



City Council Agenda
May 1, 2023
5:30 pm in the City Council Chambers

Invocation – Pastor Duane Smith, Abundant Life
Pledge of Allegiance

- A. Call to Order
- B. Roll Call
- C. Approval of the Agenda
- D. Public Hearings
- E. Awarding of Bids
- F. Petitions and Communications
- G. Consent Agenda
 - 1. Motion approving the minutes from the April 17, 2023 open and closed City Council meetings and the April 26, 2023 Committee of the Whole meeting
 - 2. Motion approving licenses
 - 3. Resolution accepting donations to the Fergus Falls Fire Department for two air monitors and authorizing any necessary budget adjustments
 - 4. Motion directing staff to review the city's open forum policy
- H. Ordinance and Resolutions
 - 1. First reading of Ordinance 37, Eighth Series, Amending City Code Chapter 90.24 Noise Violations
 - 2. Resolution directing council members Kremeier and Thompson to participate in mediation
- I. Presentation of Claims \$727,647.92
- J. Board, Committee and Department Reports
- K. Reports from Staff and Administrative Officers
- L. Old Business/Unfinished Business
 - 1. Housing tax rebate program discussion
 - a. TENTATIVE ACTION: Resolution setting a hearing for housing tax rebates for May 15, 2023 and amending the city's criteria for the single and two family property tax rebate program
 - 2. Townhall meeting discussion
- M. New Business
- O. Miscellaneous Announcements

May 4 11:30 am Downtown Riverfront Phase II project ribbon cutting ceremony
May 10 7:00 am Committee of the Whole meeting
May 10 Special meeting of the City Council to hear an appeal of a denied THC license
(to be held immediately following the Committee of the Whole meeting)
May 15 5:30 pm City Council meeting

P. Adjournment

If you have special needs for accommodation, please call 332-5436 or TDD 1-800-627-3529
(Minnesota Relay Service).

The City of Fergus Falls holds an open forum session from 5:20-5:30 pm.
Those wishing to participate in the open forum must register by noon the day of the
City Council meeting in the City Administrator's office

City Council Meeting
April 17, 2023

The Fergus Falls City Council held a regular meeting at 5:30 pm in the City Council Chambers. Pastor Tim Molter 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 present: Rufer, Kremeier, Thompson, Rachels, Hicks, Fish, Job and Kvamme.

Approval of the Agenda

A motion and second were made by Thompson and Fish to approve tonight's agenda with the removal of item #6 from the consent agenda and the motion carried.

S.P. 5601-35 Public Hearing

Officials from MnDOT and SRF Consulting presented three design alternatives for the reconstruction and bridge replacement on Hwy 210 from 0.4 miles W of Junction WB I-94. Their preferred design is Option A which will feature three roundabouts, a trail and pedestrian access on each side of the bridge. The estimated project cost is \$16-\$17 million and the city's estimated share is \$700,000-\$750,000. The public hearing was opened at 5:46 pm.

- Written comment of supportive for the enhanced bike and pedestrian trails from Jake Krohn
- Wayne Hurley, 501 W Birch Avenue spoke in support of the project and said the trail is eligible for transportation alternatives funding to help offset the costs. He asked the council to consider extending the trail to the existing bike/pedestrian trail on Lincoln Avenue.

The hearing closed at 5:48 pm. Kvamme offered **Resolution #68-2023** approving the final layout of S.P. 5601-35, which was seconded by Hicks and was adopted.

TIF District 4-16

FM Bank is seeking a redevelopment Tax Increment Financing (TIF) district to demolish the former ShopKo building and build a new bank along with other business opportunities on the site. Tom Denaway from Baker Tilly reviewed the TIF plan, rationale for the request, timeline, revenue projections and outlined the statutory requirements that qualify the project as a Redevelopment TIF District. The total proposed budget is \$325,826 and includes the developer pay-as-you-go reimbursement for demolishing the building, city administrative fees, and other city TIF eligible uses. The TIF district would be in place for seven years. The public hearing was opened at 6:11 pm.

- Duwayne Cookman, 543 W Stanton asked why the council would consider TIF since it was his understanding the funding was meant to bring in new revenue.
- Lisa Workman, representing the Chamber of Commerce spoke in favor of TIF as an economic development tool to incentivize developers to revitalize blighted areas and attract new businesses to Fergus Falls.
- Laurie Mullen, 2840 Lakewood Drive felt it was wrong to ask taxpayers to fund the TIF funding request from FM Bank when other banks did not request it for their projects. She read statements about their profits and disputed the condition of the ShopKo building as blighted. She asked the council to oppose the TIF funding for FM Bank and to use available dollars to fund street improvements.
- NeTia Baumann representing Greater Fergus Falls spoke about their role in providing education and assistance to get a project done. She referenced the state statutes allowing banks to receive TIF funding and felt this is a good project to anchor a main corner of the city's

downtown corridor. She commented on the other businesses that would be housed on this site and their potential to expand the tax base.

- Wayne Hurley, 501 W Birch Ave did not express an opinion for or against the project but said this project would match the goals of the city's Downtown Master Plan.
- Jasmine Sonmor, representing Aura Fabricating spoke about the TIF funding they received to build their business and said TIF is an essential tool to overcome the barriers and provide a jump start to a project through this economic development tool. She felt this project would provide a snowball effect on other businesses to enhance the downtown area and supported the city providing the TIF funding.
- Lee Rogness, 212 Anna Court commented on the need to expand economic development opportunities and this project would expand the tax base of both the city and county. He felt the bank's plan to demolish, rather than redevelop the current building, was reasonable considering the building's condition and past use and felt this was a small investment that would see a large gain on the tax base. He said the application was vetted and was found to meet the terms of the state statute and he encouraged the city to see this as a positive economic development opportunity.
- Tasha Rohlfs spoke as the founder of Otter Cove and commented on the many philanthropic endeavors of FM Bank within the community and felt providing this TIF funding would be a way to support the bank in turn.

The public hearing closed at 6:40 pm. Fish offered **Resolution #69-2023** approving the creation of TIF District 4-16 as requested by FM Bank, which was seconded by Rufer. Kremeier responded to various speakers at the public hearing and reviewed the capital earnings of the bank. He was frustrated a financial institution is seeking public funding and suggested if the bank spent less on charitable donations, they would not need to use TIF funding. Hicks felt the bank could go forward with their project without these funds, asked why the bank has not shared any design plans and felt the building was in usable condition. He did not agree that the bank's charitable actions in the community should weigh into the council's decision. Mayor Schierer disagreed FM Bank was making any claim they should be given TIF because of their community support and said their purpose for requesting TIF is to remove a blighted building and replace it with not only their bank, but remarked this project will allow additional business opportunities on the new site while also creating an opening at their current site. Fish asked if any other banks would have been eligible for TIF funding had they requested it. Job felt the project could move forward without TIF funding and asked if their project conforms to the city's development plan and asked Baker Tilly to amend their memo. Kremeier shared a message sent to Council Member Job's employer asking to get her support on the project. He felt council member Rachels has a conflict of interest as he and the FM Bank President jointly own a trucking business building in another community. City Attorney Rolf Nycklemoe opined a conflict of interest exists if the council members receive a direct financial benefit to a project. Rachels clarified his role and said he did not have a direct financial interest in the FM Bank project. The resolution was called to a vote and was adopted by a 5-3 vote. Council members Rufer, Thompson, Rachels, Fish and Kvamme voted in favor while council members Kremeier, Hicks and Job voted in opposition.

CP 5959, Stanton Avenue Preliminary Cost Hearing

City Project 5959 is a street and utility reconstruction project proposed on Stanton from Union to Broadway. The city conducted an appraisal of the affected residents to ensure the value of the project will not adversely affect their property value. Affected residents and businesses were notified of the

project and their potential special assessments. The total project cost is estimated at \$2,801,807.76. The preliminary project public hearing opened at 7:00 pm.

- Darlene Reiter, 518 W Stanton asked if the city would guarantee the work would be done correctly and referenced the last time the project was done, it needed repair a year later.
- Phyllis Scharnberg, 517 W Stanton spoke in favor of the project and asked to see a diagram of the proposed work. She was supportive of removing trees, asked questions about the width of the sidewalk, access to the properties and whose responsibility it is for snow removal. She also expressed concerns with the speed of traffic and semi-trucks using this roadway.
- Rochelle Bartels, 529 W Stanton wanted more clarification on the project and felt the letter residents received was confusing. She asked if the project would be addressing the streets as well as the utilities. She asked about access, sidewalks, her driveway, and snow removal. She addressed the condition of the soils below the surface and was in favor of removing the large “humps” that have developed in the roadway.
- DuWayne Cookman, 543 W Stanton lives on a corner lot and asked why he would be charged an assessment for each side of his lot. He was concerned with the proposed sidewalk coming within 10 feet of his front door and felt a sidewalk would benefit the city more than the homeowner. He expressed concerns with snow removal, the pilings that haven’t settled from past road improvements and the multiple water main line breaks along this roadway.
- Cecila Schumacher, 543 W Stanton was concerned with being assessed for a lot and a half and felt this project was infringing on their home and she was not in favor of removing trees or proceeding with the project.
- Don Reiter, 518 W Stanton said when Stanton Avenue was installed in 1984 the city had to dig it up again one year later and he wanted a guarantee the project would work.

The public hearing closed at 7:15 pm. City Engineer Brian Yavarow will craft responses to the questions posed tonight and use the feedback to refine the plans prior to the final design. He explained this is a total reconstruction project of the street and utilities which will require replacing the unsuitable materials below the street surface. The sidewalk is a part of the Glacial Edge Trail path to connect the downtown riverfront project to the former dairy site. He reviewed the proposed timeline and next steps. Rachels offered **Resolution #70-2023** ordering the project plans and specifications for CP 5959, the Stanton Avenue: Union to Broadway street and infrastructure project, which was seconded by Hicks and was adopted.

PI 5314 Award Bid

The low bid for PI 5314, the Union and Lincoln Avenue street improvement project was received from Mark Sand and Gravel in the amount of \$1,950,424.01. The city is waiting for MnDOT to finalize their bid approval. The total estimated project cost is \$2,438,024. The federal share is \$816,000, the state share is \$1,560,423 and the local share is \$61,600. Hicks offered **Resolution #71-2023** awarding the construction services contract for PI 5314, the Union and Lincoln Street improvement project to Mark Sand & Gravel in the amount of \$1,950,424.01 contingent upon receiving all remaining state approvals, which was seconded by Thompson and was adopted.

Arbor Day Proclamation

Mayor Schierer read a proclamation declaring April 28 as Arbor Day.

