



City of Fergus Falls Committee of the Whole Agenda

June 15, 2022

7:00 am

City Council Chambers

A. Call to Order

B. Roll Call

C. Discussion Items

1. Requests for Sales of City Owned Property

Andrew Bremseth

Requested Action: Recommendation to the council directing staff to prepare a policy for requests of the sales of city owned property

2. Food Trucks

Klara Beck

Requested Action: Review the city's food truck ordinance

3. Stanton Avenue Reconstruction Improvement Project: Union to Broadway

Brian Yavarow

Requested Action: Recommendation to the council initiating PI No.'s 5350, 7215, 8230; Combining PI No.'s 5350, 7215, 8230 into CP 5959 – the Stanton Avenue Reconstruction project from Union Avenue to Broadway Avenue; Ordering the Preliminary Engineering Report (PER) for CP 5959; Accepting Moore Engineering professional services proposal for preparation of the Preliminary Design in the base amount of \$32,166

4. PI No. 9351 –Instrument Landing System (ILS) Replacement Project

Brian Yavarow

Requested Action: Recommendation to the council to initiate PI 9351, the Instrument Landing System (ILS) Replacement Project and accepting SEH's professional services proposal for design in the amount of \$79,500.00

5. PI No. 8232 – 750,000-gallon Ground Storage Reservoir (GSR) Replacement Project

Brian Yavarow

Requested Action: Recommendation to the council initiating PI 8232 and accepting Interstate Engineering's professional services proposal in the amount of \$95,000

6. Otter Tail County EDA

Nick Leonard

Requested Action from Otter Tail County: Authorizing the City of Fergus Falls to participate in the Otter Tail County EDA

D. Additional Agenda Items

E. Announcements

June 20 Most city offices and facilities closed for the observance of the Juneteenth holiday. Garbage and recycling normally picked up on Monday will be picked on Tuesday. Tuesday collection will be on Wednesday June 22

June 21 5:30 pm City Council meeting

June 30 4-8 pm City of Fergus Falls 150th Birthday Party at Riverfront Pavilion

Adjourn



Council Action Recommendation

Page 1 of 1

Meeting Date:

6/15/22

Subject:

Policy for the sale of City-owned property

Recommendation:

Motion directing staff to prepare a policy for the sale of City-owned property

Background/Key Points:

The City has been receiving frequent requests from parties interesting in purchasing City owned property over the past few years. Each of these requests and subject properties are unique and the circumstances have varied, and each has been handled on a case-by-case basis by various departments and staff members. Over the last couple of years, Council has consistently agreed that offers should not be below market value and that offers should be made publicly, but no official policy has been created. Our Charter requires multiple actions to sell City land, intending for the ability of the public to comment and be involved.

In internal discussions of the latest land sale requests, it has become increasingly clear that staff require a process and policy by which offers to purchase City land may be regulated. The intent of this item, therefore, is to start a discussion with the Council about the creation of a policy that:

- Clarifies the land sale process for staff and the public
 - Does the City Council want to continue to entertain offers or sell City land?
 - How is a purchase price established?
- Addresses public engagement in the land sale process
 - Should other interested parties have the ability to make an offer?

If the Council wishes to create and implement such a policy, staff will begin the process by reaching out to other cities to determine how they handle this topic and will ultimately bring back a policy for your consideration.

