

City Council Minutes  
January 21, 2025

The Fergus Falls City Council held a regular meeting on Tuesday January 21, 2025, at 5:30 pm in the City Council Chambers. Pastor Eric Uggerud gave the invocation, and the Pledge of Allegiance was recited. Mayor Hicks called the meeting to order at 5:33 pm. Council members in attendance were Mortenson, Kilde, Fish, Job, Kvamme, Leighton and Kremeier. Rachels was absent.

No one appeared at the open forum.

### **Approval of the Agenda**

Leighton asked to remove two items from the consent agenda and requested multiple additions to the agenda. Mayor Hicks said many of these additions are planned for future meetings. Mortenson requested the Committee of the Whole minutes be removed from the consent agenda. A motion and second were made by Job and Kilde to approve the amended agenda and the motion carried.

### **Consent Agenda**

The following items were approved under **Resolution #5-2025** by Fish: A motion approving the following licenses: Mechanical John's Heating & A/C, Apex Heating & Air; Minnesota Lawful Gambling Permit Minnesota Deer Hunters Association for a raffle on March 29, 2025, at the Bigwood Event Center. **Resolution #6-2025** accepting the plans and specifications and authorizing the advertising of bids for PI 9774, the landfill demolition cell 3B construction. Motion approving the board and commission appointments. The resolution was seconded by Job and was adopted.

Mortenson requested the January 15, 2025, Committee of the Whole minutes be amended to include his question if the county provides funding to the city for the demolition cell and if county residents can use the city's landfill. Kilde agreed to make a motion to amend the minutes if the comment is added that county residents can use the city's landfill services, but they pay an increased rate. The motion was seconded by Kremeier and carried.

Leighton asked for more discussion on the bid alternate for PI 5375 and he gave his consent if the council wants to proceed. A motion and second were made by Leighton and Fish to consider a bid alternate for PI 5375, a sidewalk on the east side of Cleveland Avenue if the project proceeds and the motion carried.

Leighton asked if the city could withdraw from participating in the MnDOT roundabout project on TH210 and Redwood Lane as he felt this would be problematic for truck drivers and would cost the taxpayers \$750,000. Staff need to consult with MnDOT to determine if it is possible to rescind the city's participation and clarify the city's overall cost in the nearly \$17 million bridge replacement and three roundabouts would total \$750,000. Fish talked about the efficiencies in Alexandria with their roundabouts. Mayor Hicks said MnDOT has been working on this project for many years, and they conducted studies to prove the usefulness of the design. He asked Leighton if he looked at the entire plan and gave his observation truck drivers appreciate roundabouts in lieu of waiting for traffic signals. Kvamme reiterated the council has already agreed to proceed with the project and the amendment being considered tonight addresses utility needs for affected businesses. Leighton again asked if the city could opt out. Kvamme offered **Resolution #7-2025** accepting MnDOT Agreement 1058434 for

the TH210 and I-94 bridge replacement and interchange reconstruction, which was seconded by Fish and was adopted with Leighton voting in opposition.

### **Designating the Daily Journal as the Legal Publication**

At the January 6 Council meeting and the January 15 Committee of the Whole meeting, there were questions if the Daily Journal meets the qualifications as a newspaper since changing their format to a weekly news magazine. Publisher Ken Harty provided a letter from the Minnesota Newspaper Association's attorney confirming the Daily Journal does indeed meet the qualifications. Kremeier advocated the city pursuing MN Statute 331A.02 Subd 4 to petition the district court for a declaratory judgement to determine if the Daily Journal is in fact a legal newspaper. He said the newspaper industry does not have a governing body to prove they are a legal entity, and anyone can get a private attorney to write a letter of support. Kremeier felt despite the assumption the publication is a legal newspaper for the past 150 years; it must be proven in writing. Mortenson asked City Attorney Rolf Nycklemoe if the city can petition the district court to get this determination as the Daily Journal Publisher refused Mortenson's request to petition for this determination. He asked if the letter provided by Mark Anfinson of the Minnesota Newspaper Association has a legal basis and the need to prove the Daily Journal is operating as a legal and qualified publication for the residents. Nycklemoe said the newspaper must provide sufficient documentation to the Secretary of State's office to be a qualified newspaper and the city does have the right to petition the court for this determination. He reminded the council the city is legally required to designate a publication for public documents such as notices, ordinances, and hearings. The Daily Journal is presumed to be a legal publication used by many attorneys, and other governmental units for their legal notices. Nycklemoe suggested the council adopt a resolution designating the Daily Journal as the city's 2025 legal publication and if the council wants him to pursue the legal petition process with the district court they could do so with a second resolution.

Kremeier suggested giving the Daily Journal 30 days to see if they meet the qualifications and stated his preference to vote down the Daily Journal as the city's legal publication and reintroduce a resolution once their registration has been confirmed. Job and Hicks reminded him that having no publication would halt city business from taking place. Nycklemoe said the petitioning process will likely take months and he estimated the cost of the petition process will exceed \$5,000. Kilde asked about legal ramifications if a publication is not designated. Finance Director Bill Sonmor confirmed not having a designated legal publication would put the city in opposition to state law and there would be consequences in the city's audit findings. The city must still abide by state statute to publish documents, and the Daily Journal is the only newspaper that publishes in Fergus Falls. Kvamme agreed the council should approve the publication resolution tonight. Fish offered **Resolution #8-2025** designating the Daily Journal as the city's 2025 legal publication, which was seconded by Kilde and was adopted. Mortenson offered **Resolution #9-2025** directing the City Attorney to draft the paperwork to petition the district court to determine the Daily Journal is a qualified newspaper as allowed in Minnesota Statute 331A.02, Subd 4 which was seconded by Leighton and was adopted 5-2. Voting in favor were Mortenson, Fish, Job, Leighton and Kremeier. Voting in opposition were Kilde and Kvamme.

### **Resolution of Accounts**

Kilde offered a resolution authorizing the payments and claims in the amount of \$2,880,066.84, which was seconded by Fish and was adopted.

### **New Business**

Mortenson asked the City Attorney to consider attending the Committee of the Whole meetings, so the city has legal representation at each meeting. He understands this request would result in a change to the contract and likely increase the cost of the city's legal services. He suggested giving the Nycklemoe and Ellig firm an opportunity to submit an RFP for their legal services. Nycklemoe said he is open to attending additional meetings, but their firm would need to review their compensation for this additional time. He and Joe Ellig have enjoyed providing the prosecution and administrative services for the city for many years and their rates are extremely reasonable in comparison to other city attorney contracts. He welcomed Mortenson or any other council member to talk them if they have concerns. Fish objected to further discussion as agenda items must be added to the meeting with unanimous consent when the agenda is being approved. It was suggested this topic be added to the agenda of a Committee of the Whole meeting.

Kremeier requested a future agenda item to incorporate naming rights into the new pool and splash pad to help offset the cost of their operations and recoup the predicted annual loss of these facilities.

The meeting adjourned to a closed meeting at 6:12 pm to consider real estate transactions for 522 Hampden Avenue and 925 Western Avenue as allowed by Minnesota Statute 13D.05.

The council reconvened to an open session at 7:06 pm.

A motion and second were made by Kilde and Leighton directing staff to work with real estate professionals to gather comparable sales to the property located at 522 Hampden Avenue and the motion carried.

A motion and second were made by Leighton and Kilde directing staff to research the sale and possible reuse of the Bigwood Event Center and to report back on the state bonding process and the motion carried.

*Lynne Olson*