Consent Agenda

The following items were approved under **Resolution #72-2023** by Rufer: Motion approving the minutes from the April 3, 2023 City Council meeting, the April 12, 2023 Committee of the Whole meeting and the April 13, 2023 Council/Staff retreat. Motion approving the following licenses: Fireworks Display I-94 Speedway for June 30 at the I-94 Speedway; Mechanical Dakota Plains Mechanical, Legacy Plumbing; Minnesota Lawful Gambling Permit Fergus Falls Rotary Foundation for a raffle on May 31 at 622 E Vernon Avenue. Motion appointing Barry Heinen to the HRA Board for a five-year term. **Resolution #73-2023** approving a \$50,000 Economic Development loan to Daniel and Kathryn Rosendahl as recommended by Business Development for Fergus Falls. **Resolution #74-2023** approving budget adjustments. **Resolution #75-2023** approving the upgrade of the city's computer system i Power 9 computer to a Power 10. **Resolution #76-2023** approving a Memorandum of Agreement between the State of Minnesota and Local Governments and authorizing participation in national opioid settlements. **Resolution #77-2023** accepting project plans and specifications for CP 5960, the 2023 Street and Utility Improvement Project No 1 and authorizing the advertising of bids. **Resolution #78-2023** authorizing the City Engineer and city Attorney to execute the permanent and temporary easement agreements with United States of America, acting by and the Administrator of General Services for PI 9767, the Downtown Riverfront Phase II project. **Resolution #79-2023** setting the final cost hearing for PI 6079, the 2022 Sidewalk Program for May 15, 2023 at 5:30 pm in the City Council Chambers. **Resolution #80-2023** accepting a \$2,500 donation from Inga Johnson Endowment Fund with West Central Initiative and approving the related 2023 budget adjustments to the General Fund donations and Park and Recreation expenditures. **Resolution #81-2023** authorizing staff to accept the Outdoor Lighting and Municipal Services Agreement between the City of Fergus Falls and Otter Tail Power Company for PI 9767, the Downtown Riverfront Project Phase II, East block site improvements. The resolution was seconded by Fish and was adopted.

After clarifying the proposed timeline to amend the city code, a motion and second were made by Hicks and Thompson directing the City Attorney to amend City Code 90.24 (B), Time of Allowed Construction Activities.

Ordinance 36

Ordinance 36, Eighth Series, Vacation of drainage and utility easement was adopted by a roll call vote.

Maintenance Operations Supervisor

The city is proposing the addition of a Maintenance Operations Supervisor position at the community arena to maintain and staff year-round ice operations. 2023 will be the first year of running year-round ice after the permanent chiller was installed. This person will be a city employee with benefits that will be allocated similarly to other arena contracts: ISD #544 33%; Fergus Falls Hockey Association 38%; Fergus Falls Skating Association 11.50%; City of Fergus Falls 17.50%. The city intends to market and sell ice time to outside users which will help off-set the cost and the of the new position aligns with the city's priority work of maintaining current assets. Fish offered **Resolution #82-2023** approving the creation of a Maintenance Operator Supervisor position at the community arena, which was seconded by Rachels and was adopted.

Resolution of Accounts

Fish offered a resolution authorizing the payments and claims in the amount of \$1,504,984.56, which was seconded by Rachels and was adopted.

Naming Rights for Phase II Downtown Riverfront Project

The Downtown Riverfront Phase II fundraising group is seeking authorization to implement a Naming Rights Policy for this phase of the project. Hicks asked the verbiage stating the committee has the right to decline donations be removed from the policy. Hicks offered **Resolution #83-2023** approving Naming Rights Policy for use by the Phase II Fundraising Committee, with the proposed amendment, which was seconded by Rufer and was adopted.

Review of April 13 Council/Staff Retreat

City Administrator Andrew Bremseth provided an overview of the April 13 staff/council retreat. The conversation centered on policy, process, roles and responsibilities. The council discussed their projects and priorities and plan to focus on streets and infrastructure projects, including finding additional revenue sources for these projects, planning for capital expenditures and equipment, prioritizing the maintenance of current city assets, and technology needs of the city. More information including a proposed Code of Conduct for Elected Officials will be discussed at the April 26 Committee of the Whole meeting.

The meeting adjourned at 7:48 pm

Lynne Olson

Open Forum

Kenneth Barros, 124 W Cherry Avenue recently moved to Fergus Falls and asked the city to investigate the vehicle speed along Cherry Avenue. He expressed his concern for the children and pedestrians in the area and suggested a stop sign be placed on Cherry at North Park Street and other measures taken to slow down traffic in the area. City staff were directed to take the comments under advisement.

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

FOR COUNCIL MEETING — MAY 1, 2023

APPROVALS ON ALL LICENSES ARE CONTINGENT UPON PAPERWORK BEING FILLED OUT CORRECTLY AND COMPLETELY, AND ALL INSURANCES AND BONDS BEING CURRENT.

Food Truck Permit

Lone Pine Soup Co. LLC

Paving/Sidewalk

Barry Brothers Masonry Inc.



Council Action Recommendation

Page 1 of 1

Meeting Date: Committee of the Whole 04/26/2023
City Council 05/01/2023- **UPDATE**

Subject: MDU Resources Foundation monetary donation to the Fire Department

Recommendation: Council to approve the acceptance of a **\$4,000 donation** to the Fire Department for the purchase of 2 air monitors.

Background/Key Points: The Fire Department needs updated air monitoring equipment for hazardous material calls. Through cooperatively working with Great Plains Natural Gas we learned of their parent company, MDU Resources, foundation grant. The Fire Department applied and was successful in receiving partial funding for our project. The Fire Department plans to purchase two Sensit air monitors, which is like equipment to one we currently have and to our gas utility. This makes for a more seamless operation during a natural gas leak or other hazardous material calls.

Budgetary Impact: Each monitor costs approximately \$2,000. ~~The Fire Department will use funds from its equipment capital fund to cover the remaining cost.~~

04/26/2023 UPDATE: At the April 26, 2023 Committee of the Whole meeting, Council Member Hicks offered an additional \$1,000 donation from Green Plains to fully fund both air monitors rather than using equipment capital funds for a total of \$4,000 in donations.

Originating Department: Fire

Respectfully Submitted: Ryan Muchow

Attachments:

Open Forum Registration

City of Fergus Falls

A written request to address the Council at the Open Forum must be filed and received in the City Administrator's office by noon the day of the City Council meeting. The Open Forum is held from 5:20-5:30 pm.

Today's Date: _____ **Date wishing to speak:** _____

Name: _____

Address: _____

Issue you wish to address with the Council:

Action you would like to see taken by the Council:

If you would like to be contacted regarding this issue, please provide the following:

_____ and/or _____

Phone Number

Email Address

I have read the City of Fergus Falls Open Forum Policy (see back) and agree to comply with the rules as outlined:

Must be signed

Open Forum Policy

1. The open forum is an opportunity to address the Fergus Falls City Council regarding a city business item that is not on the agenda of a regular meeting. The open forum will be held from 5:20-5:30 pm the day of a scheduled city council meeting and the time is to be used to talk about an issue, not to make a presentation.
2. A written request to participate in the open forum must be filed with the City Administrator's office by noon the day of the City Council meeting. The form must be filled out with the participant's name, address, and a brief detailed statement of the comment or issue to be addressed.
3. When addressing the council, participants shall stand at the podium and speak into the microphone. Each participant shall begin by stating their name and address.
4. Speakers will be limited to a maximum of THREE minutes.
5. All remarks should be directed to the City Council. The Mayor may limit the number of individual presentations on any issue to accommodate time set aside for the open forum session.
6. Open forum comments may be limited if they become redundant, repetitive, irrelevant, argumentative, disrespectful, disparaging, harassing, abusive, discriminatory, or do not relate to official city business. Participants shall conduct themselves in a professional, courteous manner and refrain from the use of profanity.
7. The open forum must not be used to make personal attacks on the Mayor, Council, city staff, members of the public, or any business.
8. It is inappropriate to use the open forum to make political endorsements, political speeches or for any political campaign purposes.
9. The council will generally not engage in debate or dialogue with speakers during the open forum session and may refer the issue to staff or ask that it be scheduled on a future agenda, if necessary.
10. Speakers will not be permitted on the same subject more than 2 times within a 12-month period.
11. All materials to be discussed, including photos, must be submitted at the time of the request submission. The use of city technology during the meeting is not allowed.

*This open forum policy was adopted on April 16, 2018
Resolution #79-2018*

ORDINANCE NO. 37, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CITY CODE
CHAPTER 90.24 NOISE VIOLATIONS OF THE
CITY CODE.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 90.24 (B) (3) is hereby amended to read as follows:

(3) *Construction activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment during the following times:

- (a) Between the hours of 10:00 p.m. and 7:00 a.m., in non-residential zones.
- (b) Between the hours of 10:00 p.m. and 7:00 a.m. on weekdays in residential zones.
- (c) Between the hours of 9:00 p.m. and 8:00 a.m. on weekends in residential zones.

Section 2. Effective date. The effective date of this ordinance shall be the _____ day of _____, 2023.

THIS ORDINANCE was introduced on the _____ day of _____, 2023, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 2023, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on _____.

4/25/2023

TO: Committee of the Whole
FROM: Mike Hartwell
Human Resources Director
RE: Retreat Action Item

To all:

One of the action items that stemmed from the council/staff retreat was to find a capable mediator to help resolve conflict within the governing body of the city council. The League of Minnesota Cities provides mediation services at no charge to membership cities. The below professional has been contacted and is committed to assisting with providing mediation services as requested.

Aimee Gourlay, JD is the Collaboration Services Manager for the League of Minnesota Cities Insurance Trust. She has helped organizations resolve disputes, solve problems, and manage conflict for more than thirty years. Her specialties include understanding systemic roots of conflict and supporting people to communicate across worldviews. She is well known for facilitating processes that involve high emotions and multiple stakeholder groups. Her work for the League includes conflict assessments, consulting, facilitation, and mediation to help cities manage risk. Before joining the League, Aimee worked on many public issues: land use, watershed management, nonprofit organizations and teams within state and local government, systemic racial discrimination claims, allocation of public resources, legislative policy making dialogue, and environmental permitting. She is also a Senior Fellow at the nationally ranked Dispute Resolution Institute at Mitchell Hamline Law School, teaching Negotiation and Mediation skills courses.

