

Committee of the Whole  
January 15, 2025

The Fergus Falls City Council met as a Committee of the Whole on January 15, 2025, at 7:00 am in the City Council Chambers. Mayor Hicks called the meeting to order, and the following council members were present: Kremeier, Mortenson, Rachels, Kilde, Fish, Job, Kvamme and Leighton.

**Bicycle and Pedestrian Committee Sidewalk Request**

Mallory Jarvi of the Bicycle and Pedestrian Advisory Committee requested the council add a bid alternate for a standard 6-foot sidewalk to be placed on the east side of Cleveland Avenue in conjunction with Public Improvement 5375. She suggested Alternate A be considered from Beech to Cecil and Alternate B span from Beech to Franklin. A motion and second were made by Fish and Kilde to recommend the council consider a bid alternate for PI 5375 and the motion carried.

**Daily Journal Designated as Official Publication**

At the January 6 council meeting there was a motion requesting the Fergus Falls Daily Journal Publisher to attend today's meeting to ensure the newspaper still meets the qualifications of a legal publication as they now produce a weekly publication in a magazine format. Ken Harty said they report the news on their website and on social media daily with a publication printed on Saturdays. Harty provided a letter from Mark Anfinson, the attorney for the Minnesota Newspaper Association affirming the Fergus Falls Daily Journal does meet the conditions outlined in Minnesota Statutes §331A.02. Mortenson said it is the council's duty to ensure the newspaper meets the qualifications of a legal publication and asked if there was any documentation from a state regulatory agency to prove the qualifications have been met beyond Mr. Anfinson's legal opinion. Harty said they have been confirmed as a legal publication by the Secretary of State's Office, and they are a member of the Minnesota Newspaper Association, both which require the publication follow guidelines to be accepted. Mortenson read various provisions of Minnesota Statute 331A.02 including Subd 4 stating "a person interested in a newspaper's qualification may petition the district court to see if the newspaper is qualified" and Subd 1 (c) addressing the percentage of the printed space must be news of local interest versus advertising and public notices. He asked Harty if he was willing to petition the district court to receive this qualification, and Harty said he was opposed to go to court to prove they have been a legal newspaper for 150 years as they have provided documentation they meet the legal requirements. Kremeier felt anyone can get an attorney to write a letter and he was troubled there hasn't been any documentation for 150 years that the Daily Journal is a qualified newspaper, and the council cannot approve this until their legality must be proven. Harty said there is no certificate they can provide and again reiterated the Minnesota Newspaper Association, and the Minnesota Secretary of State confirmed the legitimacy of the Fergus Falls Daily Journal. Kremeier said he would feel better if this determination came from a district court. Leighton said the acceptance of the filing does not guarantee it meets the qualifications and asked the circulation numbers be provided to him. Rachels felt Harty and the Daily Journal proved they have the qualifications and there was no reason to petition the court, and he called for a vote. A motion and second were made by Kvamme and Rachels to recommend the council designate the Daily Journal as the city's 2025 legal publication and the motion carried.

**Shoreland Management Ordinance**

The Minnesota Department of Natural Resources (DNR) requires local governments with designated shoreland areas within their jurisdiction to maintain a shoreline management ordinance that complies with the state's shoreland rules. Updates were made to this document in 2023, and the state recently

implemented the following requirements which have been reviewed by the Planning Commission: removal of two basins from the zoning map and the list of waters the city and DNR chose not to classify; correction of a section reference and updated section header; adding missing open space and design criteria required by the DNR; and correcting an open space percentage to match DNR requirements of 50% for Planned Unit Developments in shoreland management zones. Community Development Director Klara Beck answered questions on what is mandated, grandfathered and commented this will likely be a work in progress as the DNR continues to update their guidelines. Some of the questions posed need further clarification from the state and a motion and a second were made by Kilde and Job to recommend staff bring the ordinance back to the council for review after conferring with the DNR on these clarifications and the motion carried.