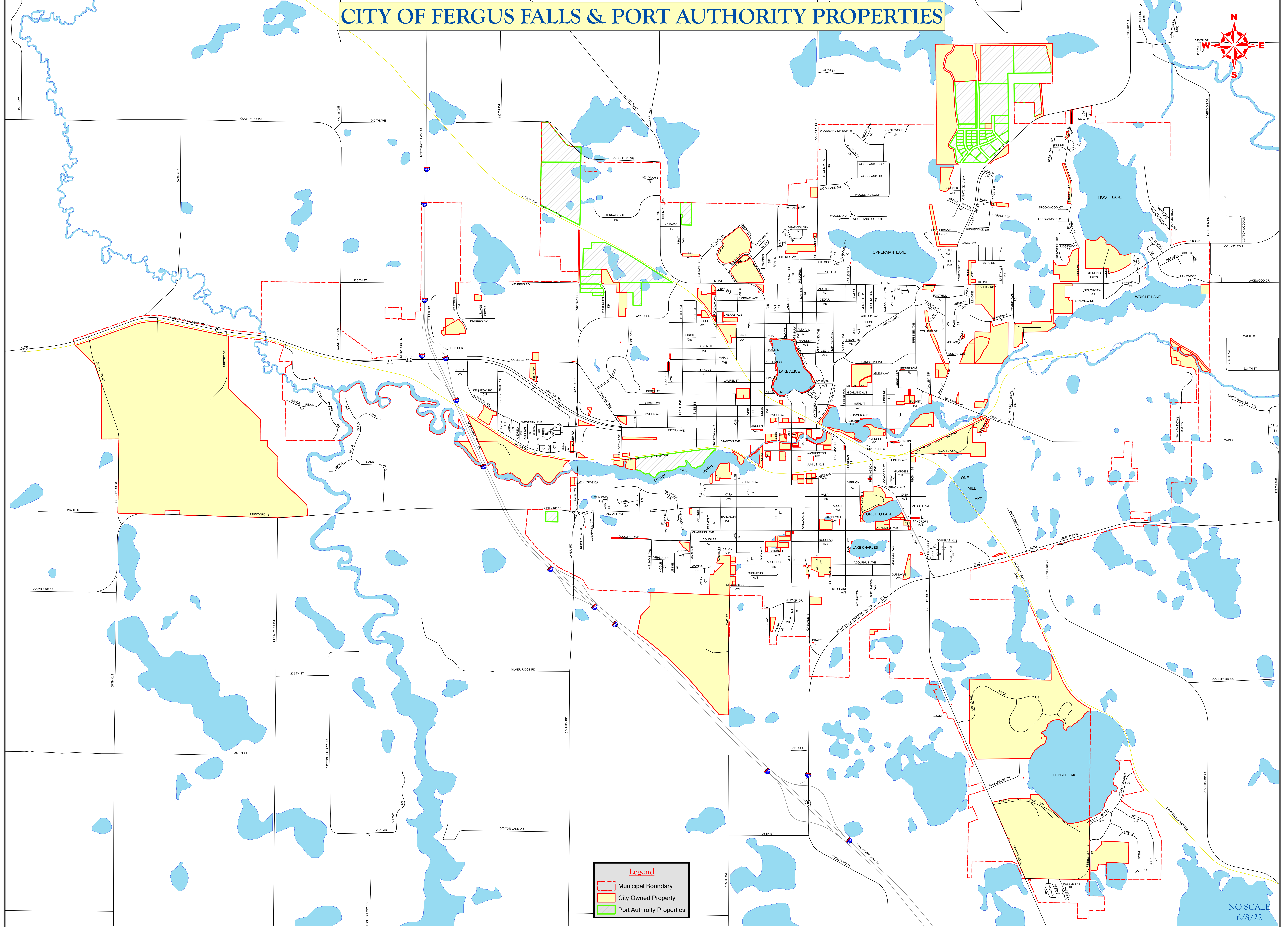
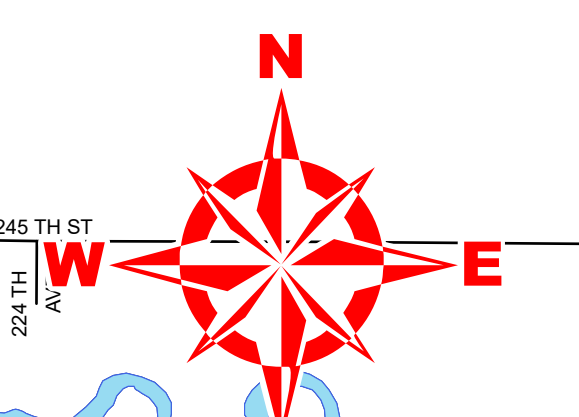
Originating Department:

Administration

Respectfully Submitted:

Andrew Bremseth, City Administrator

CITY OF FERGUS FALLS & PORT AUTHORITY PROPERTIES



Legend

- Municipal Boundary
- City Owned Property
- Port Authority Properties



City Council Action Recommendation

Page 1 of 1

Meeting Date:

June 15, Committee of the Whole

Subject:

Food Truck Ordinance

Recommendation:

Review the City's food truck ordinance and direct staff to perform updates for future discussion and approval by Council.