RESOLUTION ALLOWING CLAIMS & ORDERING PAYMENT THEREOF

WHEREAS, THE CITY ADMINISTRATOR HAS AUDITED AND THE DEPARTMENTS HAVE APPROVED THE FOLLOWING CLAIMS AGAINST THE CITY OF FERGUS FALLS, AND HAVE CERTIFIED THAT SUCH CLAIMS ARE PROPERLY PAYABLE BY THE SAID CITY, AND THAT THE SAID CITY ADMINISTRATOR HAS VERIFIED SUCH CLAIMS TO BE PAID AND HAS SATISFIED HIMSELF THAT SUCH BILLS AND CLAIMS ARE PROPER CHARGES AGAINST THE CITY OF FERGUS FALLS;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FERGUS FALLS, MINNESOTA, THAT THE FOLLOWING BILLS AND CLAIMS BE AND THEREBY ARE, ORDERED PAID OUT OF THE FOLLOWING FUNDS:

General

| | | |
|------------------------------|---------------------------------|----------|
| A-1 LOCK & KEY LLC | APRIL KEYED NEW LOCK, FLAG POLE | 111.00 |
| PBBS EQUIPMENT CORP | TROUBLE SHOT FLAME FAILURES | 1,038.75 |
| AMERITAS | APRIL DENTAL INSURANCE | 3,965.87 |
| SEAN ANDERSON | CLEANING WEEKS OF APRIL 10-17 | 436.08 |
| AVESIS THIRD PARTY ADMIN INC | MAY VISION INSURANCE | 30.14 |
| BANKCARD CENTER | BATTERIES | 23.52 |
| BANKCARD CENTER | C.HALL DIAG.KIT FOR CLOSET | 250.10 |
| BANKCARD CENTER | DELANEY/JOHNSON/KITZMAN POST R | 270.00 |
| BANKCARD CENTER | ELDIEN RETIREMENT PLAQUE | 75.00 |
| BANKCARD CENTER | ESTEP POST LICENSE | 90.00 |
| BANKCARD CENTER | FEBRUARY FACEBOOK AD-POLICE | 27.58 |
| BANKCARD CENTER | FEBRUARY HELMET FLASHLIGHTS | 336.50 |
| BANKCARD CENTER | FEBRUARY MEETING-EARTH MONTH | 17.01 |
| BANKCARD CENTER | FLASH DRIVES AND DUPLICATOR | 169.68 |
| BANKCARD CENTER | G. COURSE, JET PUMP | 408.01 |
| BANKCARD CENTER | GEISZLER UNIFORM PURCHASE | 1,199.00 |
| BANKCARD CENTER | HOHRMAN/LIEN/MATTER/MATTSON | 360.00 |
| BANKCARD CENTER | IPHONE CORDS | 19.78 |
| BANKCARD CENTER | JB ELECTRIC HALLWAY LIGHT LABO | 80.00 |
| BANKCARD CENTER | JOB FAIR SUPPLIES | 121.20 |
| BANKCARD CENTER | KITCHEN SUPPLIES | 34.32 |
| BANKCARD CENTER | LIC RENEW B0755973 J.SCHUETZLE | 65.00 |
| BANKCARD CENTER | MARCH ADOBE CREATIVE CLOUD | 39.99 |
| BANKCARD CENTER | MARCH AUGER-WINTER DRAFTING | 159.95 |
| BANKCARD CENTER | MARCH CAR WASHES | 17.98 |
| BANKCARD CENTER | MARCH EMT RECERTIFICATION | 25.00 |
| BANKCARD CENTER | MARCH EMT REFRESHER COURSE | 159.99 |
| BANKCARD CENTER | MARCH MAINTENANCE SUPPLIES | 91.53 |
| BANKCARD CENTER | MARCH MEETING-PLANNING MTG | 17.89 |
| BANKCARD CENTER | MARCH MN ENTREPRENEUR INNOVATI | 65.00 |
| BANKCARD CENTER | MARCH ON SCENE SUPPLIES | 20.37 |

General

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| BANKCARD CENTER | MARCH PLT SERVICES | 370.00 |
| BANKCARD CENTER | MARCH POSTAGE | 18.05 |
| BANKCARD CENTER | MARCH SAFETY & LOSS CONTROL | 20.00 |
| BANKCARD CENTER | MARCH SEWING MACHINE-GEAR REPA | 180.00 |
| BANKCARD CENTER | MARCH SPEAKERPHONE MICROPHONE | 103.00 |
| BANKCARD CENTER | MARCH STORAGE TOTES | 23.98 |
| BANKCARD CENTER | MARCH SURGE PROTECTOR | 50.99 |
| BANKCARD CENTER | MARCH TONER, 32GB FLASH DRIVE | 60.98 |
| BANKCARD CENTER | MARCH WILDLAND ACADEMY-HOVE | 810.00 |
| BANKCARD CENTER | MILLER POST LICENSE RENEWAL | 90.00 |
| BANKCARD CENTER | MISC CHARGES/REIMBURSE TO CITY | 43.98 |
| BANKCARD CENTER | MOBILE MOULTRIE MONTHLY FEE | 9.99 |
| BANKCARD CENTER | MONTHLY ADOBE MEMBERSHIP | 10.73 |
| BANKCARD CENTER | NUISANCE IMAGE STORAGE | 9.99 |
| BANKCARD CENTER | OFFICE SUPPLIES | 10.29 |
| BANKCARD CENTER | OFFICER LUNCH MEETING | 170.60 |
| BANKCARD CENTER | PLUMBING PARTS G. COURSE | 195.34 |
| BANKCARD CENTER | POSTAGE MACHINE SUPPLIES | 21.95 |
| BANKCARD CENTER | SHIPPING FEES | 29.30 |
| BANKCARD CENTER | SONSTEBO UNIFORM PURCHASE | 234.51 |
| BANKCARD CENTER | TONER | 376.99 |
| BANKCARD CENTER | WEST UNIFORM PURCHASE | 130.00 |
| BANKCARD CENTER | WEST/BERGREN TRAINING MEALS | 23.93 |
| BANKCARD CENTER | 03/18/23-03/17/24 ZOOM FEE | 149.90 |
| BUILDERS FIRSTSOURCE INC | APR CEILING TILE-OFFICE,GARAGE | 560.98 |
| BUILDERS FIRSTSOURCE INC | APR FRP WHITE SMOOTH,NAILS,CAP | 1,742.79 |
| CAPITAL IMPROVEMENT FUND | PI 5333 (101-49390-720) | 132,145.47 |
| CAPITAL IMPROVEMENT FUND | PI 5335 (101-49390-720) | 28,180.88 |
| CARR'S TREE SERVICE, INC. | APR CHAINSAW SAFETY TRAINING | 180.00 |
| CARR'S TREE SERVICE, INC. | JAN 10 GUSTAVUS TRIM CREW | 9,975.00 |
| CARR'S TREE SERVICE, INC. | JAN 16 TRIMMING CREW | 9,476.00 |
| CARR'S TREE SERVICE, INC. | JAN 23 TRIMMING CREW | 2,369.00 |
| CHARTER COMMUNICATIONS | 02/13-03/12/23 INTERNET | 10.00 |
| CHARTER COMMUNICATIONS | 04/04-05/03/23 CABLE | 52.62 |
| CHARTER COMMUNICATIONS | 04/13-05/12/23 INTERNET | 129.99 |
| CHARTER COMMUNICATIONS | 04/13-05/12/23 IP ADDRESS | 19.99 |
| COATINGS UNLIMITED LLC | PREP/APPLY COATING.C.HALL | 1,029.00 |
| COMMERCIAL REFRIGERATION SYS | ARENA, HT-717 OIL | 495.00 |
| COMMISSIONER OF REVENUE | 2023 MARCH SALES TAX | 55,762.00 |
| COOPERS TECHNOLOGY GROUP | APRIL CALCULATOR RIBBONS | 41.04 |
| COOPERS TECHNOLOGY GROUP | APRIL MECHANICAL PENCILS | 8.91 |
| COOPERS TECHNOLOGY GROUP | APRIL WALL CLIPS-FABRIC PANELS | 25.74 |
| DACOTAH PAPER CO | BLEACH,CLNR,DETGNT,BOWL CLNR | 388.16 |

General

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| DACOTAH PAPER CO | BLEACH, DETGNT, 409 SPRAY | 278.09 |
| DACOTAH PAPER CO | CAN LINERS | 304.52 |
| DACOTAH PAPER CO | HOUSEHOLD TOWEL | 130.68 |
| DACOTAH PAPER CO | PARK AREAS DOG BAGS | 145.20 |
| DAILY JOURNAL | MARCH HEARING/I-94 PROPERTIES | 86.63 |
| DAILY JOURNAL | MARCH HEARING/VECTOR WINDOWS | 96.25 |
| DAKTRONICS INC | SCORE BOARD | 53,564.00 |
| EQUIPMENT FUND | MAY EQUIPMENT RENT | 114,157.90 |
| 59 FINISHING INC | APR PAINT FLOWER POTS (BLACK) | 75.46 |
| 59 FINISHING INC | APR SIGN/SIGN STAND/MISC BLACK | 367.25 |
| JOHN DEERE FINANCIAL | CHAIN SPRO, TIGHTNER | 485.99 |
| FASTENAL COMPANY | APR ARENA HVAC FILTERS MONTE | 594.20 |
| FASTENAL COMPANY | APR PARK SAFETY VENDING | 26.53 |
| FASTENAL COMPANY | APR STREET SAFETY VENDING | 26.53 |
| FASTENAL COMPANY | APR 1/4" AND 5/16" HARDWARE | 11.09 |
| GOODIN COMPANY | FEM AERATOR-GOLF COURSE | 4.82 |
| GRAINGER INC | APR WARMING HOUSE EXTIN CABINE | 48.60 |
| GREAT PLAINS NATURAL GAS CO | APRIL NATURAL GAS EXPENSE | 311.70 |
| GREATER FERGUS FALLS CORP | 2ND QTR 2023 BUDGET ALLOCATION | 12,500.00 |
| HES INC | ASBESTOS ABATE.1079 E WASHING. | 1,975.00 |
| HOME DEPOT CREDIT SERVICES | APR FOLDING SAWHORSES TOM G | 79.96 |
| HOME DEPOT CREDIT SERVICES | APR MAILBOX REPAIR PARTS FROM | 227.85 |
| HOME DEPOT CREDIT SERVICES | APR MOULDING, ANGLE VALVE, WAX | 33.50 |
| HOME DEPOT CREDIT SERVICES | APR PEGBOARD/HARDWARE CITY HAL | 71.93 |
| HOME DEPOT CREDIT SERVICES | APR WALL CLEANER/PAINT SUPPLIE | 52.37 |
| HOME DEPOT CREDIT SERVICES | APR 3/4" NIPPLE (CITY HALL) | 7.58 |
| HOME DEPOT CREDIT SERVICES | APRIL BUNDLE OF GRAD STAKES | 26.94 |
| HOME DEPOT CREDIT SERVICES | APRIL FLOWERS | 18.90 |
| HOME DEPOT CREDIT SERVICES | APRIL HOLLOW BRAID POLY | 15.98 |
| HOME DEPOT CREDIT SERVICES | APRIL MULTI-TOOL BLADE KIT | 41.97 |
| HOME DEPOT CREDIT SERVICES | APRIL POLY CORD CLOTHES LINE | 21.96 |
| HOME DEPOT CREDIT SERVICES | APRIL TRUFUEL | 41.88 |
| HOME DEPOT CREDIT SERVICES | APRIL WOVEN MINI 6PK, ZINC BOLT | 17.48 |
| LAKE REGION HEALTHCARE CORP | BLOOD DRAW/JOHNSON 23000785 | 80.00 |
| LAKE REGION HEALTHCARE CORP | MARCH PRE-EMPLOY DRUG SCREEN | 37.50 |
| LAKE REGION HEALTHCARE CORP | MARCH RANDOM DRUG SCREEN | 75.00 |
| LAKES COUNTRY SERVICE COOP | ASBESTOS SAMPLE 112 W WASHING. | 418.68 |
| LEAGUE OF MN CITIES INS TRUST | MARCH/INDEMNITY-272446 | 1,285.04 |
| LOCATORS & SUPPLIES INC | SWEATSHIRT ORANGE CLASS 3 | 44.99 |
| M-R SIGN COMPANY INC | APR STOP SIGN FACES | 260.54 |
| MARCO TECHNOLOGIES LLC | COPIER CONTRACT 4/10-5/10 | 355.61 |
| MEDTOX LABORATORIES INC | MARCH PRE-EMPLOY DRUG SCREEN | 33.40 |
| METRO SALES, INC | 03/18-04/17/23 COPIER RENT | 152.98 |

