



City of Fergus Falls Committee of the Whole Agenda

January 12, 2022

7:00 am

City Council Chambers

A. Call to Order

B. Roll Call

C. Discussion Items

1. PI 9349 – Airport Apron Crack Fill / Joint Repairs

Brian Yavarow

Requested Action: Recommendation to the council to initiate Public Improvement 9349, the Airport Apron Crack Fill / Joint Repairs and to accept SEH's professional services agreement for design in the amount of \$23,600.00

2. PI 9348 – Airport Fuel System Replacement (Jet A & 100LL)

Brian Yavarow

Requested Action: Recommendation to the council to accept SEH's professional services agreement for design in the amount of \$47,100.00 for Public Improvement 9348

3. PI 9350 – 2022 Airport Automated Weather Observation System (AWOS)
Relocation & Replacement Improvement Project

Brian Yavarow

Requested Action: Recommendation to the council to initiate Public Improvement 9350 - Airport (AWOS) Relocation & Replacement Improvement Project and accept SEH's professional services agreement for design and construction observation in the amount of \$25,800.00

4. Airport CRRSAA Grant

Brian Yavarow

Requested Action: Recommendation to the council to accept grant agreement in the amount of \$13,000

* additional information will be supplied at the meeting

5. PI 5958 Campus View Estates

Brian Yavarow

Requested Action: Recommendation to the council to accept project plans and specifications and authorize the advertising of bids for Public Improvement 5958

6. RTC Phase III Work Scope

Brian Yavarow

Requested Action: Recommendation to the council to authorize the procurement of a professional services agreement for Phase 3

7. Overview of 2022 Summer Projects

Brian Yavarow

8. Audit Engagement Letter

Bill Sonmor

Requested Action: Recommendation to the council to approve the audit engagement letter with BerganKDV for the financial audits for 2021, 2022 and 2023

9. Overview of Ordinance 22, Eighth Series, Animals

Len Taylor

Requested Action: Motion to City Attorney to draft changes to Animal Ordinance and introducing the ordinance changes with a first reading

10. Bicycle & Pedestrian Master Plan

Antonio Rosell, Community Design Group

Requested Action: Continue public comment on the Bicycle and Pedestrian Master Plan through January 27

D. Additional Agenda Items

E. Announcements

January 17 Most city offices and facilities closed for Martin Luther King Jr. holiday

January 18 5:30 pm City Council meeting

February 2 7:00 am Committee of the Whole meeting

Adjourn



Council Action Recommendation

Page 1 of 1

Meeting Date:

January 12, 2022 – Committee of the Whole
January 18, 2021 – City Council

Subject:

PI No. 9349 – Airport Runway, Taxiway, & Apron Crack Fill / Joint Repairs

Recommendation:

- Initiate Public Improvement No. 9349 - Airport Runway, Taxiway, & Apron Crack Fill / Joint Repairs
- Accept SEH's professional services agreement for design in the amount of \$23,600.00

Background/Key Points:

This project consists of crack sealing Runway 13/31 and its parallel taxiway, as well as patching isolated distressed pavement areas. The current pavement is in satisfactory condition according to the 2018 PCI report conducted by MnDOT Aeronautics however it is declining at a rate in which pavement maintenance is required to extend the useful life.

This project also consists of repairing and re-sealing the concrete apron pavement located airside of the A/D Building. It is approximately 250'x 780' in size. This pavement is in fair to satisfactory condition but in need of repairs. Several cracked panels will be removed/replaced, and all joints will be re- sealed.

If acceptable, the tentative bid opening should be held in March, 2022. Once all costs are known the final budget and proposed funding sources will be presented to this Council for contract award contingent on receiving the State/Federal grant agreement. The final State/Federal grant application submission is April 11, 2022.

Budgetary Impact:

SEH's fee are eligible reimbursable expenses thru the Airport Grant program. The total project cost share is anticipated at Federal 90%, MnDOT 5%, Local 5%

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:



Council Action Recommendation

Page 1 of 1

Meeting Date:

January 12, 2022 – Committee of the Whole
January 18, 2021 – City Council

Subject:

PI No. 9348 – Airport Fuel System Replacement (Jet A & 100LL)

Recommendation:

- Accept SEH's professional services agreement for design in the amount of \$47,100.00

Background/Key Points:

In September, 2021 this Council initiated Public Improvement No. 9348 and authorized staff to submit a grant response to MnDOT. If you recall, the State is willing to encumber \$600,000 towards the City's fuel system replacement.

SEH and staff have developed the work scope that generally consists of removing the existing tanks and replacing them with a new 10,000-gallon 100 LL tank a new 12,500-gallon Jet A tank. The new tanks will be installed above ground versus the current below grade configuration. The new system(s) will utilize various existing components while replacing all other components. The proposed improvements will meet FAA and MnDOT requirements and guidelines for airport projects.

The tentative bid opening schedule will be in May, 2022. Once all costs are known the final budget will be presented to this Council for contract award contingent on receiving a State/Federal grant agreement. The final grant application deadline of June 30, 2022.

Budgetary Impact:

SEH's fees are eligible reimbursable expenses thru the Airport Grant program.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:



Council Action Recommendation

Page 1 of 2

Meeting Date:

January 12, 2022 – Committee of the Whole
January 18, 2021 – City Council

Subject:

PI No. 9350 – 2022 Airport Automated Weather Observation System (AWOS) Relocation & Replacement Improvement Project

Recommendation:

- Initiate Public Improvement No. 9350 - Airport (AWOS) Relocation & Replacement Improvement Project
- Accept SEH's professional services agreement for design and construction observation in the amount of \$25,800.00

Background/Key Points:

The Automated Weather Observation System (AWOS) at the Fergus Falls Municipal Airport needs to be replaced because it is aged equipment. The new AWOS system will be relocated near the runways per the airport layout plan (ALP). The relocation will make additional space near the apron and hangar area.