Background/Key Points:

In 2016, the City of Fergus Falls approved updates to City Ordinance related to the operation of food trucks. The current ordinance places restrictions on vending activities on Lincoln between Friberg and Oak, prohibits their presence near schools, and does not allow for a mobile food unit to connect to City utilities, among other restrictions.

Since 2016, the food truck industry has grown immensely, and City amenities encouraging the presence of food trucks have been added downtown. In light of the progression of the industry and City, updates to the ordinance and permitting process that contemplate the following should be considered for approval by Council:

1. A permitting process that ensures compliance with County and State regulations
2. A seasonal and temporary fee schedule
3. Option for connection to City utilities

City Staff will research County and State regulations for inclusion in a draft ordinance update and will connect with other municipalities regarding their ordinance and/ or permitting processes. City Staff will also engage local food truck operators and brick-and-mortar business owners in-person and through written updates while drafting to ensure relevant viewpoints are considered.

Budget Impact:

N/A

Originating Department:

Community Development

Respectfully Submitted:

Klara Beck
Community Development Manager

Attachments:

City of Fergus Falls Food Truck Ordinance
Park Vendor Permit

ORDINANCE NO. 40, SEVENTH SERIES

**AN ORDINANCE AMENDING CITY CODE CHAPTER 5.22
ENTITLED GENERAL PRESUMPTION, REGULATIONS AND
PROHIBITIONS BY ADDING SECTION (L) ENTITLED
MOBILE FOOD TRUCK PARKING.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 5.22 is hereby amended by adding Section (L) to read as follows:

(L) *Mobile Food Truck Parking.*

A. *Definitions.* For purposes of this Section, the following definitions shall apply:

(1) “*Mobile food truck*” and “*mobile food truck/vendor*” shall be defined as any self-propelled vehicle or fully contained trailer, licensed by the State of Minnesota to operate on public streets and roadways, which vends food (either prepackaged, prepared in the unit, or at a commissary) at retail for immediate consumption by the customer. Said vehicle and/or trailer may also be referred to herein as “*unit*”.

(2) “*Commissary*” shall be defined as a permanent, state-licensed location which services food trucks, including but not limited to the provisions of food storage, paper goods and supplies, waste and grease disposal and food preparation.

(3) “*Vend or Vending*” shall be defined as the process of the transfer of a food product from the unit operator to a customer. Vending begins when the unit initially stops in a location at which customers can access the unit and continues until the unit leaves that location.

B. *Restrictions on Vending Activity.*

(1) Mobile food trucks/vendors are prohibited from vending activity on Lincoln Avenue in the area bounded by Friberg Avenue to the east and Oak Street to the west within the City, and from vending activity on any public street or private property within 200 feet from a public or private school as measured from the outer property line of the public or private school.

(2) Mobile food trucks/vendors are prohibited from vending activities within 200 feet of a community event for which the City has issued a special event permit, unless they are specifically authorized by the event sponsor to participate in the event. The terms of the special event permit shall apply.

(3) Mobile food trucks/vendors are allowed to vend on public streets between the hours of 8:00 a.m. to 10:00 p.m. inclusive, and on private property between the hours of 7:00 a.m. to 10:00 p.m. inclusive, on all days of the week.

C. *Location or Placement.* Mobile food trucks/vendors shall be located or placed as follows:

(1) On public streets and in City public parks, no unit shall occupy more than two (2) parking spaces.

(2) In no case shall a unit vend while occupying a traffic lane, parked on a sidewalk, or in any location which obstructs or impedes traffic.

(3) The unit shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.

(4) The unit shall not vend to any person standing in the traveled portion of any public roadway.

(5) On public streets, no unit shall vend within 60 feet of the intersection of two or more public streets, nor within 30 feet of a driveway which enters onto a public street, except within designated areas authorized by the City.

(6) No unit shall vend while the unit is in motion.

(7) Connection of the unit to public utilities is not permitted.

(8) There shall be no overnight parking of food trucks on the public right of way.

D. *Dimensions.*

(1) No mobile food truck shall exceed 32 feet in length (overall length for a self-propelled vehicle; trailer length including the towing vehicle for self-contained trailers) or 14 feet in height.

E. *Signs and Appurtenances.*

(1) Mobile food trucks/vendors shall not employ or utilize any signs that are not attached directly to the vehicle/trailer. Signs may not project above the unit nor more than 2 feet from the side of the unit. No flashing, strobing or intermittent lighting is allowed.

