

City Council Minutes
February 16, 2021

The Fergus Falls City Council held a regular meeting on Tuesday February 16, 2021 at 5:30 pm in the City Council Chambers. Pastor Kate Bruns gave the invocation and the Pledge of Allegiance was recited. Mayor Schierer called the meeting to order at 5:36 pm. Council members in attendance were Hicks, Hagberg, Kvamme, Rufer, Thompson, Arneson, and Gustafson. Fish was absent.

Approval of the Agenda

A motion and second were made by Gustafson and Hagberg to approve tonight's agenda with the addition of two donations received (consent) and an update on coyotes (new business). The motion was voted upon and carried.

Airport Manager

On January 25 the Airport Advisory Board made a unanimous decision to hire Alexandria Aviation as the Airport Manager/Fixed Basked Operator. This recommendation corresponded to that provided by staff and the city's consultant Landrum & Brown. Shortly after, the board requested more time in the process, and on February 1, the council gave them an additional two weeks. They conducted their own interviews on February 8 and this board now is recommending hiring Sky Crew Services. Mayor Schierer believes there are flaws in the process which are creating drama, accusations and divisiveness within the community and he is disappointed in the behavior exhibited by a number of people. Hicks offered **Resolution #22-2021** accepting the proposal from Sky Crew Services for a two year contract pending satisfactory performance reviews, which was seconded by Rufer. Thompson said this process has been ongoing for two years. He felt the Airport Advisory Board was involved in the process and knew the planned sequence of events. He was concerned a community member outside of this board got involved in the interview process and changed the opinion of the board. After watching the recorded interviews, he felt the candidate who answered all of the questions and had the most experience and best qualifications was eliminated from the process because he does not reside in Fergus Falls. He feels the unprofessionalism shown by the advisory board members during the interviews made this an unfair hiring process. Rufer agreed the process had a lot of shortcomings and he wants to prevent problems like this occurring again in the future. He was supportive of the decision to hire Sky Crew Services, because they are a local business and their success can be measured under a two year contract with regular performance reviews. He felt the consultant worked beyond the expectations of what the advisory board was prepared for and encouraged the council to act by choosing someone tonight.

Thompson wanted to know what occurred between the January 25 and February 1 meetings when the advisory board changed their unanimous vote. He was concerned their recommendation changed because the Alexandria Aviation proposal was not provided from someone local, which was never specified as a requirement in the RFP. He felt it would be a grave mistake to hand over the airport management to someone learning how to run an airport on the city's dime. Arneson said he has heard from many people on both sides of the issue and feels the council should hit pause and look at the process again. He proposed a working group of council members, advisory board members, staff and an airline professional sit down and define the process and what the city is looking for. He advocated halting this process, as it is setting whoever becomes the manager up for failure and he feels the council owes it to the community to choose the right manager for this city asset. He asked if the current part-time manager could continue in this capacity until a decision has been made. Rufer felt the advisory

board took the opinion of local pilots under advisement as they want the Fergus Falls Airport to grow, prosper and be an economic driver and their recommendations should carry weight. Hagberg agreed with Arneson that the process has been tainted and hiring anyone at this time would be akin to throwing someone to the wolves. She felt the city should step back, let the dust settle and allow the council to make an educated decision. Hagberg said the RFP never stated a candidate must be local to be considered and if that is the desire, it should have been openly and clearly stated at the beginning of the process. Gustafson agreed with pausing the process to reexamine the city's priorities, redefine the process and qualities desired in the airport manager role.

Kvamme had questions about the advisory board's change of heart and expressed his concerns with how the process was handled, acknowledging it ran into difficulties. He did not believe the council should hold off on making a decision tonight and was in favor of proceeding with the consultant's endorsement who used a tried and true process to come up with this recommendation. He said this is not a lifetime commitment and that the council should be voting for who would provide the best business model for the city. He said Alex Aviation has already committed to hiring local people to work in their operation and did not believe that the argument of owning multiple businesses was a compelling reason for either candidate. Hicks agreed the process should be reviewed as the interview process was not a fair process when candidates watched each other interview with the same questions. He did not feel it is the council's responsibility to appease all parties and disagreed with kicking the can down the road and continuing to run the airport without a manager. He felt it is the council's duty as elected officials to make a decision. The advisory board was provided with the consultant's recommendation and they wanted personal interaction with the candidates. Hicks said if the city votes against their own advisory board, then that negates the purpose of having boards and commissions in the city's structure. The airport advisory board consists of three members of Greater Fergus Falls and voting against their recommendation shows the city has no confidence in their organization. He said if the city hires Alexandria Aviation, they are voting to send taxpayer dollars to another community and he encouraged the airport manager contract be written with a "Fergus Falls First" attitude. The Sky Crew Services titleholders own a lot of property and business in this community and his belief they would properly manage the airport as well.