This project consists of the construction of a gravel access road, AWOS equipment foundations, and electrical power. MnDOT Aeronautics has indicated the project is eligible for 70% funding from the State Airports Fund. The AWOS equipment itself will be purchased and installed by MnDOT personal.

Budgetary Impact:

SEH's fee are eligible reimbursable expenses thru the Airport Grant program. The anticipated funding share for the design of underground utilities and construction is 70% MnDOT, 30% Local

Originating Department:

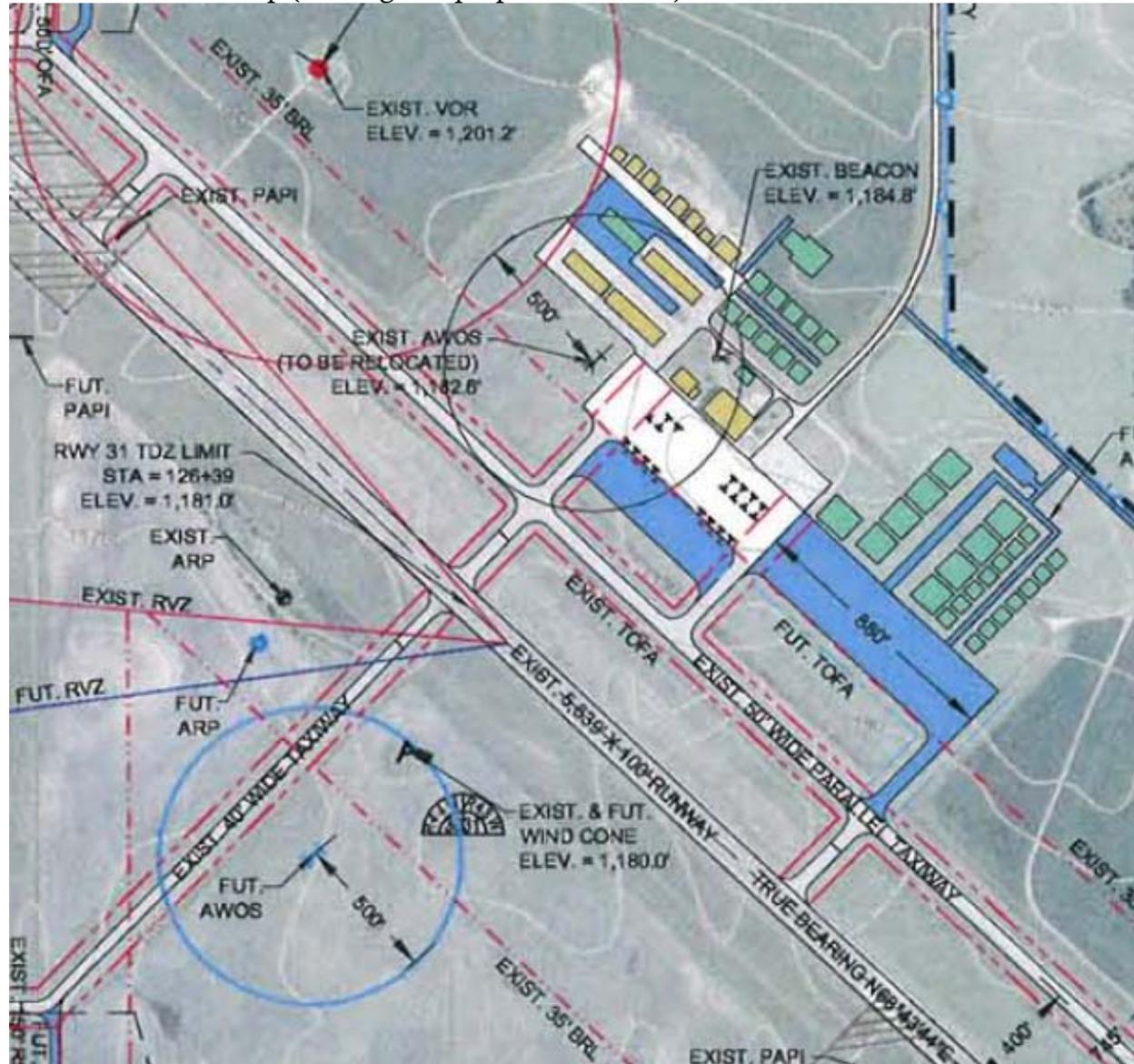
Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:

AWOS Location Map (existing and proposed location)





Council Action Recommendation

Page 1 of 1

Meeting Date:

January 12, 2022 – Committee of the Whole
January 18, 2021 – City Council

Subject:

P.I. No. 5958 - Campus View Estates Development

Recommendation:

- Accept project plans and specifications
- Authorization to Advertise for Bids

Background/Key Points:

The project plans and specifications are substantially complete for the above referenced project. The Estimated Probable Construction Cost is \$1,240,000.00. The City must publicly advertise for bids pursuant to the “Competitive Bidding Requirements” monetary thresholds for a minimum 21-day publication.

Although the official bid opening date has not been set, I anticipate a bid opening in early February. If favorable bids are received, the lowest responsible bidder’s costs will be utilized to revise the final assessment roles. I will then request this Council to set the final cost hearing date.