(2) No external seating shall be provided or utilized except as may be provided by the owner, manager, or agent of any private property on which the unit may be properly located.

(3) Any generator used by the unit must be self-contained within or on the unit, screened from view, and operate at no more than 70 decibels.

(4) While vending, operator may not call attention to the unit by crying out, blowing a horn, ringing a bell, or playing music or other sounds discernible beyond the unit. Amplified sound is not permitted outside of the unit.

(5) Waste receptacle(s) must be provided by the unit operator and the vending site must be cleaned of all litter and garbage generated by the unit and customers before the unit leaves the location.

F. *Enforcement.* Any violation of this Section, including but not limited to the vending operation of a mobile food truck within the City without a license issued pursuant to this Section, shall be a misdemeanor punishable by up to a \$1,000.00 fine and/or 90 days in jail.

Section 2. *Effective Date.* The effective date of this ordinance shall be the 4th day of June, 2016.

THIS ORDINANCE was introduced on May 2, 2016, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the 16th day of May 2016, by the following vote:

AYES: Hurley, Spidahl, Hicks, Appert, Rachels, Fish, Arneson

NAYS: None

ABSTAIN: Schierer

ATTEST:

Andrew Bremseth

City Administrator

APPROVED:

Hal Leland

Mayor

Published in the Fergus Falls Daily Journal on May 20, 2016.



Permit Authorizing Sales in Parks

- *Permit is good for two days
- *\$15.00 per permit issued, if using city utilities
- *No fee, only registration required if not using city utilities

Name: _____

Phone: _____

Name of Park You Wish to Sell In: _____

Dates _____ Hours _____ am / pm to _____ am / pm

Utilities Requested: ___Water ___Sewer ___Electric ___None

I agree to follow all city rules and I have received permission to sell food products from the Department of Health.

Applicant Signature: _____ Date: _____

FOR OFFICE USE ONLY:

Date Received: _____ Fee Received (for utilities): _____

Approved: _____ Date: _____
Public Works Director

City Code 94.02 Public Parks and Recreation--Unlawful Acts

(D) (1) Expose or offer for sale any article or thing, or to station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing, or to sell, solicit or carry on any business, or to announce, advertise or call the public's attention in any way to an article or service for sale or hire in a park without first having obtained and secured from the Public Works Director a permit and pay the applicable permit fee as set by the City Council. Any permit obtained is valid for a period of two days.

(2) The Public Works Director shall issue a permit upon payment of the fee and upon finding that:

(a) The proposed activity or use of the park will not unreasonably interfere with or detract from the enjoyment of the park by other park visitors or disturb residentially zoned properties and park visitors in proximity to the park;

(b) The proposed activity or use of the park will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, comfort and recreation;

(c) The proposed activity or use of the park is not reasonably anticipated to entice violence, crime or disorderly conduct;

(d) The proposed activity will not entail unusual, extraordinary burden or expense for the city; or

(e) The facilities desired have not been reserved for some other use on the day and hour requested in the application.



Council Action Recommendation

Page 1 of 2

Meeting Date:

June 15, 2022 – Committee of the Whole

June 21, 2022 – City Council

Subject:

Stanton Avenue Reconstruction Improvement Project from Union Avenue to Broadway Avenue

Recommendation:

- Resolution initiating PI No.'s 5350, 7215, 8230
- Combined PI No.'s 5350, 7215, 8230 into CP 5959 – Stanton Avenue Reconstruction project from Union Avenue to Broadway Avenue
- Resolution Ordering the Preliminary Engineering Report (PER) for CP 5959
- Resolution accepting Moore Engineering professional services proposal for preparation of the Preliminary Design in the base amount of \$32,166

Background/Key Points:

The reconstruction of Stanton Avenue from Union Avenue to Broadway Avenue is on the horizon. With the planned redevelopment of the Old Flour Mill, and because of the existing condition of Stanton Avenue, I requested a proposal from Moore Engineering to prepare a Preliminary Design for this proposed project. This design will include information for use by the City staff in preparing the PER for this project area.

Existing street conditions are poor in part of this area due to the underlying soil conditions. Part of the existing 30" interceptor sanitary sewer (100' on either side of the Oak Street intersection) even had to be constructed on timber pilings to overcome potential settlement issues related to the extremely poor soil conditions.