Thompson said the owners of Sky Crew Services do own multiple businesses within and outside of the community, but none of them are aviation based. He has been approached by local pilots who would relocate their planes from our local airport if Sky Crew Services is hire and he felt Alex Aviation has the motivation to make the Fergus Falls airport thrive. It was his opinion the airport consultant's recommendation should hold weight and this process has been disputed advisory members who did not get the candidate they wanted. Rufer said the advisory board did not choose the interview process that was ultimately used and felt Sky Crew Service are professional pilots who use various airports throughout the country. Their experience will grow as they see what is expected from other managers and fixed based operators. The resolution to accept the proposal from Sky Crew Services was voted upon and failed 2-5. Voting in favor were Hicks and Rufer while Hagberg, Kvamme, Thompson, Arneson and Gustafson voted in opposition.

Thompson offered **Resolution #23-2021** accepting the proposal from Alexandria Aviation, which was seconded by Kvamme and the resolution failed on a 2-5 vote. Voting in favor were Kvamme and Thompson while Hicks, Hagberg, Rufer, Arneson and Gustafson voted in opposition. A motion and second were made by Hagberg and Arneson to table this decision and establish a working group of staff, council, advisory board members and an aviation professional to redefine this process, the scope

of the contract, expectations and a timeline. Staff was asked to bring this recommendation back to the council at a future meeting. The motion was called to a vote and carried 5-2 with Hagberg, Rufer, Thompson, Arneson and Gustafson voting in favor while Hicks and Kvamme voted in opposition.

Consent Agenda

The following items were approved under **Resolution #24-2021** by Gustafson: Motion approving the minutes from the February 1, 2021 city council meeting. Motion approving the following licenses: Excavator Ripley's; Sidewalk/Paving Skjeret Concrete; Minnesota Lawful Gambling Permit Fergus Falls Rotary Foundation for a raffle on March 31, 2021 at the Fergus Falls YMCA and Children of St Peter for a raffle on April 18, 2021 at the Church of Our Lady of Victory; Fireworks Sales for Fleet Farm; Liquor License for Pebble Lake Golf Club (Tavern 59). **Resolution #25-2021** authorizing the Library Director to apply for a \$2,500 grant from West Central Initiative's Donor Advised Fund for the Extra Reading for the Library program. **Resolution #26-2021** supporting the Otter Tail County LRIP funding application for the Fir and Friberg Avenue intersection improvement. **Resolution #27-2021** accepting a \$500 donation from CHS for Fire Department equipment and approving related 2021 budget adjustments to the General Fund donations and Fire Department expenditures. **Resolution #28-2021** accepting a \$10,000 donation to the Public Library from the Dorothy and Gene Porter Family Fund and approving the 2021 budget adjustments to the Library Fund donations and expenditures. The resolution was seconded by Arneson and was adopted.

Ordinance 10

Ordinance 10, Eighth Series, Light Industrial Uses in the B-5 and B-6 zones was adopted by a roll call vote.

Code of Ethics Ordinance

City Attorney Rolf Nycklemoe stated the city's Code of Ethics was adopted in 2008 as Ordinance 61, Sixth Series. It was written to preclude council, committee members and staff from participating in decisions where they may financially benefit. Recently voiced concerns make this an opportune time to revisit the ordinance language and address the definition of what is a conflict. Nycklemoe suggested outdated language be removed and felt organizations that council, board and commission members serve on should be disclosed. A motion and second were made by Hicks and Kvamme directing the City Attorney Motion to draft amendments to Ordinance 61, Sixth Series, Code of Ethics and the motion carried.

Purchase Agreement for Rivers Edge Investments

Rivers Edge Investments LLC currently has a Purchase Agreement and closing date of March 1, 2021. They have additional due diligence to complete that makes the project is unlikely to occur this year and they requested an extension until on or before June 30, 2022. Hicks felt that timeline is too long as it ties up this prime downtown property for other development opportunities. He suggested a six month timeframe (on or before September 1, 2021). If they determine they need additional time in September, they could ask the council for another extension. He felt providing a timeline to the city is not unreasonable as they are asking the city for tax increment financing and loans for their proposed project. Hicks offered **Resolution #29-2021** extending the Purchase Agreement closing date for River's Edge Investments LLC for the city owned parking lot the southeast corner of Lincoln Avenue and Cascade Street until September 1, 2021, which was seconded by Arneson and was adopted.