Budgetary Impact:

This infrastructure project is proposed to be funded with General Obligation Tax Bonds by levying special assessments to the benefitting properties. The collection of Tax Increment will replace the special assessments to finance the bonds.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

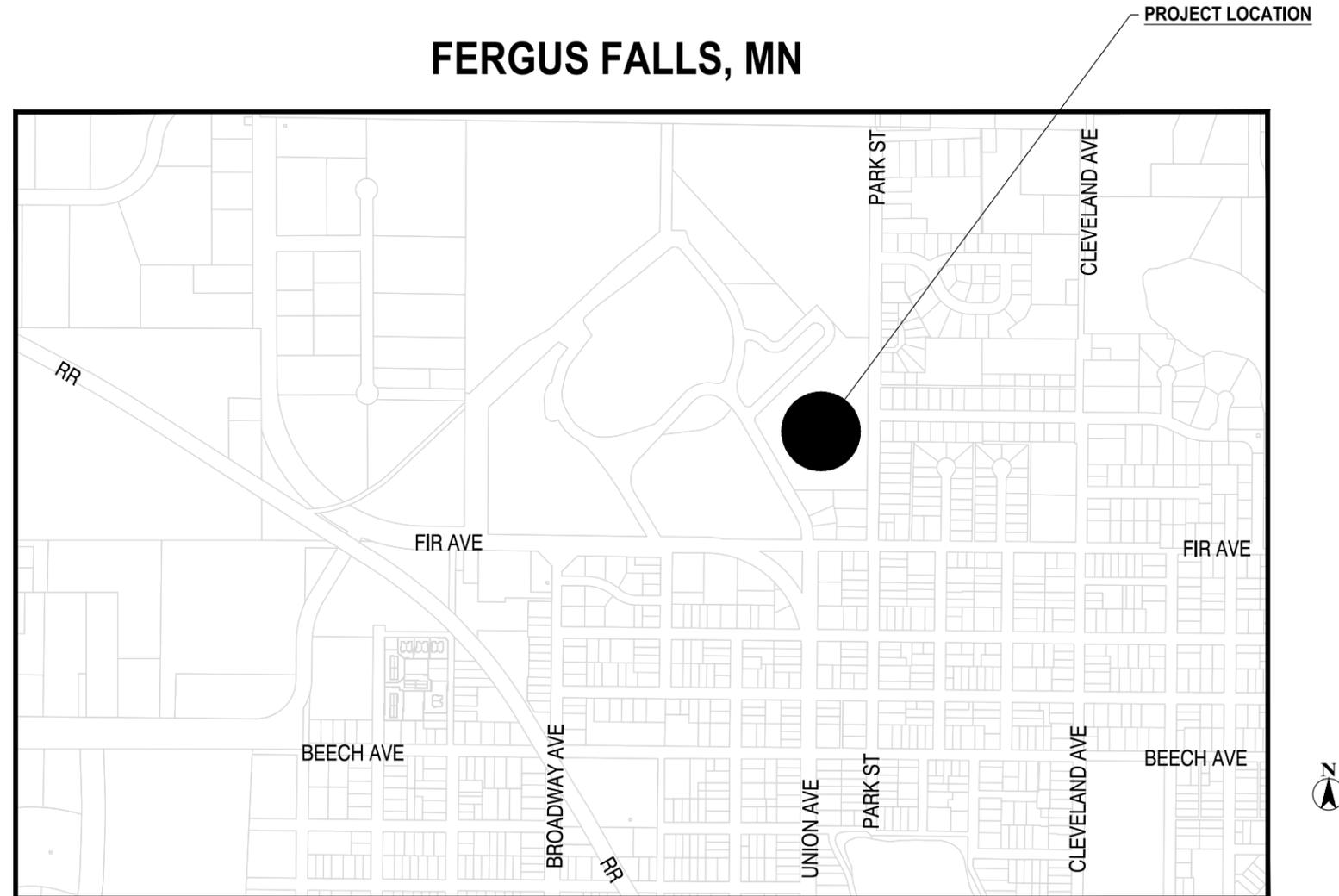
Attachments:

Project Title Sheet

CONSTRUCTION PLANS FOR CAMPUS VIEW ESTATES ADDITION

PREPARED FOR
PRAIRIE VIEW DEVELOPMENT

FERGUS FALLS, MN



CITY OFFICIALS

MAYOR.....BEN SCHIERER
 PWD.....LEN TAYLOR
 CLERK/TREASURER.....ANDREW BREMSETH
 COUNCIL PERSON.....JIM FISH
 COUNCIL PERSON.....KRISTA HAGBERG
 COUNCIL PERSON.....TOM RUFER
 COUNCIL PERSON.....SCOTT KVAMME
 COUNCIL PERSON.....BRENT THOMPSON
 COUNCIL PERSON.....JUSTIN ARNESON
 COUNCIL PERSON.....ANTHONY HICKS
 COUNCIL PERSON.....KAROLINE GUSTAFSON

LOCATION MAP

NOT TO SCALE



INDEX OF DRAWINGS	
SHEET NUMBER	SHEET TITLE
G1.1	TITLE SHEET
G1.2	LEGEND
G1.3	ESTIMATED QUANTITIES AND TYPICAL SECTION
G1.4	GENERAL NOTES & STANDARD PLATES
C2.1 - G2.7	GENERAL DETAILS
C2.8 - C2.15	EROSION DETAILS
C2.16 - C2.25	PEDESTRIAN RAMP & DRIVEWAY DETAILS
C3.1 - C3.3	EROSION CONTROL PLAN
C4.1 - C4.2	REMOVAL PLAN
C5.1 - C5.3	UTILITY PLAN & PROFILE
C6.1 - C6.4	STORM SEWER & STREET PLAN & PROFILE
	CROSS SECTIONS

QUALITY REVIEW :
 _____, 2022

BY: MATT MONKE
 INTERSTATE ENGINEERING, INC.
 PROJECT ENGINEER

APPROVED :
 _____, 2022

BY: ALEX SCHWARZHOFF
 INTERSTATE ENGINEERING, INC.
 PROJECT ENGINEER

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

Name _____ Lic. No. _____
 Signature _____
 Date _____

REVISION NO.	DATE	BY	DESCRIPTION

INTERSTATE ENGINEERING
 Professionals you need, people you trust.