This project is included in the City's "Capital Improvement Program" (2022-2026 CIP) for this year. It is necessary to initiate the project at this time to obtain preliminary information that will allow the City to coordinate with the schedule of planned future redevelopment in the area.

If accepted, Moore Engineering, as part of the Preliminary Design, will review the condition of the existing utilities and street and discuss action recommendations with City staff. Contact will also be made with other utility owners so that they can plan for any necessary relocations and/or upgrades to their systems.

Additional parking and access improvement locations for the Old Flour Mill redevelopment effort will be included in the preliminary design.

Budgetary Impact:

The estimated cost for this project is not determined at this time. Potential funding sources might be Municipal State Aid (street portion), enterprise funds (City utilities), special assessment, and/or a combination thereof.

Funding options will be reviewed after the completion of the PER and preliminary design.

Originating Department:

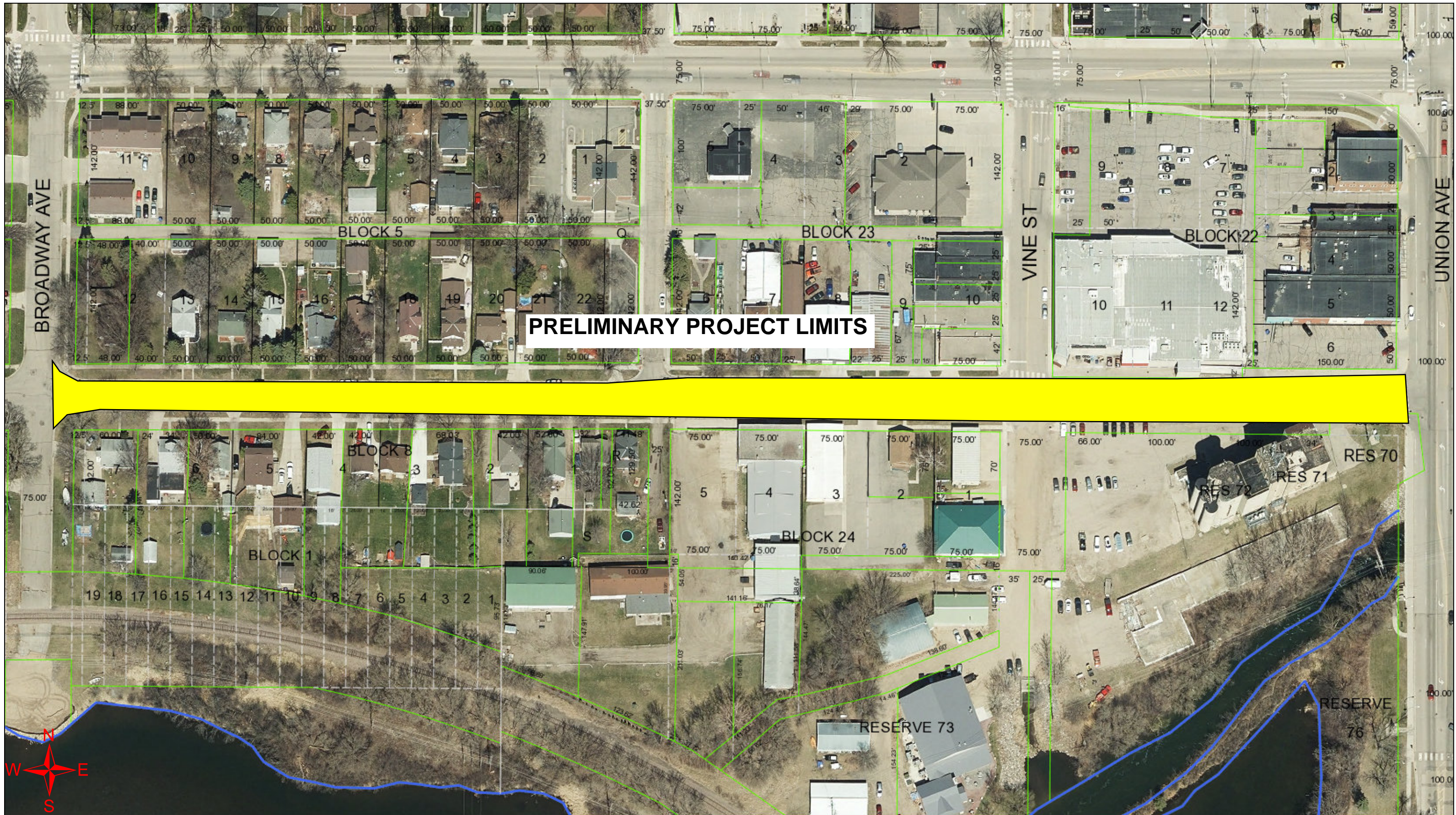
Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:

Project Location Map



PI 5350, 7215 & 8230 Street & Utility Replacement

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.