General

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| METRO SALES, INC | 03/18-04/17/23 COPIER USAGE | 32.28 |
| MIDWEST PRINTING COMPANY | BUILDING PERMITS | 600.00 |
| MINNESOTA ASA/USA SOFTBALL | 2023 ADULT TEAM REGISTRATION | 750.00 |
| MINNKOTA ENVIROSERVICES INC | MARCH SHREDDING | 47.20 |
| MINNKOTA ENVIROSERVICES INC | MARCH SHREDDING SERVICE | 41.30 |
| NYCKLEMOE & ELLIG, P.A. | MAY RETAINER FEE/OFFICE ALLOW | 7,245.83 |
| NYCKLEMOE & ELLIG, P.A. | 2022 FILING FEE/MEMBER APPOINT | 300.00 |
| OFFICE OF MNIT SERVICES | APRIL INTERNET USAGE | 274.48 |
| OTTER TAIL COUNTY HIGHWAY DEPT | ELEC LIGHTS ALCOTT RND A BOUT | 23.91 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF TAXES/522 E HAMPDEN | 185.00 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | 1,096.00 |
| OTTER TAIL CO. TREASURER'S OFC | 2023 PROPERTY TAXES | 96.00 |
| OTTER TAIL POWER COMPANY | FEBRUARY BILL INSERTS | 486.16 |
| OTTER TAIL POWER COMPANY | TOW STICKER | 191.91 |
| POLICE DEPT CONTINGENCY FUND | CHIEFS CONFERENCE TRNG MEALS | 67.87 |
| POLICE DEPT PETTY CASH | WATER FOR OPEN HOUSE | 26.97 |
| REACH MEDIA NETWORK | PLAYER LICENSE RENEWAL | 350.00 |
| REAL VISION SOFTWARE INC | ANNUAL S/W SUPPORT RENEWAL FEE | 3,300.00 |
| STATE TREASURER | 1ST QTR 2023 SURCHARGE RETEN | 2,938.57 |
| STENERSON BROTHERS LUMBER CO | APR PLYWOOD/TORX SCREWS C/HALL | 108.20 |
| STENERSON BROTHERS LUMBER CO | APR TORX BITS/SCREWS CITY HALL | 6.89 |
| STENERSON BROTHERS LUMBER CO | APR 2X4X8/TORX SCREWS CITY HAL | 121.41 |
| SWANSTON EQUIPMENT CO | APR CHAINSAW HOSE/5.2OZ OIL | 322.80 |
| TAPCO | APR TAPCO CROSS WALK CABINET | 109.48 |
| UGSTAD PLUMBING INC | ARENA-DEHUMIDIFIER WORK | 4,998.93 |
| USABLE LIFE | MAY LIFE INSURANCE | 79.20 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 1,116.02 |
| | F U N D T O T A L | 468,972.20 |

P.A. General

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| COMSTOCK CONSTRUCTION INC | DOOR INSPECTION ADJUSTMENTS | 172.63 |
| COMSTOCK CONSTRUCTION INC | REPLACED CLOSURE FOR DOOR #147 | 621.66 |
| UGSTAD PLUMBING INC | MAY RETAINER FEE | 125.00 |
| | F U N D T O T A L | 919.29 |

Regional Treatment Center-City Operated

Regional Treatment Center-City Operated

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| BANKCARD CENTER | RTC CUUDEBACK DIGITAL | 20.00 |
| OTTER TAIL CO. TREASURER'S OFC | 2023 PROPERTY TAXES | 96.00 |
| | F U N D T O T A L | 116.00 |

Public Library

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| ARAMARK UNIFORM SERVICES | TOWELS AND MOPS | 33.20 |
| BAKER & TAYLOR INC | BOOKS | 1,276.43 |
| BAKER & TAYLOR INC | FREIGHT SURCHARGE | 12.75 |
| BAKER & TAYLOR INC | PROCESSING | 91.47 |
| BANKCARD CENTER | MARCH BOOKS | 467.16 |
| BANKCARD CENTER | MARCH DIGITAL MATERIALS | 1,785.86 |
| BANKCARD CENTER | MARCH DVD'S | 1,912.70 |
| BANKCARD CENTER | MARCH GODADDY RENEWAL | 20.17 |
| BANKCARD CENTER | MARCH GOOGLE STORAGE RENEWAL | 19.99 |
| BANKCARD CENTER | MARCH OPERATING SUPPLIES | 2.75 |
| BANKCARD CENTER | MARCH POSTAGE | 136.20 |
| BANKCARD CENTER | MARCH 3-POCKET BROCHURE HOLDER | 21.90 |
| COOPERS TECHNOLOGY GROUP | TONER FOR CATALOGING PRINTER | 424.98 |
| DEMCO EDUCATIONAL CORP | DVD CASES, LABEL PROTECTORS | 556.11 |
| LAKE REGION HEALTHCARE CORP | MARCH PRE-EMPLOY DRUG SCREEN | 112.50 |
| THE LIBRARY STORE | LAMINATE FOR BOOKS | 100.85 |
| MEDTOX LABORATORIES INC | MARCH PRE-EMPLOY DRUG SCREENS | 100.20 |
| MIDWEST TAPE EXCHANGE | DVDS | 167.16 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | 160.00 |
| VIKING LIBRARY SYSTEM | PARTRON LIBRARY CARDS | 130.00 |
| | F U N D T O T A L | 7,532.38 |

Bigwood Event Center

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| A-1 LOCK & KEY LLC | APRIL/REPLACED LOCK, BACK DOOR | 101.50 |
| ARAMARK | APRIL LINEN SUPPLY | 454.06 |
| BANKCARD CENTER | ANNUAL B2B PRIME MEMBERSHIP | 192.20 |
| BANKCARD CENTER | 03/21-03/22/23 EVENT BEVERAGE | 37.90 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | 624.00 |

Bigwood Event Center

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| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 546.89 |
| | F U N D T O T A L | 1,956.55 |

Community Arena

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| UGSTAD PLUMBING INC | HOCKEY ARENA GAS LINE | 10,664.06 |
| | F U N D T O T A L | 10,664.06 |

Capital Improvement

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| BANKCARD CENTER | T.HAUGE,D.REGER CERTIFICATION | 300.00 |
| BIGWOOD EVENT CENTER | COUNCIL RETREAT MEETING EXPENS | 529.90 |
| BOLTON & MENK INC | DTRF PHASE 2 PROF SERVICES | 16,350.30 |
| BOLTON & MENK INC | PAYROLL REVIEWS UNION,MILL O.L | 143.00 |
| BOLTON & MENK INC | PROF SERV 11/26/22-12/23/2022 | 1,225.00 |
| CAPITAL IMPROVEMENT FUND | PI 5333 PROJ REIMB | 132,145.47- |
| CAPITAL IMPROVEMENT FUND | PI 5335 PROJ REIMB | 28,180.88- |
| JOEL CARLSON INC. | MAY LEGISLATIVE FEES | 2,285.00 |
| CENTRAL SPECIALTIES, INC. | PAY APP NO.6 | 15,675.09 |
| COMSTOCK CONSTRUCTION INC | PAY APP. NO. 2 | 144,998.50 |
| DAILY JOURNAL | MAR BRIDGE REPLACEMENT&PAVING | 192.50 |
| DAILY JOURNAL | MAR LINCOLN-UNION-FRIBERG-FIR | 1,559.25 |
| DAILY JOURNAL | MARCH 2023 STREET & UTIL IMP#1 | 154.00 |
| INTERSTATE ENGINEERING INC. | PROF SERV 2/5/23 TO 4/8/23 | 19,308.75 |
| INTERSTATE ENGINEERING INC. | PROF SERV. 02/5/23 TO 4/8/23 | 11,710.00 |
| STANTEC CONSULTING SERVICE INC | RTC PH 3 STABILIZATION PROJ. | 1,925.06 |
| | F U N D T O T A L | 56,030.00 |

Liquor Store

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| THE AMERICAN BOTTLING COMPANY | APRIL/MIX | 360.33 |
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Liquor Store

