

Committee of the Whole  
July 13, 2022

The Fergus Falls City Council met as a Committee of the Whole on July 13, 2022, at 7:00 am in the City Council Chambers. Mayor Schierer called the meeting to order, and the following council members were in attendance: Fish, Hagberg, Kvamme, Thompson, Arneson, Gustafson and Hicks. Rufer was absent.

**Surplus Property**

The Police Department is seeking authorization to declare Units 2084 and 2085, 2018 Ford Police Interceptor vehicles and twenty-four duty pistols as surplus items. The items would be sold or traded towards the purchase of new equipment through the state contract. A motion and second were made by Hicks and Gustafson to recommend the council declare vehicles and duty pistols as surplus items and authorize their disposal for trade-in value and the motion carried.

**County-Wide Multi-Hazard Plan**

The city and county recently completed a hazard mitigation planning process. The plan identified relevant hazards and potential action plans for the city such as providing education and awareness on personal preparedness for severe weather events and outages, encouraging residents to sign up for Smart911 notifications, obtaining backup generators for City Hall, wastewater and freshwater facilities, developing partnerships for training in emergency responses and addressing the need for a storm shelter at DeLagoon Campground and mobile home parks. A motion and second were made by Fish and Hagberg to recommend the council approve the county-wide multi-hazard plan and the motion carried.

**Fire Department Township Contracts**

The Fergus Falls Fire Department provides fire protection to surrounding townships through contracts. The five-year contracts have recently been updated, reviewed and approved by each of the surrounding township. A motion and second were made by Hicks and Thompson to recommend the council approve the fire contracts with the townships of Aurdal, Buse, Fergus Falls and Orwell and authorize the Mayor and City Administrator to sign the fire contracts and the motion carried.

**Sales Tax Questions Update**

In the 2021 legislative session, the city was given authorization to seek local option sales tax to fund the construction of an aquatics center and improvements at DeLagoon Park. The City Council must approve and provide the approved language to the County Auditor by August 26 in order to be ready for voters to consider at the November 8 General Election. The \$5.2 million in improvements at DeLagoon Park includes updates to the campground, sewer and water extensions, soccer and softball restrooms and concession buildings, baseball and softball field lighting. The city has authorization for a \$7.8 million aquatics center project. The updated project estimates were closer to \$10 million, and the city requested an additional \$3 million in the 2022 tax bill. The state legislature failed to adopt the tax bill, and the city has been working with our lobbyist and bond counsel to determine if the city can pose the question of a \$10.8 million project to the voters. Bond counsel has written the ballot questions and clarification is needed to show the funding source for both projects is a one-half of one percent sales tax, not a total of 1%. If the City Council decides to proceed with the two projects, they need to approve the proposed ballot language at a meeting in August.

### **RTC Phase 3 Update**

The City Engineer reported the 30% plans for the RTC preservation projects were sent to the State Historical Preservation Office (SHPO) in early June, but they have not yet commented on the plans. The 60% plan review will be sent to them next week and requires another 30-day review time. The same process will be followed at the 90% review time. The city is waiting for SHPO to provide the comments in the prescribed timeline before moving forward with any project.

### **Airport Fuel System**

The current fuel system design at the airport consists of a new 100LL and Jet A above ground tank fuel system. Due to supply issues and current market pricing, it does not appear there will be sufficient funding to proceed with the full replacement project. The City Engineer explained if funding only permits the replacement of one new fuel system, the 100LL system would be preferred. He, in conjunction with SEH and Endpoint Solution are recommending amending the bid documents to include a new underground tank facility, similar to the existing system as an alternate bid option. Bids for this project are scheduled for late July. A motion and second were made by Kvamme and Hagberg to recommend the council accept SEH's professional services agreement for alternate bid option design in the amount of \$18,200 and the motion carried.