Council Action Recommendation

Page 1 of 1

Meeting Date:

June 15, 2022 – Committee of the Whole

June 21, 2022 – City Council

Subject:

PI No. 9351 –Instrument Landing System (ILS) Replacement Project

Recommendation:

- Resolution initiating PI No. 9351 –Instrument Landing System (ILS) Replacement Project
- Resolution accepting SEH’s professional services proposal for design in the amount of \$79,500.00

Background/Key Points:

The Instrument Landing System (ILS) at the Fergus Falls Municipal Airport needs to be replaced because the system is becoming obsolete and replacement parts are unavailable in many instances. The attached notification letter from MnDOT further explains the need for replacement. Through past correspondence with MnDOT, they indicated the FFM’s ILS is the second oldest system and possibly the oldest operating ILS system in the State.

In general, the City’s portion of work consists of the construction ILS equipment foundations and electrical power, etc. MnDOT Aeronautics has indicated the project is eligible for 70% funding from the State Airports Fund. The ILS equipment itself has been purchased and anticipated to be delivered this fall. MnDOT will be responsible for the equipment installation. SEH’s proposal accounts for a lot of coordination MnDOT and subconsultant work, such as soil borings which are required.

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 -City Share.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:

MnDOT Aeronautics ILS Notification Letter

February 17, 2022

**Alexander Habraken
Fergus Falls Airport
4005 Highway 210 West
Fergus Falls, MN 56537**

Dear Mr. Habraken,

As you may be aware many of the nav aids that are on our airports have reached the age of obsolescent. The ILS System located at your airport is in this situation. We are fortunate to have been given the budget at the end of FY21 to replace some of these older stations. I know my team has been working with you on this project but in reviewing our internal documents I am unable to locate where the city has asked for funding for this project. I encourage you to apply for a grant so this project may move forward.

We were notified in December that the model of ILS you have at your airport will not longer be supported by the manufacture. This is a major issue as we have very few parts and the manufacture will not work on or replace any of the components for your existing system. Your system is in excess of 20 years old which is the expected life of these systems. The manufacture will generally run the production for 20 years on a model and then support it for up to 10 years after production ends. Today we are beyond manufacture support, and it is time to replace the system with new.

For the airports part there is some civil work to be completed. This involves replacing the foundation for the localizer antenna and some under ground cabling. There may also be some foundation work on the sheds that house all the equipment. In your airports case there is also an issue with the Localizer antenna foundation this is going to require it to be replaced if the system is to stay operational. This needed work is also a requirement of the upgrade so the timing on this project lines up with this need.

With this project MnDOT Aeronautics will supply a new ILS station, including the Glide slope, localizer and related antennas and sheds for housing the electronics. We will also set it up and commission it with FAA at the airport, MnDOT will continue to own the station and maintain the station going forward. The airport is responsible for supplying the in-ground mounts and underground cabling as well as establishing all utilities need along with an access road to the site. MnDOT will establish electrical service and phone lines as needed with the appropriate utility and will pay those monthly service bills related to this station. The Grant you are requesting is for the base infrastructure required to setup this AWOS station.

The Civil work required to replace this ILS station is estimated to be \$250,000 or less. We are suggesting that you ask for this grant with the amount of \$250,000 and as your project comes together, we can fine tune those numbers. The grant split will follow the 2022 rates letter previously established.

For your convenience a sample of the grant request follows on the next page. Please reach out to me directly with any questions you may have as well wanting to discuss project timing and other related details.

Sincerely

Michael Hartell
Airport Operations Director
MnDOT Office of Aeronautics
michael.hartell@state.mn.us
651-485-3698 Office/Cell

Please send the following to your development engineer to request this project to move forward. The reply should be on City letter head, and it should be sent electronically to all parties in the original email.