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| ARCTIC GLACIER USA INC | APRIL/FREIGHT | #3609310304 | 25.00 |
| ARCTIC GLACIER USA INC | APRIL/FREIGHT | #3609311001 | 15.00 |
| ARCTIC GLACIER USA INC | APRIL/ICE | #3609310304 | 136.24 |
| ARCTIC GLACIER USA INC | APRIL/ICE | #3609311001 | 130.56 |
| ARTISAN BEER COMPANY | APRIL/BEER | | 1,635.16 |
| ARTISAN BEER COMPANY | APRIL/MIX | | 98.70 |
| BANKCARD CENTER | MARCH CABINET FOR CIGARS | | 360.00 |
| BANKCARD CENTER | MARCH MISC PURCHASES | | 1,461.07 |
| BANKCARD CENTER | MARCH MOOD PANDORA | | 53.90 |
| BELLBOY CORPORATION | APRIL/FREIGHT | | 44.53 |
| BELLBOY CORPORATION | APRIL/LIQUOR | | 2,750.97 |
| BEVERAGE WHOLESALERS INC | APRIL/BEER | | 40,385.77 |
| BEVERAGE WHOLESALERS INC | APRIL/LIQUOR | | 3,620.25 |
| BEVERAGE WHOLESALERS INC | APRIL/MIX | | 372.75 |
| PATRICIA DILLON | APR 7 WATER PILLOW HUMIDIFIER | | 13.45 |
| BRAUN VENDING INC | APRIL WATER COOLER RENT | | 9.00 |
| BRAUN VENDING INC | APRIL/SUPPLIES-WATER | | 28.00 |
| BREAKTHRU BEVERAGE MINNESOTA | APRIL/FREIGHT | | 438.26 |
| BREAKTHRU BEVERAGE MINNESOTA | APRIL/LIQUOR | | 22,669.79 |
| BREAKTHRU BEVERAGE MINNESOTA | APRIL/MIX | | 584.82 |
| BREAKTHRU BEVERAGE MINNESOTA | APRIL/WINE | | 3,082.17 |
| CARLOS CREEK WINERY | APRIL/WINE | | 2,508.00 |
| CAYAN | APRIL 2023 MONTHLY SERVICE FEE | | 160.37 |
| VIKING COCA-COLA BOTTLING CO | APRIL/MIX | | 823.82 |
| COMMISSIONER OF REVENUE | 2023 MARCH SALES TAX | | 1.46 |
| COPPER TRAIL BREWING CO | APRIL/BEER | | 174.72 |
| D-S BEVERAGES, INC. | APRIL/BEER | | 28,301.25 |
| D-S BEVERAGES, INC. | APRIL/LIQUOR | | 2,971.45 |
| D-S BEVERAGES, INC. | APRIL/MIX | | 529.62 |
| DACOTAH PAPER CO | APR FILTER VAC MOTOR INTAKE | | 17.05 |
| DACOTAH PAPER CO | APRIL BAGS, ROLL THERMAL | | 289.76 |
| DACOTAH PAPER CO | APRIL/BAGS, ROLL THERMAL | | 356.56 |
| DACOTAH PAPER CO | APRIL/SUPPLIES-BAGS | | 290.64 |
| DAILY JOURNAL | 2022 LIQUOR STORE FINANCIALS | | 385.00 |
| FERGUS BREWING COMPANY LLC | APRIL/BEER | | 748.00 |
| JOHNSON BROTHERS LIQUOR CO | APRIL/BEER | | 60.00 |
| JOHNSON BROTHERS LIQUOR CO | APRIL/FREIGHT | | 851.77 |
| JOHNSON BROTHERS LIQUOR CO | APRIL/LIQUOR | | 5,933.89 |
| JOHNSON BROTHERS LIQUOR CO | APRIL/MIX | | 160.15 |
| JOHNSON BROTHERS LIQUOR CO | APRIL/WINE | | 21,518.52 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | | 544.00 |
| OUTSTATE BREWING COMPANY | APRIL/BEER | | 410.00 |
| PEPSI BEVERAGE COMPANY | APRIL/MIX | | 351.03 |

Liquor Store

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| PHILLIPS WINE & SPIRITS CO | APRIL/FREIGHT | 405.20 |
| PHILLIPS WINE & SPIRITS CO | APRIL/LIQUOR | 11,503.82 |
| PHILLIPS WINE & SPIRITS CO | APRIL/MIX | 106.72- |
| PHILLIPS WINE & SPIRITS CO | APRIL/WINE | 6,455.65 |
| SOUTHERN GLAZER'S OF MN | APRIL/FREIGHT | 248.83 |
| SOUTHERN GLAZER'S OF MN | APRIL/LIQUOR | 17,891.26 |
| SOUTHERN GLAZER'S OF MN | APRIL/WINE | 1,007.00 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 128.05 |
| VINOCOPIA INC | APRIL/FREIGHT | 31.25 |
| VINOCOPIA INC | APRIL/LIQUOR | 205.84 |
| VINOCOPIA INC | APRIL/MIX | 187.50 |
| VINOCOPIA INC | APRIL/WINE | 1,744.00 |
| WINE MERCHANTS INC | APRIL/FREIGHT | 52.31 |
| WINE MERCHANTS INC | APRIL/WINE | 4,285.10 |
| | F U N D T O T A L | 189,701.87 |

Refuse Disposal

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| BANKCARD CENTER | MARCH MAINTENANCE SUPPLIES | 34.15 |
| COMMISSIONER OF REVENUE | 2023 MARCH SALES TAX | 4.69 |
| COMMISSIONER OF REVENUE | 2023 MARCH SWMT | 30,206.00 |
| EQUIPMENT FUND | MAY EQUIPMENT RENT | 42,700.75 |
| FASTENAL COMPANY | APR REFUSE SAFETY VENDING | 25.53 |
| METRO SALES, INC | 03/18-04/17/23 COPIER RENT | 16.55 |
| METRO SALES, INC | 03/18-04/17/23 COPIER USAGE | 13.67 |
| OTTER TAIL CO. TREASURER'S OFC | 2023 PROPERTY TAXES | 80.00 |
| OTTER TAIL POWER COMPANY | FEBRUARY SERVICE-MAIL BILLS | 78.56 |
| TANK HOLDING CORP | APR 300 GALLON TOTES W/LIDS | 5,491.60 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 25.94 |
| | F U N D T O T A L | 78,677.44 |

Sewage Treatment

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| AQUAFIX INC | APR VITASTIM REBUILD | 3,442.83 |
| AQUAFIX INC | APRIL VITASTIM REBUILD | 2,191.31 |

Sewage Treatment

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| BANKCARD CENTER | MAR FLASHLIGHT,TAPE MEASURE | 81.60 |
| BANKCARD CENTER | MAR KEROSENE | 24.50 |
| BANKCARD CENTER | MAR LODGING | 174.00 |
| BANKCARD CENTER | MAR PVC BUSHING,ADAPTERS | 37.58 |
| COSSETTE ELECTRIC LLC | APR INSTALL ALARM DIALERS AT | 1,128.88 |
| COSSETTE ELECTRIC LLC | APR TROUBLE SHOT ALARM AGENT | 92.00 |
| EQUIPMENT FUND | MAY EQUIPMENT RENT | 12,335.41 |
| GOIN' POSTAL FERGUS FALLS | APR SEND CAMERA OUT FOR REPAIR | 26.24 |
| METRO SALES, INC | 03/18-04/17/23 COPIER RENT | 16.56 |
| METRO SALES, INC | 03/18-04/17/23 COPIER USAGE | 13.67 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | 160.00 |
| OTTER TAIL POWER COMPANY | FEBRUARY SERVICE-MAIL BILLS | 78.56 |
| OTTER TAIL TELCOM | MAY WWTP CONNNECTORS,FACEPLATE | 1,549.00 |
| RMB ENVIRONMENTAL LABORATORIES | APR ANALYSIS | 788.87 |
| SPEE*DEE DELIVERY SERVICE INC | APR SHIPPING | 89.72 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 117.27 |
| | F U N D T O T A L | 22,348.00 |

Water

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| BANKCARD CENTER | MAR COMP BOOK,HARDBOARD | 35.90 |
| BANKCARD CENTER | MAR LODGING A.STEYN | 174.00 |
| BANKCARD CENTER | MAR LODGING T.OLSON | 348.00 |
| BANKCARD CENTER | MAR MNRWA REGISTRATION/PARKING | 159.00 |
| BANKCARD CENTER | MAR SOCKET SET,PRYBAR SET, | 46.49 |
| BANKCARD CENTER | MAR VAC, FNPT2X2 CL | 1,036.29 |
| BANKCARD CENTER | MAR 2 SOCKETS LIGHTER SPLITTER | 23.48 |
| BANKCARD CENTER | MARCH NEPTUNE USE CONFERENCE | 477.00 |
| BANKCARD CENTER | MARCH SAFETY & LOSS CONTROL | 20.00 |
| COOPERS TECHNOLOGY GROUP | APRIL COLORED FLAGS | 36.30 |
| EQUIPMENT FUND | MAY EQUIPMENT RENT | 4,712.58 |
| FASTENAL COMPANY | APR WATER SAFETY VENDING | 28.53 |
| GRAYMONT (WI) LLC | APR HIGH CALCIUM QUICKLIME | 8,312.05 |
| GREAT PLAINS NATURAL GAS CO | APRIL NATURAL GAS EXPENSE | 1,651.70 |
| HOME DEPOT CREDIT SERVICES | APR EYE WASH STATION PARTS | 107.92 |
| HOME DEPOT CREDIT SERVICES | APR 8" STRAP WRENCH (TRAVIS) | 25.94 |
| LOCATORS & SUPPLIES INC | APR 27" DRAIN SPADE UTILITIES | 44.99 |
| MCMMASTER-CARR SUPPLY CO | APR EYEWASH STATION PROJECT | 26.45 |
| METRO SALES, INC | 03/18-04/17/23 COPIER RENT | 16.56 |

Water

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|--------------------------------|------------------------------|-----------|
| METRO SALES, INC | 03/18-04/17/23 COPIER USAGE | 13.66 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | 312.00 |
| OTTER TAIL POWER COMPANY | FEBRUARY SERVICE-MAIL BILLS | 78.56 |
| RMB ENVIRONMENTAL LABORATORIES | APR ANALYSIS | 150.28 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 289.42 |
| | F U N D T O T A L | 18,127.10 |

Storm Water

| | | |
|--------------------------|-----------------------------|-----------|
| EQUIPMENT FUND | MAY EQUIPMENT RENT | 11,236.00 |
| OTTER TAIL POWER COMPANY | FEBRUARY SERVICE-MAIL BILLS | 242.17 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 35.01 |
| | F U N D T O T A L | 11,513.18 |

Equipment

| | | |
|-----------------------------|--------------------------------|----------|
| AMERICAN WELDING & GAS, INC | APR .045 V GROOVE 2 ROLL DRIVE | 69.00 |
| ASHBY EQUITY ASSOCIATION | APR BULK OIL 15W40/5W20 | 1,490.12 |
| ASHBY EQUITY ASSOCIATION | APR OIL 10-30 2.5 GALLON JUGS | 154.50 |
| AUTO VALUE - FERGUS FALLS | APR AIR FILTER UNIT 3041 | 14.30 |
| AUTO VALUE - FERGUS FALLS | APR BRAKE CHAMBER/LICENSE LAMP | 71.98 |
| AUTO VALUE - FERGUS FALLS | APR CABIN AIR FILTER (STK) | 21.98 |
| AUTO VALUE - FERGUS FALLS | APR COMPRESSOR OIL (SHOP) | 11.99 |
| AUTO VALUE - FERGUS FALLS | APR CONTROL ARM STOPS U-40 | 51.99 |
| AUTO VALUE - FERGUS FALLS | APR DECAL REMOVAL PRODUCTS U65 | 65.97 |
| AUTO VALUE - FERGUS FALLS | APR DEF FLUID UNIT 238 | 14.99 |
| AUTO VALUE - FERGUS FALLS | APR DEXTRON V ATF | 39.95 |
| AUTO VALUE - FERGUS FALLS | APR FEMALE JIC 37 HYD FIT U216 | 20.69 |
| AUTO VALUE - FERGUS FALLS | APR FEMALE JIC 37 HYD FITTING | 20.69 |
| AUTO VALUE - FERGUS FALLS | APR FRONT LOWER STOP U-40 | 51.99 |
| AUTO VALUE - FERGUS FALLS | APR FRONT/REAR SHOCKS UNIT 40 | 215.96 |
| AUTO VALUE - FERGUS FALLS | APR FUSE BLOCK/HOLDER U-823 | 30.04 |
| AUTO VALUE - FERGUS FALLS | APR GATES BELT (STOCK) | 20.99 |
| AUTO VALUE - FERGUS FALLS | APR HD TERMINAL UNIT 483 | 4.99 |
| AUTO VALUE - FERGUS FALLS | APR HUB CAP W/GASKET PUP TRAIL | 103.12 |