Interstate Engineering, Inc.
 P.O. Box 316
 116 East Washington Avenue
 Fergus Falls, MN 56538-0316
 Ph (218) 739-5545
 Fax (218) 739-4814
 www.interstateeng.com
Other offices in Montana, North Dakota and South Dakota

G1.1



Council Action Recommendation

Page 1 of 1

Meeting Date:

January 12, 2022 – Committee of the Whole
January 18, 2021 – City Council

Subject:

Regional Treatment Center - Phase 3 Preservation Project

Recommendation:

- Authorization to procure a professional services agreement for Phase 3

Background/Key Points:

The revised preliminary cost estimate (attached) consists of various preservation work items for Kirkbride Tower, East Detached, West Detached and various other campus locations. These work scope items could serve as the “Base Bid” for the bidding documents if this Council decides to proceed in this manner.

The second cost estimated attachment referred to as “Alternates” consists of more intensive work options to address the deteriorated brick facade and roofs on East & West Detached along with security systems.

Based on both preliminary cost estimates, the City does not have sufficient funds to proceed with all the work noted.

Budgetary Impact:

The City was awarded \$3,500,000 for Phase 2 & 3. The project expenditures to date for the Phase 2 Demolition (P.I. 9506) is \$2,447,035.65. A portion of the Phase 2 expenditures was funded with the initial Phase 1 grant balance of \$661,931.40. The remaining Phase 2 expenditures of \$1,785,104.25 will come from the Phase 2 grant. The unexpended Phase 2 grant at **\$1,714,895.75** has not be allocated to date.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

Phase 3 Mothball Cost Estimates



Fergus Falls Regional Treatment Center
Fergus Falls, MN

Date: December 16, 2021
Prepared by: Bruce Paulson

Estimated Mothballing Costs - BASE BID

No.	Name/Description	Construction Type	Total Area (SF)	Unit Price (1)	Total Cost	Comments
1	Administration		29,056			
	Window Replacement (3)	Mothball	2,396	\$80.00	\$191,680.00	
	Mold Remediation (4)	Mothball	29,056	\$3.50	\$101,696.00	
	Reattach Tower Globe/ electrical grounding	Mothball	1	\$15,000.00	\$15,000.00	
	Add building ventilation system; includes wall louvers and fabric ducting	Mothball	29,056	\$4.00	\$116,224.00	
	Remove main stairway closures	Mothball	1	\$5,000.00	\$5,000.00	
	Seal door access from Building 1 to remaining buildings	Mothball	4	\$100.00	\$400.00	
23	East Detached		49,720			
	Replace damaged roof shingles and underlayment	Mothball	10,092	\$12.00	\$121,104.00	
27	West Detached		56,886			
	Replace damaged roof shingles and underlayment	Mothball	10,014	\$12.00	\$120,168.00	
	Replace EPDM Roofing	Mothball	2,178	\$25.00	\$54,450.00	
	Buildings 22, 23, 24, 26, 27, 28, 29					
	Repair rain gutters and downspouts	Mothball	1	\$10,000.00	\$10,000.00	
	excavate and repair ground floor windows; cover windows with ground-contact rated plywood; restore grade and sod	Mothball	219	\$750.00	\$164,250.00	
	Subtotal				\$899,972.00	
	General Conditions	8%			\$71,997.76	
	Consultant: Plans and specs; Ad for Bid; Construction Administration	15%			\$145,795.46	
	City: Overall Project Administration	5%			\$48,598.49	
	Estimated Construction Cost				\$1,166,363.71	
	Contingency	20%			\$233,272.74	
	Total Estimated Mothballing Cost - Base Bid				\$1,399,636.45	



Fergus Falls Regional Treatment Center
Fergus Falls, MN

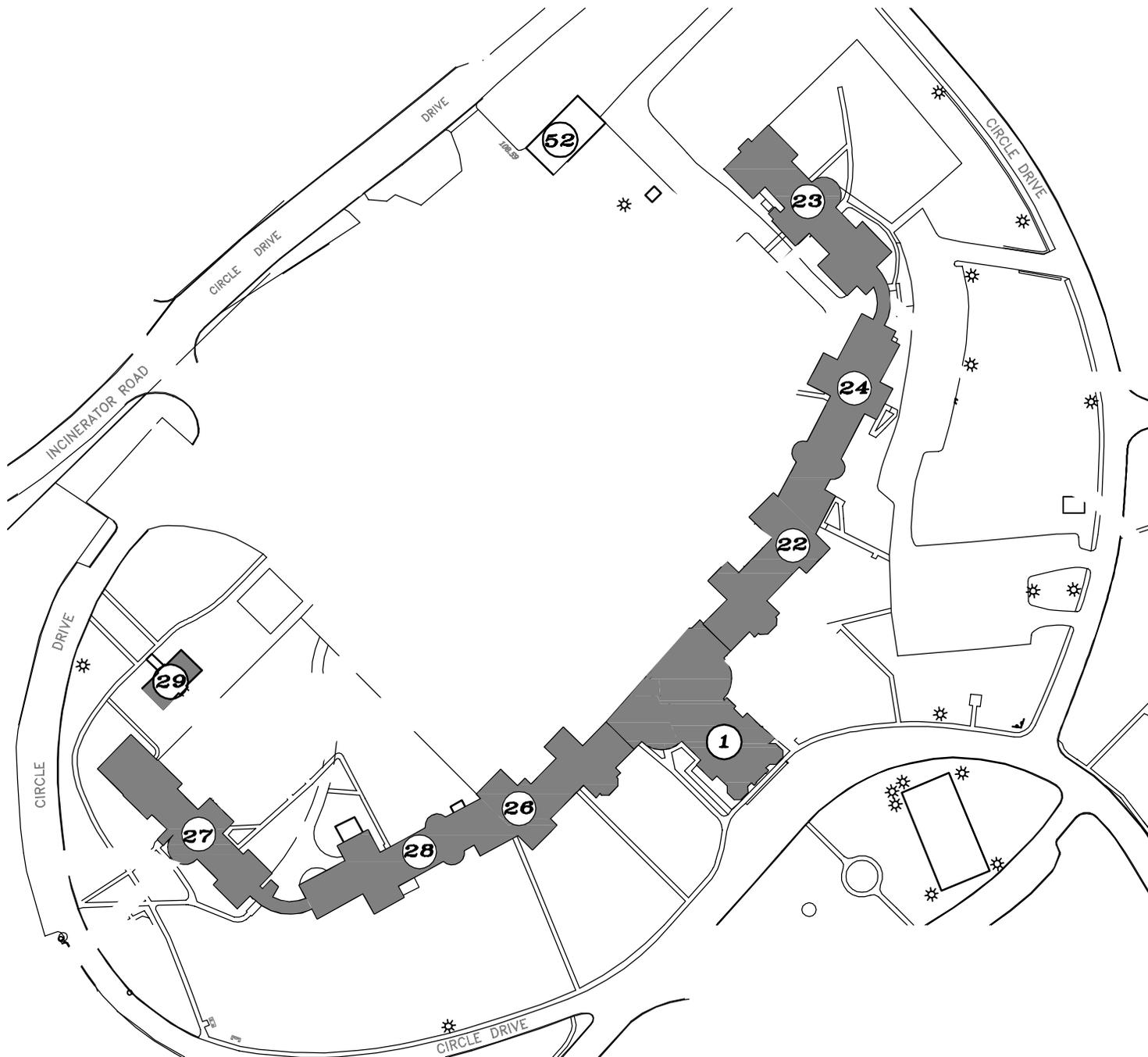
Date: December 16, 2021
Prepared by: Bruce Paulson

