

City Council Minutes  
August 1, 2022

The Fergus Falls City Council held a regular meeting on Monday August 1, 2022, at 5:30 pm in the City Council Chambers. Pastor Doug Dent gave the invocation and the Pledge of Allegiance was recited. Mayor Schierer called the meeting to order at 5:33 pm and the following council members were in attendance: Kvamme, Rufer, Thompson, Arneson, Hicks, Fish, and Hagberg. Gustafson was absent.

### **Approval of Agenda**

A motion and second were made by Hicks and Thompson to approve tonight's agenda with the removal of the conditional use permit from the consent agenda and the motion carried.

### **Consent Agenda**

The following items were approved under **Resolution #154-2022** by Hagberg: Motion approving the minutes of the July 18, 2022 City Council meeting and the July 27, 2022 Committee of the Whole meeting. Motion approving the following licenses: Sign Hangar S.E.W. Enterprises; Quick Signs of Willmar. **Resolution #155-2022** calling for a public hearing on September 6, 2022 at 5:30 pm in the City Council Chambers for the refinancing of conduit debt for LB Homes. Motion appointing Cody Dock to the Natural Resources Commission. **Resolution #156-2022** authorizing staff to execute an underground electric power line easement with Otter Tail Power Company. **Resolution #157-2022** authorizing Amendment No. 1 to the Airport Management Agreement. **Resolution #158-2022** accepting Good Pointe Technology Inc. services contract in the amount of \$28,433 for the ICON pavement management system. **Resolution #159-2022** authorizing the city to enter into a one-time contract with the Matthew House to clean up Broken Down Dam Park. **Resolution #160-2022** approving a preliminary and final plat for River Oaks Landing Plat 3, a replat of River Oaks Landing Plat 2 as requested by Platte Properties and recommended by the Planning Commission. **Resolution #161-2022** approving an economic development loan in the amount of \$50,000 to TC Foods, LLC. The resolution was seconded by Fish and was adopted.

### **Conditional Use Permit**

Hicks asked if the applicant for a conditional use permit for a car wash to be located at 200 N Tower Road requested any other city services. The developer has not requested anything other than the conditional use permit which is required by City Code to operate in a B-2 zone. The City Engineer will be calculating water and sewer access charges for the business. Hicks offered **Resolution #162-2022** approving a conditional use permit for a car washing establishment in the B-2 zone at 200 N Tower Road as requested by Samuel Herzog and recommended by the Planning Commission, which was seconded by Kvamme and was adopted.

### **Ordinance 30, Eighth Series**

Community Development Manager Klara Beck shared the public input she received regarding proposed changes to the mobile food truck ordinance. 5 responses were received. Three were supportive of the proposed changes, one requested a license to address the issue food trucks do not pay property taxes and the third had had questions for the council to consider. Staff are recommending the ordinance changes be accepted as presented and the city add a license and fee to ensure compliance with county and state regulations for food trucks and a payment to cover the use of city utilities. It was suggested an annual fee of \$100 or a short-term (3 day) license fee of \$50 be implemented with

the license. Kvamme suggested the removing of screening generators also be removed as it would be difficult to enforce. Hicks suggested adding language that the noise level must comply with Minnesota statutes on noise levels. Staff will incorporate these changes into the second reading. Hagberg introduced Ordinance 30, Eighth Series, Mobile Food Trucks and it was declared to have its first reading.

### **Aquatics Center Report**

Mark Wentzell of the 292 Design Group presented the final aquatics center report. They were asked to review the previous study and update the cost estimates. The original project came in substantially higher than anticipated, so a new design was created to fit into the \$9.5 million budget. The aquatics center would be located within Roosevelt Park. The two historic park shelters would remain in their current location and there will be access points off both Randolph and Burlington. There will be 30 parking spaces on site in addition to the school lot across the street. The design calls for two pools. The lap pool will have four 75' lanes and will range from 4 feet to 11 feet in depth to allow for a climbing wall, swim lessons, water aerobics, outdoor recreation opportunities and competitive races. The leisure pool will start at zero depth and increase to four feet under the water slide. Funds have been budgeted for additional interactive water features to this area. The bathhouse will have separate changing and toilet areas, concessions, mechanical spaces and rooms for lifeguards. The entire facility will be ADA compliant.