Equipment

| | | |
|--------------------------------|--------------------------------|-------------|
| AUTO VALUE - FERGUS FALLS | APR HUBCAP UNIT 240 | 22.99 |
| AUTO VALUE - FERGUS FALLS | APR HYD FILTER UNIT 284 | 33.94 |
| AUTO VALUE - FERGUS FALLS | APR LARGE FUNNEL FOR DEF FLUID | 1.69 |
| AUTO VALUE - FERGUS FALLS | APR MOMENT ON/OFF SWITCH U-823 | 10.99 |
| AUTO VALUE - FERGUS FALLS | APR MOMENT ON/OFF SWITCH U-825 | 3.49 |
| AUTO VALUE - FERGUS FALLS | APR MULTI FUNCT SWITCH/HUB BRE | 338.88 |
| AUTO VALUE - FERGUS FALLS | APR OIL DIPSTICK UNIT 4 | 21.99 |
| AUTO VALUE - FERGUS FALLS | APR PERMATEX SEALANTS (SHOP) | 78.98 |
| AUTO VALUE - FERGUS FALLS | APR SCREW COUPLER (CITY SHOP) | 12.99 |
| AUTO VALUE - FERGUS FALLS | APR SEA FOAM TUNE UP (SHOP) | 53.94 |
| AUTO VALUE - FERGUS FALLS | APR SOCKET ROCK/WHEEL GAUGE | 34.97 |
| AUTO VALUE - FERGUS FALLS | APR STOCK FILTER ORDER | 417.67 |
| AUTO VALUE - FERGUS FALLS | APR STOCK FUEL FILTER | 22.43 |
| AUTO VALUE - FERGUS FALLS | APR STOCK PARTS ORDER | 120.58 |
| AUTO VALUE - FERGUS FALLS | APR WHEEL BEARINGS/FRONT BRAKE | 478.57 |
| AUTO VALUE - FERGUS FALLS | APR 3/16" LYNCH PINS (STK) | 12.45 |
| AUTO VALUE - FERGUS FALLS | CREDIT CHAIN LUBE/SEA FOAM | 113.90- |
| AUTO VALUE - FERGUS FALLS | CREDIT RETURNED PARTS | 43.08- |
| BANKCARD CENTER | MAR TRAVEL/FUEL | 82.10 |
| BANKCARD CENTER | MARCH EQUIPMENT PARTS | 1,442.05 |
| BANKCARD CENTER | MARCH HYTREL SPIDER | 102.35 |
| BANKCARD CENTER | MARCH LED WORK LIGHT RECHARGE | 44.99 |
| BANKCARD CENTER | MARCH SUMP DEODORIZING TABLETS | 91.23 |
| BANKCARD CENTER | MARCH TROLLEY HANGER-WASH BAY | 150.50 |
| BRENCO | APR STOP PARTS ORDER UNIT 1135 | 666.40 |
| COATINGS UNLIMITED LLC | PREP/APPLY COATING SHOP B.ROOM | 1,029.00 |
| CODE 4 SERVICES INC | 2101 RELOCATE GUN MOUNT | 81.23 |
| CODE 4 SERVICES INC | 2101 SETUP | 3,228.19 |
| COMMISSIONER OF REVENUE | 2023 MARCH SPECIAL FUEL TAX | 1,079.01 |
| COMMISSIONER OF REVENUE | 2023 MARCH SALES TAX | 153.85 |
| COSSETTE ELECTRIC LLC | APR RAN TEMP POWER FROM BAD GR | 138.00 |
| ENVIRONMENTAL EQUIP & SERVICES | APR TRANSITION ADAPT/LINER | 1,113.52 |
| EQUIPMENT FUND | MAY EQUIPMENT RENT | 1,666.69 |
| EQUIPMENT FUND | RECEIPT MAY EQUIPMENT RENT | 186,809.33- |
| JOHN DEERE FINANCIAL | APR BATTERY FOR UNIT 950 | 148.16 |
| JOHN DEERE FINANCIAL | APR CREDIT DECK WHEEL | 16.07- |
| JOHN DEERE FINANCIAL | APR DECK WHEEL UNIT 952 | 42.35 |
| JOHN DEERE FINANCIAL | APR FUEL FILTERS UNIT 238 | 91.83 |
| FASTENAL COMPANY | APR CREDIT RETURNED TROLLEYS | 470.50- |
| FASTENAL COMPANY | APR DOUBLE TROLLEY WASH CURTAI | 20.00 |
| FASTENAL COMPANY | APR SHOP SUPPLY VENDING | 62.69 |
| FASTENAL COMPANY | APR STOCK SS HARDWARE (SHOP) | 13.20 |
| FASTENAL COMPANY | APR STOCK SS HARDWARE ORDER | 76.68 |

Equipment

| | | |
|--------------------------------|--------------------------------|----------|
| FASTENAL COMPANY | APR WASH BAY CURTAIN TROLLEYS | 240.00 |
| FASTENAL COMPANY | APR WIRE ROPE THMBL/CLAMPS 826 | 53.24 |
| FASTENAL COMPANY | APR 20' CHANNEL (WASH CURTAIN) | 261.00 |
| FASTENAL COMPANY | APR 5/8" WIRE ROPE THIMBLE | 5.66 |
| FLEETPRIDE INC | APR SEND OUT CALIPER TO BE RE- | 539.50 |
| NAPA AUTO PARTS - FERGUS FALLS | APR AIR FILTER UNIT 238 | 27.99 |
| NAPA AUTO PARTS - FERGUS FALLS | APR FLOOR DRY/O-RINGS (SHOP) | 91.64 |
| NAPA AUTO PARTS - FERGUS FALLS | APR FUSE HOLDER (STOCK) | 21.98 |
| GOIN' POSTAL FERGUS FALLS | APR SEND CALIPER FOR REPAIR | 14.64 |
| GRAINGER INC | APR WASH HOSE ADAPTER (SHOP) | 16.48 |
| GRAINGER INC | APR 28" WELDING TORCH STAND | 144.95 |
| H & L MESABI COMPANY INC | APR RH CURB RUNNER (STK) | 161.00 |
| HOME DEPOT CREDIT SERVICES | APR BANDSAW BLADES (FAB SHOP) | 23.97 |
| LAWSON PRODUCTS INC | APR AEROSOL OPEN&SHUT (SHOP) | 74.64 |
| LOCATORS & SUPPLIES INC | APR DOUBLE LENS GOGGLE (SHOP) | 19.99 |
| LOCATORS & SUPPLIES INC | APR FIRE EXT 4"X20" SIGN | 9.98 |
| MTI DISTRIBUTING INC | APR ACTUATOR UNIT 956 | 509.76 |
| MCMASTER-CARR SUPPLY CO | APR WIRE ROPE/HOOKS UNIT 826 | 671.26 |
| NELSON AUTO CENTER | APR OIL DIPSTICK TUBE U-4 | 42.28 |
| NELSON AUTO CENTER | APR VACUUM MOTOR UNIT 16 | 85.41 |
| NORTHWEST TIRE INC | 2091 TIRE REPAIR | 33.78 |
| OLSON OIL COMPANY INC | APR PREM RED DIESEL #2 LANDFIL | 3,221.10 |
| OLSON OIL COMPANY INC | APR 3/4"X10' FUEL HOSE (SHOP) | 82.67 |
| OLYMPIC SALES INC | APR ASL CHAIN REBUILD KIT | 2,659.68 |
| OTTER TAIL CO. TREASURER'S OFC | 1ST HALF 2023 PROPERTY TAXES | 376.00 |
| POMP'S TIRE SERVICE INC | APR MICH XZE 12R22.5 TIRES | 1,489.51 |
| R & R PETROLEUM EQUIPMENT CO. | APR REPAIR PROBE OUT SHOP DIES | 802.50 |
| DEREK SHOL | APR REIMBURSMENT/FUEL | 125.00 |
| SWANSTON EQUIPMENT CO | APR TAIL LIGHT LENS U-487 | 30.14 |
| SWANSTON EQUIPMENT CO | APR TAIL LIGHT UNIT 487 | 52.32 |
| SYN-TECH SYSTEMS INC | APR FUELMASTER LIMITED MAINTEN | 550.00 |
| VERIZON WIRELESS | APRIL CELL PHONE EXPENSE | 82.22 |
| WALLWORK TRUCK CENTER F.F. | APR AIR DRIER RESCUE 3 | 566.03 |
| WALLWORK TRUCK CENTER F.F. | APR AIR GOVERNOR RESCUE 3 | 28.72 |
| WALLWORK TRUCK CENTER F.F. | APR BRAKE DRUM 16.5X6 U-240 | 604.34 |
| WALLWORK TRUCK CENTER F.F. | APR BRAKE HOSE 30.5" U-823 | 12.39 |
| WALLWORK TRUCK CENTER F.F. | APR CHECK VALVE/ADAPTERS U3043 | 41.83 |
| WALLWORK TRUCK CENTER F.F. | APR CLEVIS KITS (STOCK) | 64.96 |
| WALLWORK TRUCK CENTER F.F. | APR DOT AIR BRAKE FITTINGS | 38.30 |
| WALLWORK TRUCK CENTER F.F. | APR DRUMS/SHOES/DIFF FILTER | 457.92 |
| WALLWORK TRUCK CENTER F.F. | APR SPRING BRAKE VALVE U-826 | 64.25 |
| WALLWORK TRUCK CENTER F.F. | APR T30 BRAKE CHAMBER UNIT 826 | 35.28 |
| WALLWORK TRUCK CENTER F.F. | APR 1/2" AIR BRAKE HOSE U-241 | 12.20 |

Equipment

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|----------------------------|--------------------------------|-------------|
| WALLWORK TRUCK CENTER F.F. | APR 7 TERM JUNCT BOX UNIT 823 | 36.62 |
| ZARNOTH BRUSH WORKS INC | APR 8X26 POLY CONV BROOMS | 1,175.09 |
| ZIEGLER INC. | APR STOCK CUTTING EDGES | 2,806.63 |
| ZIEGLER INC. | APR TROUBLESHOOT/REPAIR GENERA | 6,864.02 |
| | F U N D T O T A L | 146,458.20- |

Employees Insurance

| | | |
|--------------------|---------------------|----------|
| SUN LIFE FINANCIAL | MAY LIFE INSURANCE | 3,159.28 |
| | F U N D T O T A L | 3,159.28 |