Estimated Mothballing Costs - ALTERNATES

No.	Name/Description	Construction Type	Total Area (SF)	Unit Price (1)	Total Cost	Comments
23	East Detached		49,720			
	Replace all roof shingles and underlayment	Mothball	10,092	\$12.00	\$121,104.00	
27	West Detached		56,886			
	Replace all roof shingles and underlayment	Mothball	10,014	\$12.00	\$120,168.00	
	Repair/replace damaged face brick and stone	Mothball	13,373	\$40.00	\$534,920.00	
	Buildings 1, 22, 23, 24, 26, 27, 28, 29					
	Interior security system with motion detectors at 28 exterior doors	Mothball	1	\$85,000.00	\$85,000.00	
	Exterior security cameras (15) mounted on street light poles and north side of Building 1 inside the "horseshoe"	Mothball	1	\$85,000.00	\$85,000.00	
	Subtotal				\$946,192.00	
	General Conditions	8%			\$71,997.76	
	Consultant: Plans and specs; Ad for Bid; Construction Administration	15%			\$152,728.46	
	City: Overall Project Administration	5%			\$50,909.49	
	Estimated Construction Cost				\$1,221,827.71	
	Contingency	20%			\$233,272.74	
	Total Estimated Mothballing Cost - Alternates				\$1,455,100.45	

Note:

- Costs are updated from previous cost estimate (January 2018) based upon 2021 R.S. Means Cost Index ratio (101.5/90.1).
- Building areas are based upon building dimension information previously provided by Real Estate Management.
Replace existing aluminum and wood windows with new aluminum windows with frame/sash profiles that match the original wood window sash and frames
- Replace existing aluminum and wood windows with new aluminum windows with frame/sash profiles that match the original wood window sash and frames
- Mold remediation includes survey, abatement with proper disposal, removal and storage of all functional interior doors, and cleaning of all exposed surfaces.



SITE MAP



FERGUS FALLS, MINNESOTA DIAGRAM #1

RTC Campus Map



2335 Highway 36 W
St. Paul, MN 55113
www.stantec.com



Council Action Recommendation

Page 1 of 1

Meeting Date: January 12, 2022

Subject: 2021, 2022, & 2023 Audit Engagement Letter

Recommendation: Approve the audit engagement letter with BerganKDV for the financial audits for 2021, 2022, & 2023.

Background/Key Points: The City is required to have an annual financial audit. The City received an engagement letter from BerganKDV for the 2021, 2022, & 2023 year-end audits. BerganKDV specializes in audits of local governments. The City of Fergus Falls prepares an Annual Comprehensive Financial Report, therefore it is important to contract with a firm specializing in governmental audits.

BerganKDV maintained the annual fee of \$34,500 for the audits of the 2018, 2019, & 2020 year-end audits (plus \$3,750 for component units and \$3,350 for a federal single audit, when required).

Budgetary Impact:

The proposed annual audit fees will increase 5% and remain for the 3-year period as follows:

- City Financial Audit \$36,225
- Audit of Component Units \$3,850
- Federal Single Audit \$3,000 – \$5,000 for each single audit (required if City receives more than \$750,000 of federal funds)

Originating Department: Finance

Respectfully Submitted: Bill Sonmor, Finance Director

Attachments:

None

ORDINANCE NO. 22, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING PARTS OF
CHAPTER 91, ANIMALS, OF THE CITY CODE.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 91.02, Dogs and Cats, is hereby amended in its entirety ~~so as~~ to read as follows:

§ 91.02 DOGS AND CATS.

(A) *Running at large prohibited.* It shall be unlawful for ~~the a~~ dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted ~~o~~n streets or on public land unless ~~the city has~~ posted ~~an area~~ with signs ~~reading indicating d~~Dogs or ~~c~~Cats ~~are~~ ~~p~~Prohibited.

