

Committee of the Whole
April 26, 2023

The Fergus Falls City Council met as a Committee of the Whole on Wednesday April 26, 2023 at 7:00 am in the City Council Chambers. Mayor Schierer called the meeting to order and the following council members were in attendance: Rufer, Kremer, Thompson, Rachels, Hicks, Fish, Job and Kvamme.

Lead Service Lines

In 2022 the Environmental Protection Agency announced new rules requiring the removal of service pipes containing lead and copper. Lead was once commonly used in plumbing materials and new regulations are focused on removing these service lines to further improve public health. The new rule requires communities to identify lead service lines and develop a plan to mitigate the risk of using lead service lines until the service line can be replaced. Michael Bourland, from the Minnesota Department of Health explained the new regulations and reviewed the identification and inventory development, notification of customers, replacement of service lines and health effects. There are approximately 4,500 service lines in the city and staff are working on identifying the approximately 400 lines constructed of unknown materials. Updates will be brought back to the council.

No Mow May

The Natural Resources Advisory Committee has been considering implementing No Mow May. Residents could opt into the program with the intent to not mow their lawn in May so nutrients in the grass are available for pollinators. After hearing conflicting opinions on the proposal, the committee has decided to take more time to research the program and will bring a recommendation to the council at later time.

Donation to Fire Department

The Fire Department applied for a MDU Foundation grant to purchase two Sensit air monitors for natural gas leak or hazardous material calls. They received \$3,000 and plan to use \$1,000 from their equipment capital fund to cover the remaining cost. Council member Hicks offered an additional donation of \$1,000 from Green Plains to fully fund the equipment purchase. A motion and second were made by Fish and Hicks to accept the \$4,000 donations to the Fire Department for the purchase of two air monitors and to make any necessary budget adjustments and the motion carried.

City Council Retreat Follow Up

City Administrator Andrew Bremseth provided a recap of several discussion items from the April 13 council/staff retreat. No members of the public attended and neither council member from ward three was in attendance at this meeting.

Open Forum

The open forum is an opportunity for the public to comment on items not on the agenda. The council would like to amend the open forum to be included within the council meeting rather than holding it prior to the meeting. Many of the same rules would apply to the public comment period and additional suggested changes to the policy should be sent to staff for incorporation into policy that can be adopted by resolution. Fish supported the open forum policy to be adopted for City Council meetings as more council members are in attendance and have the time to discuss matters more robustly. A motion and second were made by Hicks and Rachels directing staff to review the city's open forum policy.

Minutes

Council members expressed an interest in staff providing short, summarized minutes for council and committee of the whole meetings and not transcribed notes. The entire meeting is available for viewing on the city's YouTube channel.

Adding Agenda Items

The city wants to provide as much information as possible to the public in the council packets. Staff will be deliberate about not bringing forward new agenda items unless a deadline needs to be met. Most items first go through the Committee of the Whole with action taken at the City Council meeting to allow time for public comment. The council was reminded City Code 31.27 (B) requires any new proposed items need the unanimous consent of the council to be added to an agenda.

Hicks left the meeting at 8:05 am.

Town Hall Meetings

Bremseth said he feels strongly there should be opportunities given to the public to participate in public meetings and to communicate with the city. At the retreat the council talked at great length about the current town hall meeting structure and ways to make them more successful and productive for the community. They would like to see a different format including opportunities for all council members to participate, perhaps on a quarterly basis and hosted by both ward members on a rotating basis rather than run by individual council members. While the council fully encourages dialogue with the community, they felt the current format implies these are official city events and this is not the best use of city resources. They expressed their interest in holding these events in another venue than the City Council Chambers. Bremseth said changing the format of these public input sessions is not intended to stifle free speech, but rather ensure the public is getting true and accurate information. He noted if the Mayor and each council member decided to host their own town hall monthly, that would be 108 additional meetings, which is impractical for the council, staff, and the public. Bremseth expressed his concerns with last week's townhall meeting where members of the public fielded questions from the group and provided inaccurate and misleading information. He cited the example where the public was told the aquatics center would take 26 years to pay off, when the actual prediction is 9 years.

Rufer agreed the City Council Chambers is not the appropriate venue for an individual to hold a town hall meeting and encouraged the meetings to be held in conjunction with other council members. Kremeier said he started the townhall meetings based on campaign promises he made to listen to the public. When he asked staff about holding a meeting, they were initially supportive but did not participate in the second event. He said he understood why staff could not attend every meeting and said all council members were welcome to participate. He asked the town hall meetings to be allowed to be held in the Council Chambers and felt limiting these events takes away the voice of the people. Mayor Schierer said staff is not trying to take away the opportunity for public interaction, but staff is relaying the conversation the council had on April 13 where all members attending were in unanimous consent a better format needs to be in place for meetings where the public is getting the correct information, in the best manner and in the most appropriate location.

Bremseth reiterated the public input is an essential function of the city. Staff would be happy to participate if the intent of the meeting is to share true and accurate information between the council

and the public. Last week members of the public spoke on behalf of the city and provided misleading, inaccurate “fake news” and that is not appropriate. Rufer felt it was unfortunate Kremeier did not attend the retreat to participate in this conversation and agreed spreading inaccurate information makes the city look bad. Kremeier said he learned of an opportunity to put a roof on his building after 5 pm and was unable to let staff know he was not able attend the retreat. Kvamme said it is a misconception the public does not have the ability to ask questions or raise issues with the council. The open forum policy was developed as a means for the public to communicate with the council and has been in place for many years. No question posed at the town hall would not have been available to the public at a council meeting or by simply contacting their council members. The council will have additional conversation about this topic at their May 1 meeting.

Code of Conduct

Bremseth said regional city administrators often communicate and a topic recently brought up was a code of conduct. The city of Alexandria provided their policy which staff adapted to comply with our charter and code language. At the retreat, council members were supportive of adopting a Code of Conduct Policy for Elected Officials. Staff plan to bring this proposed policy to the May 10 Committee of the Whole meeting for greater discussion and proposed changes were requested to the City Administrator’s office for consideration.

Mediation

A great deal of discussion at the retreat centered on the tension between the ward three council members. At that meeting Hicks had suggested Brent Thompson and Al Kremeier attempt mediation to get their relationship on track for the good of the city and the other council members agreed it was the council’s desire to offer the opportunity for those two to have a mediation session. Human Resources Director Mike Hartwell said the League of Minnesota Cities has a mediator and her services would be free due to the city’s membership in the organization. Kremeier said there is not an issue between himself and Thompson. He brought forward an issue on behalf of a resident of his ward in response to actions taken by Thompson and a resident of ward two brought forward their own concerns with Thompson separately. Schierer and Rufer both spoke in support of seeking the voluntary participation of both ward three representatives in mediation and the council will request official action for mediation at their May 1 council meeting.

The meeting adjourned at 8:32 am.

Lynne Olson