Fosston City Ordinance, Section 93.11 on the condition that Goulet permanently relocates Huxley to 26849 275th Ave. SE, Brooks, Minnesota.

4. That the City Administrator, or designee, is **ORDERED** to deliver to Goulet and the Polk County Sheriff's Office a copy of this Resolution and Order.

5. That the City Administrator, or designee, is further **ORDERED** to deliver to the Red Lake County Sheriff's Office a copy of this Resolution and Order and to otherwise notify the County of Red Lake that Huxley has been relocated to 26849 275th Ave. SE, Brooks, Minnesota.

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

And the following voted against same: Anderson

Adopted by the City of Council of the City of Fosston on March 29, 2021.

Approved:

Mayor

ATTEST: _____
City Administrator

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

Cassandra Heide, City Administrator