(1) Confining ~~dogs or cats an animal~~ by electronic control measures such as an "invisible fence"; ~~and with an~~ electronic collar is permitted. ~~In such case, the electronic control of the animal which~~ shall ~~be used~~ only ~~be used~~ in the rear yards of lots; so that the animal cannot appear to be free ~~and to~~ threaten or upset ~~persons people~~ who may be using the public sidewalks or streets fronting the ~~property lot~~. If ~~it is found that~~ the electronic restraint is not sufficient to confine ~~a dog or cat the animal~~ to the rear yard of the property, and the animal is found to have crossed beyond the electronic barrier, then the electronic confinement shall no longer be considered adequate for that animal, and the animal must be restrained by physical means such as ~~a by~~ leash ~~or cable~~.

(B) *License required ~~for dogs and cates~~.*

(1) All dogs ~~and cats~~ over the age of six months kept, harbored, or maintained ~~by their owners~~ in the city; shall be licensed and registered with the city. ~~Dog licenses shall be issued by the City Administrator upon payment of the required license fee as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time. For each dog or cat required to be registered and licensed, t~~The owner shall state, ~~at the time~~ must complete an application ~~for license for each dog owned or kept by the owner is made for the license and upon forms provided, providing his or her~~ the owner's name and address and the name, breed, color, and sex of ~~each the dog or cat. owned or kept by him or her.~~ No license shall be granted for a dog that has not been vaccinated against rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) Upon providing a complete application, the required rabies vaccination certificate, and certificate, and payment of the license fee ~~from time to time~~, the City Administrator shall issue to the owner a license certificate and metallic ~~dog~~

tag for each ~~dog-dog or cat~~ licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the dog or cat license certificate. Every owner ~~shall be required to~~ must provide each ~~dog or cat~~ with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn by each dog or cat. In case a ~~dog~~ tag is lost or destroyed, a duplicate ~~dog-tag~~ shall be issued by the City Administrator upon payment by the owner of the duplicate dog-tag fee. A charge shall be made for each duplicate tag in an amount established in the Ordinance Establishing Fees and Charges, as it may be amended from time to time. Dog-tTags shall ~~not be~~ are not transferable from one dog or cat -to another and no refunds ~~shall~~ will be made on any ~~dog~~ license fee or tag because of the death of a dog or cat or the owners leaving the city ~~before the prior to the~~ expiration of the license period.

(3) The licensing provisions of this ~~subdivision~~ division (B) shall not apply to dogs or cat whose owners are nonresidents temporarily within the city, nor to dogs or cats brought into the city for the purpose of participating in any dog or cat show. Documented service ~~animals-dogs~~ do not require a license.

(4) The funds received by the City Administrator from all ~~dog~~ licenses and metallic tags fees ~~as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time~~, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of ~~the dogs or cats~~.

(C) Dogs and Cats

(1) *Number allowed per dwelling unit.* It shall be unlawful for any person, or a combination of any persons who live-reside at a residence, to own, harbor or keep more than three (3) dogs or three (3) cats or more than a combination of ~~four (4)~~ three (3) dogs and cats ~~on at~~ any dwelling unit. ~~In no event shall any person, or a combination of any persons who live at the same residence, own, harbor, or keep more than a total of four (4) household pets that are dogs and / or cats on any dwelling unit within the city, This section (C)(1) does not apply to a except that of a~~ fresh litter of pups or kittens which may be kept for a period of three (3) months before that keeping shall be deemed to be a "kennel".

(2) *Kennels.*

(a) *Definition of kennel.* The keeping of more than three (3) dogs or three (3) cats or more than a combination of four (4) three (3) dogs and cats at a residence or dwelling unit more than allowed per 91.03(3) whether owned by the same

person or not and for whatever purpose ~~kept~~, shall constitute a "kennel"; except that of a fresh litter of pups or kittens which may be kept for a period of three months before that keeping shall be deemed to be a "kennel".

(b) *Kennel as a nuisance.* ~~Because the keeping of more than allowed per 91.03(3) is subject to great abuse, causing~~ Because kennels may cause discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation on of a premises located in a residential zone is they are hereby declared to be a public nuisance and no person shall keep or maintain a kennel within any residences or dwelling unit within any area of the City zoned residential.

~~(3) — Cats. Cats shall be included as controlled by this division insofar as running at large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.~~

~~(4)(3) — Vaccination.~~

(a) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated against rabies ~~at least once every three years~~ as evidenced by a certificate of vaccination by a veterinarian qualified to practice in the state in which the dog or cat is vaccinated. by a licensed veterinarian for rabies with a live modified vaccine. The certificate of vaccination shall provide (1) the date of the vaccination, (2) the owner's name and address, (3) the animal's name (if applicable), sex, description and weight, (4) the type of vaccine, and (5) the veterinarian's signature.

(b) Owner's must always have a A-current certificate of vaccination for each dog or cat required to be vaccinated and upon must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. ~~Upon demand made by the City Administrator, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the each animal dog or cat(s). In cases where certificates are not presented, the owner or keeper of the animal dog or cat(s) shall have seven days in which to present the certificate(s). to the City Administrator or officer.~~ It is unlawful for any person to keep or harbor a dog or cat that is either unvaccinated for rabies or has not been vaccinated for rabies within three years. It is also unlawful for any person to not present a certificate of vaccination as requested and within the time period required in this section. ~~Failure to do so shall~~

Section 2. The title of City Code Chapter 91.03 ~~and paragraph (D) are is~~ hereby amended ~~so as~~ to read as follows:

§91.03 NUISANCES.

(D) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, ~~as provided for in § 91.09,~~ to search for and seize the animal.

Section 3. City Code Chapters 91.04, 91.05 and 91.06 are hereby deleted in their entirety.