Flexible Benefit Agency

| | | |
|-----|------------------------------|----------|
| WEX | 2023 FLEX PLAN REIMB | 2,467.58 |
| WEX | 2023 FLEX PLAN REIMB CORRECT | 45.00- |
| WEX | 2023 FLEX PLAN REIMBURSEMENT | 373.89 |
| | F U N D T O T A L | 2,796.47 |

PEG Access

| | | |
|-------------------|------------------------------|------|
| MINNESOTA UC FUND | 1ST QUARTER UNEMPLOYMENT TAX | 8.00 |
| | F U N D T O T A L | 8.00 |

Fergus Falls Convention and Visitor's Bureau, Inc.

| | | |
|-----------------|-------------------------------|--------|
| BANKCARD CENTER | MAR MTG-CAR RENTAL,HOTEL,FUEL | 549.94 |
| BANKCARD CENTER | MARCH INTERNET | 20.30 |

5/01/2023

R E S O L U T I O N R E C O R D

Fergus Falls Convention and Visitor's Bureau, Inc.

| | | |
|-------------------|-------------------------------|------------|
| BCBS OF MINNESOTA | MAY HEALTH INSURANCE | 990.06 |
| MINNESOTA UC FUND | 1ST QUARTER UNEMPLOYMENT TAX | 24.00 |
| | F U N D T O T A L | 1,584.30 |
| | T O T A L A L L F U N D S | 727,647.92 |

BE IT FURTHER RESOLVED, THAT THE CITY ADMINISTRATOR BE, AND HE HEREBY IS AUTHORIZED AND DIRECTED TO DRAW WARRANTS FOR THE ABOVE CLAIMS FROM THE RESPECTIVE FUNDS AS HEREIN INDICATED, AND THAT THE MAYOR AND CITY ADMINISTRATOR BE, AND THEY HEREBY ARE, AUTHORIZED TO EXECUTE AND DELIVER SUCH WARRANTS.

THE ABOVE AND FOREGOING RESOLUTION WAS OFFERED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 01 DAY OF MAY BY ALDERMAN WHO MOVED ITS ADOPTION, WAS SECONDED BY ALDERMAN AND ADOPTED BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSTAIN:

ABSENT:

WHEREUPON THE ABOVE RESOLUTION WAS DULY DECLARED ADOPTED.

ATTEST:

APPROVED:

CITY ADMINISTRATOR

MAYOR

5/01/2023

R E S O L U T I O N R E C O R D

| | |
|--------------------------------|------------|
| COMMISSIONER OF REVENUE | 87,207.01 |
| MINNESOTA UC FUND | 32.00 |
| OTTER TAIL COUNTY HIGHWAY DEPT | 23.91 |
| OTTER TAIL CO. TREASURER'S OFC | 3,729.00 |
| STATE TREASURER | 2,938.57 |
| A-1 LOCK & KEY LLC | 212.50 |
| PBBS EQUIPMENT CORP | 1,038.75 |
| THE AMERICAN BOTTLING COMPANY | 360.33 |
| ARAMARK UNIFORM SERVICES | 33.20 |
| ARAMARK | 454.06 |
| AMERICAN WELDING & GAS, INC | 69.00 |
| AMERITAS | 3,965.87 |
| SEAN ANDERSON | 436.08 |
| AQUAFIX INC | 5,634.14 |
| ARCTIC GLACIER USA INC | 306.80 |
| ARTISAN BEER COMPANY | 1,733.86 |
| ASHBY EQUITY ASSOCIATION | 1,644.62 |
| AUTO VALUE - FERGUS FALLS | 2,271.19 |
| AVESIS THIRD PARTY ADMIN INC | 30.14 |
| BAKER & TAYLOR INC | 1,380.65 |
| BANKCARD CENTER | 19,236.15 |
| BELLBOY CORPORATION | 2,795.50 |
| BEVERAGE WHOLESALERS INC | 44,378.77 |
| BIGWOOD EVENT CENTER | 529.90 |
| BCBS OF MINNESOTA | 990.06 |
| BOLTON & MENK INC | 17,718.30 |
| PATRICIA DILLON | 13.45 |
| BRAUN VENDING INC | 37.00 |
| BREAKTHRU BEVERAGE MINNESOTA | 26,775.04 |
| BRENCO | 666.40 |
| BUILDERS FIRSTSOURCE INC | 2,303.77 |
| CARLOS CREEK WINERY | 2,508.00 |
| JOEL CARLSON INC. | 2,285.00 |
| CARR'S TREE SERVICE, INC. | 22,000.00 |
| CAYAN | 160.37 |
| CENTRAL SPECIALTIES, INC. | 15,675.09 |
| CHARTER COMMUNICATIONS | 212.60 |
| COATINGS UNLIMITED LLC | 2,058.00 |
| VIKING COCA-COLA BOTTLING CO | 823.82 |
| CODE 4 SERVICES INC | 3,309.42 |
| COMMERCIAL REFRIGERATION SYS | 495.00 |
| COMSTOCK CONSTRUCTION INC | 145,792.79 |
| COOPERS TECHNOLOGY GROUP | 536.97 |
| COPPER TRAIL BREWING CO | 174.72 |
| COSSETTE ELECTRIC LLC | 1,358.88 |
| D-S BEVERAGES, INC. | 31,802.32 |
| DACOTAH PAPER CO | 2,200.66 |

5/01/2023

R E S O L U T I O N R E C O R D

| | |
|--------------------------------|-----------|
| DAILY JOURNAL | 2,473.63 |
| DAKTRONICS INC | 53,564.00 |
| DEMCO EDUCATIONAL CORP | 556.11 |
| ENVIRONMENTAL EQUIP & SERVICES | 1,113.52 |
| 59 FINISHING INC | 442.71 |
| JOHN DEERE FINANCIAL | 752.26 |
| FASTENAL COMPANY | 974.38 |
| FERGUS BREWING COMPANY LLC | 748.00 |
| FLEETPRIDE INC | 539.50 |
| NAPA AUTO PARTS - FERGUS FALLS | 141.61 |
| GOIN' POSTAL FERGUS FALLS | 40.88 |
| GOODIN COMPANY | 4.82 |
| GRAINGER INC | 210.03 |
| GRAYMONT (WI) LLC | 8,312.05 |
| GREAT PLAINS NATURAL GAS CO | 1,963.40 |
| GREATER FERGUS FALLS CORP | 12,500.00 |
| HES INC | 1,975.00 |
| H & L MESABI COMPANY INC | 161.00 |
| HOME DEPOT CREDIT SERVICES | 816.13 |
| INTERSTATE ENGINEERING INC. | 31,018.75 |
| JOHNSON BROTHERS LIQUOR CO | 28,524.33 |
| LAKE REGION HEALTHCARE CORP | 305.00 |
| LAKES COUNTRY SERVICE COOP | 418.68 |
| LAWSON PRODUCTS INC | 74.64 |
| LEAGUE OF MN CITIES INS TRUST | 1,285.04 |
| THE LIBRARY STORE | 100.85 |
| LOCATORS & SUPPLIES INC | 119.95 |
| M-R SIGN COMPANY INC | 260.54 |
| MTI DISTRIBUTING INC | 509.76 |
| MARCO TECHNOLOGIES LLC | 355.61 |
| MCMASTER-CARR SUPPLY CO | 697.71 |
| MEDTOX LABORATORIES INC | 133.60 |
| METRO SALES, INC | 275.93 |
| MIDWEST PRINTING COMPANY | 600.00 |
| MIDWEST TAPE EXCHANGE | 167.16 |
| MINNESOTA ASA/USA SOFTBALL | 750.00 |
| MINNKOTA ENVIROSERVICES INC | 88.50 |
| NELSON AUTO CENTER | 127.69 |
| NORTHWEST TIRE INC | 33.78 |
| NYCKLEMOE & ELLIG, P.A. | 7,545.83 |
| OFFICE OF MNIT SERVICES | 274.48 |
| OLSON OIL COMPANY INC | 3,303.77 |
| OLYMPIC SALES INC | 2,659.68 |
| OTTER TAIL POWER COMPANY | 1,155.92 |
| OTTER TAIL TELCOM | 1,549.00 |
| OUTSTATE BREWING COMPANY | 410.00 |
| PEPSI BEVERAGE COMPANY | 351.03 |

5/01/2023

R E S O L U T I O N R E C O R D

| | |
|--------------------------------|------------|
| PHILLIPS WINE & SPIRITS CO | 18,257.95 |
| POLICE DEPT CONTINGENCY FUND | 67.87 |
| POLICE DEPT PETTY CASH | 26.97 |
| POMP'S TIRE SERVICE INC | 1,489.51 |
| RMB ENVIRONMENTAL LABORATORIES | 939.15 |
| R & R PETROLEUM EQUIPMENT CO. | 802.50 |
| REACH MEDIA NETWORK | 350.00 |
| REAL VISION SOFTWARE INC | 3,300.00 |
| DEREK SHOL | 125.00 |
| SOUTHERN GLAZER'S OF MN | 19,147.09 |
| SPEE*DEE DELIVERY SERVICE INC | 89.72 |
| STANTEC CONSULTING SERVICE INC | 1,925.06 |
| STENERSON BROTHERS LUMBER CO | 236.50 |
| SUN LIFE FINANCIAL | 3,159.28 |
| SWANSTON EQUIPMENT CO | 405.26 |
| SYN-TECH SYSTEMS INC | 550.00 |
| TANK HOLDING CORP | 5,491.60 |
| TAPCO | 109.48 |
| UGSTAD PLUMBING INC | 15,787.99 |
| USABLE LIFE | 79.20 |
| VERIZON WIRELESS | 2,340.82 |
| VIKING LIBRARY SYSTEM | 130.00 |
| VINOCOPIA INC | 2,168.59 |
| WALLWORK TRUCK CENTER F.F. | 1,962.84 |
| WEX | 2,796.47 |
| WINE MERCHANTS INC | 4,337.41 |
| ZARNOTH BRUSH WORKS INC | 1,175.09 |
| | |
| TOTAL OTHER GOVERNMENT | 93,930.49 |
| | |
| TOTAL OTHER VENDORS | 633,717.43 |
| | |
| TOTAL ALL VENDORS | 727,647.92 |



Memo

Page 1 of 1

Meeting Date:

May 1, 2023- City Council

Subject:

Property Tax Rebate Program

Recommendation:

After program discussion, set a public hearing for May 15 regarding 3 possible additions to the Single and Two Family Property Tax Rebate Program.

Background/Key Points:

The City of Fergus Falls Tax Rebate Program requires a public hearing for each application received. The program is still active in Fergus Falls until 2024. A discussion regarding the program was held with Council at the January 11, 2023 Committee of the Whole meeting, during which Council provided feedback on directions the program could go to best serve the residents of Fergus Falls. Mayor Schierer suggested staff take that feedback and come back to the council with recommendation(s) to modify to the program and define a “rehab project”. Staff recommendations and definitions are as follows:

Continue the Single and Two Family Property Tax Rebate Program until December of 2024 with the following changes:

- Define “significant rehabilitation” as “any permanent structural alteration or repair to a property’s square footage or livable space that improves it substantially, thereby increasing its overall value.”
 - Examples may include, but are not limited to, home additions, converting a garage into living space, etc. New roofing, siding, windows, painting, or landscaping do not qualify as rehab projects.
- Open the program to include significant rehabilitation to rental properties.
- Place a cap on the value of eligible new builds (ex: cap program eligibility at \$350,000).
- Open the program to offer the rebate to first-time homebuyers.