Opposition to California's Clean Car Initiative

City representatives recently met with the Chamber of Commerce and local automobile dealers to discuss the Minnesota Pollution Control Agency's proposed mandate to adopt a rulemaking process that would bind Minnesota to California's motor vehicle emission standards. These rules would adversely affect our local auto dealers who in 2020 generated sales of \$180 million and employ nearly 200 people with a local payroll of nearly \$11 million. The new President has stated his intent to reinstate and advance more stringent fuel economy standards and this group would rather wait for this issue to be addressed nationally and not tying Minnesota to a different set of standards. Mayor Schierer said the council is not being asked to vote on a partisan issue, but asked for their support in opposing rules that would affect local businesses, employers and employees. Chamber President Lisa Workman commented on the visitors and revenue generated throughout the community by those who travel to Fergus Falls to purchase vehicles and asked for the council's support to keep the lines of commerce open. Hicks offered **Resolution #30-2021** opposing Minnesota adopting California's Clean Car Initiative, which was seconded by Thompson and was adopted.

Resolution of Accounts

Hagberg offered a resolution authorizing payments and claims in the amount of \$2,492,731.29, which was seconded by Gustafson and was adopted.

Update on Otter Tail Power Street Lighting Phase II

Otter Tail Power Operations Manager Nate Kunde commented on Phase I of the Otter Tail Power's street lighting project completed last year, the planned Phase II projects on schedule for 2021 and future improvements for the city to consider. Last year 92 new aluminum alloy poles, 37 wooden poles and LED lights were installed along major city streets. Another 49 poles and lights are planned along portions of city corridors later this year. Phase III is proposed additional decorative installation, which would be completed during this construction season. The city's cost and the benefits of Otter Tail Power providing this service and associated maintenance were reviewed. These costs have been planned in the 2021 budget. Future lighting projects include upgrades to the aging and failing lighting infrastructure in Delagoon Park. Otter Tail Power has proposed installing service meters throughout the park (other than the ballfield lights). They would assume ownership and maintenance of the system so electrical services to other areas such as the BMX track and campground can be expanded. Other projects would include the relocation of Otter Tail Power's utilities in alignment with the downtown riverfront project and better lighting options on the proposed plaza and pathways. Rufer offered **Resolution #31-2021** executing the contract for remaining the remaining 49 aluminum alloy poles and lights, establishing the city's intent to utilize Otter Tail Power's decorative lighting in the downtown area and requesting Otter Tail Power to obtain the materials and complete the installation. The resolution was seconded by Thompson and was adopted. An additional contract would be necessary once the final tariff rates have been determined.

Update on Snow Removal Process

Public Works Director Len Taylor explained the city's snow removal process and the policy the crews follow that was adopted in 1997. Typically, plows are dispatched for a snow event of 3 inches or upon the advisement of law enforcement. They start by opening up the emergency routes and once the snow stops, they send all of the equipment out to clean the 120 miles of paved streets, 12 miles of gravel streets, 5 miles of gravel alleys, 2 miles of paved alleys, 16 parking lots and thousands of feet of sidewalk adjacent to city owned property. It is an 8-12 hour process depending on how much snow falls. The following day crews haul away the snow from the downtown areas. The city tries to notify

residents when to move vehicles through the city's website and social media as vehicles left on the street prevent crews from effectively removing snow from the city streets. City Code requires all vehicles are to be moved every 24 hours and those that impede the snow removal process are subject to being ticketed and towed. The code allows the city to declare a snow emergency if necessary. There has been a suggestion to get snow gates that may prevent snow from being pushed onto the end of driveways, but this equipment is costly and would not fit on many of our narrow residential streets. Property owners are allowed to park cars on their lawns during the winter months to remove them from the streets.

Kevin Petron recently asked the city to consider even/odd parking restrictions and it was explained it is not feasible for our city due to the width of our roadways and the additional time it would take crews to clean the streets twice. He asked for stricter enforcement for parked cars and asked the city to remind homeowners to shovel their sidewalks so pedestrians are not forced to use the streets for walking. The City Code requires property owners to remove snow and ice from their sidewalks within 24 hours of a snow or ice event. If there are issues with vehicles not moving every 24 hours, residents can get the license number and call the Public Works Department or Law Enforcement to request the vehicle is tagged and towed. A motion and second were made by Hicks and Arneson to affirm the city continue using the snow removal policy adopted in 1997 and to add the downtown parking restrictions implemented in 2019 from 1 am-5 am to the policy and the motion carried.

Capital Improvement Plan

Bill Sonmor said the city's plans for the Capital Improvement Plan were put on hold last year due to COVID-19, but the council is planning a work session in the near future to discuss projects and the updated Capital Improvement Plan and process.

Coyotes

Chief of Public Safety Kile Bergren addressed the increased reported coyote sightings in the city. He said we live in a rural community, it is mating season, and it is not uncommon for wild animals to be closer to people as they are looking for food in the winter months. The department has had no official reports of attacks by animals and reiterated attacks on humans is very unlikely. He said the public can help keep wildlife away from residential areas by minimizing outside food sources and tying up pets so they are not roaming. He felt nature will take its course and these animals will move on.

The meeting adjourned at 7:08 pm

Lynne Olson