Section 4. City Code Chapter 91.07 (C) is hereby amended to read as follows:

(C) *Reclaiming.* All animals ~~conveyed-transported~~ to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, up to 5 regular business days, unless the animal is a dangerous animal as defined under § 91.32 of this chapter, in which case it shall be kept for ten (10) regular business days. ~~If an animal is a cruelly treated by their owners or keepers enforcement in accordance to M.S. The provisions of Minnesota Statutes §343.21, as it may be amended from time to time, relating to overworked and mistreated animals apply to anyone seeking to reclaim an animal. shall be complied with as necessary. In all cases, an case the owner or keeper shall desire to desiring to~~ reclaim ~~the-an~~ animal from the pound ~~shall;~~ the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

(1) ~~Payment of the applicable release fee; and receipt of a release permit as established by resolution, as may be amended from time to time;~~

(2) ~~Payment Pay of all~~ maintenance costs of the pound for housing and caring for the animal for each day the, as provided by the pound, per day or any part of day while animal is in the pound; and

(3) ~~If a dog is unlicensed, Provide proof of a current city issued license or obtain the required city issued license for an impounded dog as required in this Chapter. payment of a regular license fee as established by resolution, as may be amended from time to time, and valid certificate of vaccination for rabies is required.~~

Section 5. City Code Chapter 91.08 is hereby deleted in its entirety.

Section 6. City Code Chapter 91.09 (B) is hereby amended ~~so as~~ to read as follows:

(B) The officer reasonably believes ~~that~~ the animal meets either the habitual barking or noise criteria set out in § 91.03(A) of this chapter; the criteria

for cruelty set out in § 91.12 of this chapter; or the criteria for an at large animal set out in § 91.02 of this chapter;

Section 7. City Code Chapter 91.30 is hereby amended ~~so as~~ to read as follows:

§ 91.30 ATTACK BY AN ANIMAL.

It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by an animal under the control of an on-duty law enforcement officer or to an attack upon an uninvited ~~intruder-person~~ who has entered the owner's ~~home-residence or dwelling unit~~ without the owner's consent ~~criminal intent~~.

Section 8. City Code Chapters 91.50, 91.51 and 91.52 are hereby added to read as follows:

FARM & NON-DOMESTIC ANIMALS

§ 91.50 NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, possess, harbor or offer for sale, any non-domestic animal within the city, which is a misdemeanor. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this subchapter. An exception shall be made to this prohibition for service animals specifically trained for and actually providing assistance to ~~the handicapped or disabled, a person who is disabled,~~ and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibition.

§ 91.51 FARM ANIMALS.

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size; provided that, no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory or a licensed show or exhibition; ~~also, an exception is under § 91.06 of this chapter.~~

§ 91.52 CHICKENS.

(A) *Chickens permitted.* It is unlawful for any person to own, control, keep, maintain or harbor chickens on any premises within the city unless issued a permit to do so as provided in this section. No permit shall be issued for the keeping or harboring of more than four female chickens or hens on any premises. The keeping or harboring of male chickens or roosters is prohibited. Violations of this section are

[misdemeanors.](#)

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. A chicken out of its chicken run, off the premises or not under the custody and control of the owner.

CHICKEN. A female chicken or hen.

CHICKEN COOP. A structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

CHICKEN RUN. An enclosed outside yard for keeping chickens.

PERSON. The resident, property owner, custodian or keeper or of any chicken.

PREMISES. Any platted lot or group of contiguous lots, parcels or tracts of land and is located within the city.

(C) *Permit.*

(1) No person shall maintain a chicken coop and/or chicken run unless granted a permit by the Animal Control Officer. The Animal Control Officer is authorized to issue a maximum of 20 permits annually for the keeping of chickens. The permit shall be subject to all the terms and conditions of this subchapter and any additional conditions deemed necessary by the Animal Control Officer to protect the public health, safety and welfare. The necessary permit application ~~may~~ shall be obtained from the City Administrator's office. Included with the completed application must be a scaled diagram that indicates the location of any chicken coop and/or chicken run, and the approximate size and distance from adjoining structures and property lines, the number and species of chickens to be maintained at the premises and a statement that the applicant/permittee will, at all times, keep the chickens in accordance with this section and all the conditions prescribed by the Animal Control Officer, or modification thereof, and failure to obey the conditions will constitute a violation of the provisions of this subchapter and grounds for cancellation of the permit. The applicant shall include written consents/approval of the keeping of chickens on his, her or their premises from all abutting property owners, or shall provide proof of the certified mailing of a notice, and copies of the notice(s) to all abutting property owner(s) which

advises the abutting property owner(s) the applicant is applying for a permit from the city for the keeping of chickens on his, her or their premises, the abutting property owner may object to the applicant's permit application, any objection must be received by the Animal Control Officer within ten days of the mailing date of the notice, and failure to provide written objections to the Animal Control Officer within ten days of the mailing of the notice will authorize the Animal Control Officer to issue a permit for the keeping

of chickens to the applicant at his, her or their premises.

(2) Upon receipt of a permit application, the Animal Control Officer shall determine if the application is complete and contains the required consents/approvals and/or proof of the certified mailing of the required notices. If the application is complete and includes written consents/approval from all abutting property owners, the Animal Control Officer shall issue a permit for the keeping of chickens to the applicant. If the application is complete and includes proof of mailing certified notices to abutting property owner(s) as required by this section, the Animal Control Officer shall issue a permit to the applicant ten days after receipt of the completed application, unless the Animal Control Officer receives a written objection from an abutting property owner objecting to the applicant's application for the keeping of chickens, in which case no permit shall be issued. No permit shall be issued for an incomplete application or for the keeping of chickens on any rental premises.

(3) A permit for the keeping of chickens may be revoked or suspended by the Animal Control Officer for any violation of this section following written notice. The applicant/permittee may appeal the revocation or suspension of ~~his, her or~~ their permit by requesting in writing a hearing before the City Council within seven days of the notice of revocation or suspension. The request for hearing must be either postmarked or received in the City Administrator's office within seven days of the date of the notice. The City Council shall hold a hearing on the applicant/permittee's request for hearing within 30 days of the request for hearing.