### **Food Truck Ordinance**

Staff made changes to the city's mobile food truck ordinance based off previous council and business owner feedback. Proposed changes included:

- Updated definitions
- Remove the prohibition of vending on Lincoln Avenue between Oak Street and Friberg Avenue and near the school
- Remove the operating hour restrictions on private property
- Add language that all food trucks shall meet all requirements needed to obtain licenses from the local health authority (Otter Tail County) and the State of Minnesota
- Remove the prohibition of connecting to public utilities
- Add language to reflect the state law that limits food trucks to parking in one spot for more than 21 consecutive days
- Remove the required dimensions of a food truck
- Remove language requiring signage to be attached to a vehicle/trailer and clarify any signage must allow for the safe passage of pedestrians
- Remove language restricting the decibel level of the generator and restricting sounds discernable beyond the unit
- Add language stating the vending site must be cleaned of all litter and garbage generated by the unit and customers before the unit leaves the location
- Implementing a mobile food truck license for operation within the city limits.

The license would be implemented in 2023 and ensure compliance with county and state regulations for food trucks as well as a payment to cover the cost of using city utilities. The proposed fee would be \$100 for the year and a short-term (three day) license for \$50.00. It was recommended staff verify MPCA decibel limits, remove language prohibiting signage projecting above a unit, requiring generators being self-contained or on the unit and removing the penalties as proposed in the draft language. Staff will work with the City Attorney on these changes and get additional feedback from food truck operators.

### **Edible Cannabinoids**

The State of Minnesota recently allowed the sale of certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. Language in the state law authorizes certain amounts of both delta-8 and delta-9 in edible CBD products. The new law prohibits the sale of any product containing CBD or THC otherwise derived from hemp to be sold to those under 21 years of age. Regulation of edible CBD products falls under the state Board of Pharmacy and staff feel the regulation at the state level is sufficient. They do not recommend introducing separate licensing for the sale or regulation of CBD products within the city at this time. Staff does feel it is appropriate to regulate the sale of CBD products in the city's zoning code, similar to the sales of alcohol and tobacco products. Staff recommended issuing a 90-day moratorium on the sale of edible CBD products containing certain amounts of delta-8 and delta-9 cannabinoids in all residential zones and within 500 feet of schools. They also requested directing the Planning Commission to recommend zoning updates in restricting sales to the appropriate business zones. Hicks was opposed to a moratorium and the message the city wants to restrict and asked if a resident could obtain a conditional use permit to sell these products from their home. Klara Beck said foods sold from residential properties would need to comply with the laws in the cottage food industry. Andrew Bremseth said if the zoning isn't specified, it could be allowed throughout the city, including in residential areas or near schools.

Jasmine Sonmor spoke against additional regulation of this industry after explaining the sales of hemp-derived THC has been legal since 2018. The city's intent is not to regulate the industry but determine the most appropriate zoning for sales of these products. The Planning Commission would be requested to study the matter and make a recommendation to the council only regarding the zoning. Emily McCune, representing her business Sugar High Cannabis Consulting and Dispensary was not opposed to zoning regulations, but did not feel a moratorium was necessary. She explained prior to the newest changes in the Minnesota State Laws, she would have only been allowed to carry other manufacturer's products that had been lab tested, certified and produced in a licensed kitchen. The new regulations will allow her business to manufacture, package and sell their products, which she intends to do when her business opens in August.

A motion and second were made by Arneson and Fish to recommend the council direct the Planning Commission to study and recommend zoning updates to restrict the sale of edible CBD products containing certain amounts of delta-8 and delta-9 cannabinoids to the appropriate business zones and the motion carried.

### **Letters from Business Owners**

Two business owners with access to the Phase I Riverfront Pavilion parking lot have reported numerous incidents due to the transitional curbing from the lot to the business door. Staff recommended adding curb cuts to the Viking Café and Flower Mill access points. A motion and second were made by Hicks and Fish to recommend the council direct staff to install curb cuts in these locations for safety purposes and the motion carried.

The meeting adjourned at 8:00 am

*Lynne Olson*