Please note most Aero staff are working from remote locations and central mail is very slow to reach us.

Dear (Development Engineer)

The city of _____ formally requests to move forward with the replacement of ____ (navaid) _____. We understand that we will be responsible for the civil work involved in this project and for that we would like to request a design/engineering grant to work with our consultant.

We are estimating the total cost of design and civil work construction to be:
\$ _____

Thank you,



Council Action Recommendation

Page 1 of 2

Meeting Date:

June 15, 2022 – Committee of the Whole

June 22, 2022 – City Council

Subject:

PI No. 8232 – 750,000 gallon Ground Storage Reservoir (GSR) Replacement Project

Recommendation:

- Resolution initiating PI No. 8232
- Accept Interstate Engineering's professional services proposal in the amount of \$95,000.00

Background/Key Points:

Water storage facility assessments were completed in 1993 by Interstate Engineering and in 2018 by KLM Engineering to evaluate the condition of multiple City owned water storage facilities. Recently, the rehabilitation of the 1.5 million gallon Ground Storage Reservoir (GSR) tank was completed. The next phase scheduled is to replace the 750,000 gallon GSR located just Northeast of the Water Treatment Facility. This project is included in Year 2023 of the City's CIP.

The 750,000 gallon GSR tank was constructed in 1914. The 1993 report recommended replacement of the GSR in the coming years. The continuous 2018 report recommended the demolition and replacement of the GSR. City staff has maintained this facility in working order but it is at the end of its useful life and other storage facilities have been constructed to maintain fire flow requirements.

Because of this, I solicited Interstate Engineering and their sub-contractor Apex Engineering Group, Inc. (Apex) to evaluate the City's water distribution system. Initially, the plan was to follow the report recommendations mentioned above however, it was decided to pursue a holistic approach to this matter based on the following questions:

1. Is a new water storage reservoir needed to replace the 750,000-gallon GSR, which is scheduled to be demolished?
2. Can the WTP itself be modified to accommodate storage needs without a new GSR?
3. If needed, should the GSR be built in the same location or moved to a new location to better serve the city's water demands?

These questions and due diligence are best answered by developing a City wide water distribution digital model. The model will also be used to answer questions about potential system deficiencies, identify necessary improvements for future development, and plan for prospective, large water users.

The City has developed an inventory existing of the water system distribution within the GIS system. This inventory will greatly assist with the development of a City wide water distribution digital model.

Budgetary Impact:

This consultant fee will be allocated to the future project improvement costs and initially funded thru the water enterprise fund. Once the direction is known on how to proceed with the 750,000 gallon GSR. The estimated total costs and funding sources will be developed. This may include bonding or the State Public Facilities Authority (PFA) as options. Recently due to program deadlines, an application was submitted to the PFA to place this project on the Project Priority List (PPL) as a funding option however, there is no obligation to the City for this.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow - City Engineer

Attachments:

Resolution No. _____

**RESOLUTION AUTHORIZING THE CITY OF _____ TO
PARTICIPATE IN THE OTTER TAIL COUNTY EDA**

WHEREAS, Minnesota Statutes Section 469.1082 authorizes a County to form a county economic development authority if the County receives a recommendation to do so from a committee formed, pursuant to Minnesota Statutes Section 469.1082, Subdivision 2.

WHEREAS, in response to the committee's recommendation, the Otter Tail County Board of Commissioners established the Otter Tail County EDA (hereafter referred to as the Community Development Agency or CDA) in January 2019.

WHEREAS, the CDA's intent is to complement the services provided in Cities and Townships by collaborating and coordinating with local partners and expanding and enhancing existing services as appropriate.

WHEREAS, pursuant to Minnesota Statutes Section 469.1082, Subdivision 5, the area of operation of the CDA includes all cities and townships within the County that have adopted resolutions electing to participate.

WHEREAS, City of _____ supports the County's goals of supporting local businesses, expanding and diversifying the tax base and increasing employment opportunities within the County and the City.

WHEREAS, electing to participate in the CDA will serve the best interest of the City by providing additional resources for its businesses and by residents.

NOW THEREFORE, BE IT RESOLVED, that the City Council of _____ approves supporting and participating in the CDA.

Approved this _____ day of _____, 2020.

ATTEST:

Mayor

City Administrator