(4) An annual fee will be set by resolution.

(D) *Confinement.* Every person who owns, controls, keeps, maintains or harbors chickens must keep them confined at all times in a chicken coop and chicken run and may not allow the chickens to run at large. Any chicken coop and chicken run shall be at least 25 feet from any residential structure or any other structures on any adjacent premises.

(E) *Chicken coops and chicken runs.*

(1) All chicken coops and chicken runs must be located within the rear yard subject to a 20-foot setback from any adjacent premises and be at least 25 feet from any residential structure or dwelling or any other structures or dwellings on any adjacent premises. All chicken coops must be a minimum of four square feet per chicken in size, must not exceed ten square feet per chicken in size and must not exceed six feet in total height. Attached fenced-in chicken runs must not exceed 20 square feet per chicken and fencing must not exceed six feet in total height. Chicken runs may be enclosed with wood and/or woven wire materials and may allow chickens contact with the ground. Chicken feed must be kept in metal predator-proof containers. Chicken manure may be placed in yard compost piles.

(2) Chicken coops must either be:

(a) Elevated with a clear open space of at least 24 inches between the ground surface and framing/floor of the coop; or

(b) The coop floor, foundation and footings must be constructed using rodent-resistant construction,

(3) Chicken coops are not allowed to be located in any part of a home and/or garage.

(4) Chickens must be secured in a chicken coop from sunset to sunrise each day.

(F) *Conditions and inspections.* No person who owns, controls, keeps, maintains or harbors chickens shall permit the premises, whether the chickens are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent public or private property. Any chicken coop or chicken run authorized by permit under this section may be inspected at any reasonable time by the Animal Control Officer, law enforcement officer or other agent of the city. A person who has been issued a permit shall submit it for examination upon demand by the Animal Control Officer, law enforcement officer or other agent of the city. Slaughter and breeding of chickens on any premises within the city is prohibited.

(G) *Private restrictions and covenants on property.* Notwithstanding the issuance of

a permit by the city, private restrictions and/or covenants on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws, covenant declarations and deed restrictions. A permit issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(H) *Refusal to grant or renew permit.* The Animal Control Officer may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this section, submitting an inaccurate or incomplete application, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting or renewing of the permit.

(I) *Removal of chicken coop and chicken run.* Any chicken coop or chicken run constructed or maintained on any premises shall be immediately removed from the premises after the expiration of the permit or shall be removed within 30 days upon ceasing to use the chicken coop and/or chicken run for the keeping of chickens.

(J) *Residential Agricultural District.* This section does not apply to premises located in a Residential-Agricultural District, as that area is defined in this code of ordinances.

(K) *Prohibited.* The keeping of chickens, male or female, is prohibited in R-3, R-4 and R-5 Multiple-Family and Multiple-Residence Districts and all Business and Industrial Districts (B-1 through B-6 and I-1 through I-3), as those areas are defined in this code of ordinances.

Section 9. Effective date. The effective date of this ordinance shall be the _____ day of _____, 2021.

The following summary is approved by the City council and shall be published in lieu of publishing the entire ordinance pursuant to Minnesota Statutes Section 412.191:

PUBLIC NOTICE

WHEREAS, Certain sections of the Fergus Falls City Code Chapter 91 have been amended by Ordinance No. 22, Eighth Series, which ordinance has been duly adopted by the City Council; and,

WHEREAS, Said ordinance is lengthy and the Council has therefore determined that, pursuant to City Charter Section 4.04, Subd. 2, publication of the

title and summary of said ordinance would clearly inform the public of the intent and effect of the ordinance; and,

WHEREAS, The Council, by at least four-fifths of its members, has directed that only the title of the ordinance and a summary be published and that printed copies of the ordinance be available for inspection by any person during regular office hours at the office of the City Administrator and also at the public library where the entire text of said ordinance is posted.

NOTICE IS HEREBY GIVEN, that the title of Ordinance No. 22, Eighth Series, is as follows:

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING PARTS OF
CHAPTER 91, ANIMALS, OF THE CITY CODE.**

NOTICE IS FURTHER GIVEN, that a summary of Ordinance No. 22, Eighth Series, is as follows:

- Section 1 amends Chapter 91.02, Dogs and Cats.
- Section 2 amends Chapter 91.03 Nuisances
- Section 3 deletes Chapters 91.04, 91.05 and 91.06
- Section 4 amends Chapter 91.07
- Section 5 deletes Chapter 91.08
- Section 6 amends Chapter 91.09
- Section 7 amends Chapter 91.30
- Section 8 adds Chapters 91.50, 91.51 and 91.52
- Section 9 provides for the effective date.

NOTICE IS FURTHER GIVEN, that the Council has approved the text of the foregoing summary and determines that it clearly informs the public of the intent and effect of the ordinance.

THIS ORDINANCE was introduced on the _____ day of _____, 2021, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 2021, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on_____.

barb/acityoffergusfalls/ords/8thseries/Ord22



Committee of the Whole Memorandum

Page 1 of 1

Meeting Date: January 12, 2022 – Committee of the Whole

Subject: Bicycle & Pedestrian Master Plan

Background/Key Points: The Bicycle & Pedestrian Master Plan is currently in a public comment period through January 27. The plan is the result of an ongoing planning and community engagement effort since summer 2020. The plan analyzes current conditions for bicyclists and pedestrians and makes implementation recommendations over the next ten years.

At the January 12 Committee of the Whole project consultant Antonio Rosell of Community Design Group will provide a brief overview of the plan's highlights and answer questions. Staff anticipate bringing a final plan for adoption by the City Council on February 7.

The plan and comment form can be viewed on the City's website at <https://www.ci.fergus-falls.mn.us/departments/community-development/plans-studies-research>.

Budgetary Impact: None

Originating Department: Community Development

Respectfully Submitted: Karin Flom, City Planner