#### **Letter of Intent for 522 E Hampden**

Key Property Investments (Andrew Yaggie) submitted a letter of intent to purchase the property located at 522 E Hampden Avenue. The city acquired the property as a donation in 2022, demolished the blighted structure and abated the property. The city's cleanup, labor, utility and demo fees are approximately \$21,000. Key Property Investments is offering \$6,200 for the property which is the current tax assessed value. Mortenson asked why the letter of intent to purchase this property is not being discussed at a closed session. The buyer consented to having their offer discussed in an open session and if negotiations are required, those discussed as done in a closed meeting. A motion and second were made by Mortenson and Leighton to table the letter of intent to a closed session on January 21 and the motion carried.

#### **Update on Railroad Signal Crossings**

Grant Kuper of Bolton & Menk presented an update on the Otter Tail Valley Railroad (OTVR) signal replacement projects. MnDOT has determined the railroad crossings at Summit Ave, Mill Street, Cascade Street and Friberg Avenue) are antiquated and need replacement which makes the project eligible for federal funding. The proposed upgrades include gate crossing arms with counterweights that will impact the existing street design. MnDOT is proposing narrowing the roadway section at Summit, Mill and Cascade Street along with curb and gutter bump outs. A traffic island would be constructed to eliminate the left turn on Cascade and the Friberg crossing would consist of a reconfiguration of sidewalks. MnDOT has requested design to completed for all four intersections with the 2025 focus being Cascade Street and Mill Street. The city has an agreement with MnDOT to reimburse the city for design and construction engineering fees. Once bids are received and the actual construction prices are known, the city will enter negotiations with MnDOT for the reimbursement of additional costs. A public hearing is scheduled for January 28 from 5-7 pm and comments from this meeting will be incorporated into the design process. Kvamme asked if a no horn zone could be implemented downtown and if there is a penalty if the city does not proceed with this project. City Engineer Brian Yavarow explained MnDOT is the regulating agency, and the right of way belongs to the railroad. Leighton asked about traffic counts and if the designs can be altered. If the city detours from MnDOT's recommendations, the extra costs could be assessed to the city. Kilde echoed the request for a no horn zone, asked how many on-street parking spots would be eliminated with these improvements. Hicks suggested there may be federal regulations on when horns must be blown for safety purposes and Mortenson asked about liability.

#### **I-94 Bridge Replacement**

MnDOT has been planning for the reconstruction of the TH 210 and I-94 interchange from west of Redwood Lane to Western Ave. A single bridge would be constructed to replace the two existing

bridges and roundabouts would be constructed on both sides of the I-94 on/off ramps and at the Redwood Lane interchange. The final design process is showing the impact of private and public utilities and the need to relocate these services to maintain service. The City Engineer obtained a professional services proposal from Interstate Engineering and MnDOT has agreed to a reimbursement agreement for the preliminary engineering design. The total project cost is estimated at \$16 million to \$17 million, and the city's expected share is \$700,000-\$750,000 which will be funded by the city's municipal state aid street funds. The cost to relocate the utilities is currently unknown, but as they are located within the I-94 right of way, these costs are eligible for federal reimbursement. The affected businesses will be notified of the utility relocations, and all efforts will be made to maintain access. Detours will be set up while the work is being completed. Leighton asked if the roundabout project can be rescinded. Yavarow said the city consented to the project and rescinding the agreement at this time would likely lead to the city incurring MnDOT's expenses. A motion and second were made by Fish and Kilde to recommend the council accept MnDOT Agreement 1058434, the Preliminary Engineering Agreement and the motion carried.

#### **PI 9774, Landfill Demo Cell**

The city's current Class I demolition disposal site (Cell 3A) is expected to reach capacity in 2025. Last year the council initiated the Cell3B project and ordered the plans and specifications which are now substantially complete. The project was initially estimated at \$925,000 but potential cost savings measures were identified which brought the estimated construction cost to \$678,000. The Minnesota Pollution Control Agency is reviewing the planning documents and once the city has their blessing, the project will go out for bid with a tentative bid opening date of February 25. The city's refuse fund will be the project's funding source along with a gradual increase in demolition disposal rates and staff will look for additional grants. Leighton said his preference is going back to an incinerator system as solid waste costs are rising and state mandates are difficult to maintain. A motion and second were made by Kvamme and Fish to recommend the council accept the plans and specifications for PI 9774, the construction of the 3B demolition cell at the landfill and to authorize the advertisement of bids and the motion carried.

The meeting adjourned at 8:11 am

*Lynne Olson*