Wentzell reviewed the conceptual cost estimate which includes site work, pool deck, building, site structures, landscaping, furniture and fixtures, pool construction, an optional second water slide, pool accessories and equipment. The estimated cost is \$6,885,000. They have budgeted for contingency funding and soft costs for a total project cost of \$9,501,300. An operations analysis was conducted with revenue projected at \$150,153 while expenses are expected to be \$278,050, leaving a difference of \$127,897. These numbers could change on the rate of pay used for staffing, the cost of memberships, day passes and rentals. Fish offered **Resolution #163-2022** approving the final aquatics center report, which was seconded by Hagberg and was adopted.

### **Election for Sales Tax Questions**

The city is proposing two sales tax questions on the November General Election ballot: improvements to DeLagoon Park and the construction of an aquatics center. The final language must soon be submitted to the County Auditor to meet the ballot printing deadline. Staff was recently asked to indicate the address of the aquatics center and clarify the timeframe for the sales tax questions. These changes will be implemented, and the council will be asked to weigh in on the final ballot question language at their August 15 council meeting.

### **Real Estate Policy**

At last week's Committee of the Whole meeting staff asked the council to consider a proposed real estate policy. The council was asked if they would like to continue their practice of getting a market analysis from a professional realtor or using an appraisal when asked to sell city owned property. After discussing the different types of land transactions, it was suggested wording be included to state the council has the discretion to request an appraisal. The City Charter states there must be a 10-day period of time between introducing the sale of city owned property and selling it. The council agreed this was reasonable as it is usually two weeks between meetings. The city would announce potential real estate sales on their website, in the council agenda packet and on real estate signs. There is no

legal obligation to publish such a notice in the newspaper. Staff will update the language for the council to consider at the August 15 council meeting.

### **Resolution of Accounts**

Fish offered a resolution authorizing the payments and claims in the amount of \$1,055,220.30, which was seconded by Hagberg and was adopted. Public Works Director Len Taylor was asked to comment on recent updates to the restrooms at Broadway Park.

### **Transitional Housing Update**

For the past year a subcommittee comprised of staff, Council and Planning Commission members have been studying the appropriate zoning for transitional housing in R-1 zones. The group concluded their initial conversation surrounding transitional housing focused too exclusively on a single user and the current avenues to operate transitional housing safely and legally are sufficient. They do not recommend any change to City Code at this time.

### **NEA Our Town Grant**

Springboard for the Arts is pursuing an application to the National Endowment to the Arts for an “Our Town” grant to fund a new phase of their Hinge Arts residency program. Instead of focusing on the former Regional Treatment Center, they would like an advisory partnership with the city to ensure the new Hinge programming complements the planning and economic development efforts of the city. Springboard Director Michele Anderson spoke about the new approach to focusing on arts and cultural organizations and the opportunities to partner with various organizations and businesses. A motion and second were made by Fish and Rufer to provide a statement of support from the Mayor and City Council for an application by Springboard to the Arts to the NEA’s “Our Town” grant program and the motion carried.

### **Fergus Falls Township Annexation**

PPTF, LLC requested the annexation of approximately 160 acres off Highway 116 into the city. The property is currently located in Fergus Falls Township and the council was asked to appoint a council member to visit with township officials and report updates back to the full council. The city could also include I-94 and accompanying right of ways in the area to square up the municipal boundaries. A motion and second were made by Hicks and Arneson appointing Anthony Hicks to serve as the council representative in the annexation discussions. More information about the potential project will be released once the company deems it is ready to be public.

The meeting adjourned to a closed meeting at 6:29 pm to discuss a real estate matter as allowed by Minnesota Statutes 13D.05, subd, 3(c).

*Lynne Olson*