Budgetary Impact:

Cost of notice in Daily Journal (TBD)

Originating Department:

Community Development

Respectfully Submitted:

Klara Beck, Community Development Manager

Attached:

Excerpt from January 11, 2023 COW minutes re: Housing Tax Rebate Program Overview

Committee of the Whole Meeting
January 11, 2023

The Fergus Falls City Council held a Committee of the Whole meeting on January 11, 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: Kremeier, Rachels, Hicks, Fish, Job, Kvamme, and Rufer. Thompson was absent.

TIF Analysis for FM Bank

FM Bank entered into an agreement to purchase the former Shopko lot and would like to pursue the creation of a redevelopment Tax Increment Financing (TIF) district totaling \$143,000 over a 3.5-year period. Their project is estimated at \$9 million and would demolish the Shopko building and redevelop the site for a new bank and additional tenants. Their TIF request would offset the demolition costs and serve as a match for a MN DEED Redevelopment Grant. Prior to creating a TIF district a city must determine if a subsidized development would not occur *but for* the use of TIF. A financial analysis is required, and the city recommends using the services of Baker Tilly to study the TIF request. FM Bank would be responsible for the cost, and they understand it does not guarantee TIF is recommended for the applicant. A motion and second were made by Hicks and Fish to recommend the council authorize city staff to retain the services of Baker Tilly regarding an application for Tax Increment Financing for FM Bank and the motion carried.

Housing Tax Rebate Program Overview

Community Development Director Klara Beck provided an overview of the Housing Tax Rebate program. It was developed in conjunction with Otter Tail County's Big Build program to incentivize the construction of new single and two-family housing units and encourages the replacement of dilapidated housing structures within the city. Qualified participants receive a rebate of \$5,000 or 5 years, whichever is met first of the city's portion of property tax based on the increase to real estate taxes due to the building of a new home. Additionally, applicants may be eligible for \$10,000 in rebates from Otter Tail County. The program is restricted to primary residences, not rental properties, and can be transferred from a builder to the property owner. Since its inception in 2020, 47 units are in the program. 36 new homes were built in 2020, 5 in 2021 and 6 in 2022. The average projected value of the units is \$353,023.40 and includes 21 single family homes, 26 twin homes and no rehabs or additions. To date the City of Fergus Falls has approved \$235,000 in rebates for an estimated \$16,592,100 in housing value. The council has the ability to continue the program as if through December of 2024, discontinue the program or update the program to help meet city goals such as pushing for significant rehabs, or capping the estimated project value to encourage entry level housing.

Rufer feels the program is of value if it incentivizes building in Fergus Falls suggested amending the program to a tiered structure based on city priorities such as rehab projects. Kvamme asked if the city's match should be increased to match the county's level if a rehab project applies for the program. Fish proposed a cap be placed on the value citing a recent request for a home valued exceeding \$1 million. He suggested the newspaper write a story raising awareness of the program and available funding. Kremeier felt the existing housing stock would benefit from a program where funds could be used to update the older homes throughout the community and said his family accessed the This Old House program years ago to rehab an old house. To date the city has not had any applications for rehab funds and the county has two. Mayor Schierer agreed there would be great value in existing homes being able to access funding for their homes and it would subsequently increase the value of

the neighborhood. Hicks spoke in favor of capping the value of the program and proposed revising the program to aid first time homeowners for down payments or designated funds to fix up rental properties. The council agreed this is a complex issue that needs more discussion. Mayor Schierer suggested staff take today's feedback and come back to the council with a recommendation on modification to the program and clear definitions of what qualifies as a rehab project.

County Commission Lee Rogness said the intent of the program is increasing the amount of available housing to attract a workforce for jobs. He appreciated the discussion today but encouraged the council to continue the program as \$235,000 of the city's investment has provided over \$16 million in returns to date. The county wants new housing or large rehab projects such as additions of rooms, garages etc... Roof, window and siding replacement does not qualify as rehab projects. The new or improved housing increases the tax base, replaces properties going off the tax rolls and lowers property taxes. He believed programs to fund housing improvements would benefit the community but should not replace the housing tax rebate program.

Pebble Lake Golf Rates

Kevin Swenson presented the 2023 rates for the Pebble Lake Golf Course. They are proposing a 10% increase to offset the rising costs of fertilizer, equipment, maintenance, and fuel. He reviewed the 2022 season in comparison to previous years and said their biggest growth has been youth and family participation. In addition to being voted Best Golf Course in Otter Tail County, there facility has become a destination for weddings and special events and the addition of Palmer's restaurant has driven up their business. After complimenting Swenson on the improved operations at the golf course, a motion and second were offered by Fish and Rufer to recommend the council approve the 2023 rates for the Pebble Lake Golf Course and the motion carried.

State Delegating Process Agreement

Federal law, along with Minnesota Statute Sec 161.36, requires the city to adopt a resolution designating the Commissioner of Transportation as the appointed agent of the city to accept federal funds which may be available for eligible local transportation related projects. The agreements outline the roles and responsibilities associated with federal funds and allows MnDOT to act as the local agency's agent in accepting these funds for construction projects. A motion and second were made by Rachels and Hicks to recommend the council authorize staff to execute the State/Federal Delegating Contracting Process Agreement No. 1052055, and the motion carried.

PI 5314, Union and Lincoln Street Improvement Project

City Engineer Brian Yavarow was provided authorization to rebid Public Improvement 5314, the Union and Lincoln Avenue street improvement project after bids last year came in nearly \$1 million over the estimate. In reviewing the bid contractors said the plan to protect and pave around the existing street pavers was too time consuming, high risk and expensive. The bid documents were revised to include an alternate to remove the deteriorated pavers and install a full bituminous street section at each intersection along Lincoln Avenue from Union to Cascade. The state has not consented to the alternate bid method as considers this a form of "shopping" rather than seeking the lowest possible bid. They require the submission of proper documentation as to why this method would be used and their approval. Staff have developed two options for the council to consider in the final bid documents. Option 1 would be the original plan to save and work around the existing pavers. Option 2 is continuing the resurfacing of Lincoln Avenue by replacing the full depth of bituminous and overlay. Option 2 is estimated to be \$25,000 less and would provide longer pavement longevity as a new full



Council Action Recommendation

Page 1 of 3

Meeting Date:

4/26/2023 Committee of the Whole, 5/1/23 City Council

Subject:

Council Retreat follow up items- Open Forum, Minutes, adding items to an agenda, town hall meetings, Code of Conduct and Mediation

Recommendation:

Resolution approving the various actions associated with these topics. Each item requiring action will be a separate resolution before the Council.

Background/Key Points:

The City Council and Department Heads held a retreat on April 13, 2023. During that retreat session, conversations were held on numerous topics related to Council process and procedure. Those conversations led to a consensus on several topics, that the Council will need to take official action on if they wish to implement these changes. Other items are for follow up or public awareness/transparency.

Open Forum

The current open forum policy of the City requires individuals wishing to speak to sign up by noon the day of the Council meeting. The City Council has expressed a desire to change this policy to add a section to the agenda, which would allow the opportunity for anyone present at the meeting to speak about a topic that is not on the agenda. The same rules would apply (except for signing up) to those wishing to speak. For example, there would be a time limit, no political endorsements, etc. The Council can make this change through a resolution.

Minutes

With many requests for changes to the minutes in recent meetings, staff has been more detailed while preparing minutes. After a discussion about this at the retreat, the Council expressed a desire for shorter minutes that summarize the discussion and actions of the Council. The hope of the Council is that the minutes are high level enough that edits should not be necessary. There is no additional action needed from the Council.

Adding Agenda Items

There was a discussion about the process for adding agenda items to the agenda. Staff and Council both agree that items should rarely be added to the agenda at the Council meeting. An exception would be a time sensitive item that we were not aware of prior to the packet and agenda being posted. The city wants the public to be fully aware of what topics will be discussed at a meeting and wants staff and Council to be prepared to discuss items. The Council was reminded that items can only be added after the agenda is posted by unanimous consent of the Council. The City Administrator is responsible for setting the

agenda and ensuring the agenda is posted in compliance with State Statue. No further action is needed on this item from the Council.

Town Halls Meetings

The Council discussed the concept of Town Hall meetings and whether those should be considered official City meetings and the participation and involvement of staff. It was the consensus of the Council that a meeting hosted by one Council member is not an official City meeting and should not be held at City Hall. Hosting these meetings at City Hall gives the impression that it's hosted by the city and that is not the case. Further, Council feels that staff should not participate, as if all Council members were to do this monthly, staff would be spending most of their evenings with work commitments. They also indicated they don't want staff to spend time or city resources on this. There were also concerns about non-Councilmembers taking or answering questions on behalf of the city. It was understood that if all Councilmembers were going to be involved or a particular ward, staff would be in attendance. It was agreed that we should allow the meeting on 4/19/23 to take place at City Hall and that staff would unlock and lock the room, but not participate. The council was clear that they support and encourage public participation and suggested that it may better serve the public to host these meetings by Ward or as a whole Council. They also thought quarterly, rather than monthly, would be more appropriate. Finally, it was understood that the proposed changes to the Open Forum will allow the opportunity for any member of the public to address the whole Council at the same time. No further action is needed on this.

Code of Conduct

At the retreat, staff presented a proposed Code of Conduct for City Council members. This is a document that was previously adopted by another City and was customized to fit our situation in Fergus Falls. This has been distributed to Council members in Word form and we encourage your comments and feedback on the document. The intention is to have a conversation about this in depth on May 10th. In advance of that discussion, Council is encouraged to send proposed changes to Lynne so we can have it ready for discussion on the 10th and potential acceptance on May 15th. The draft is attached. The Council can approve the Code of Conduct by resolution.

Mediation

The City Council discussed at length the tension and conflict that has been present in the Council dynamic since the beginning of the year. The Council brought up and agreed that the two Council members from Ward 3 should sit down with a non-local impartial mediator to try to sort out their differences. Both Council and staff agreed that this dysfunctional relationship has gotten in the way of productive City business and has had an impact on everyone in the organization. The Council was clear that their expectation was that both members would participate and find a resolution so we can move forward. There is no additional action at this time.

Originating Department:

Administration on behalf of the Council and staff

Respectfully Submitted:

Andrew Bremseth, City Administrator

Attachments:

Open Forum Rules (existing)

Proposed Code of Conduct

Open Forum Registration

City of Fergus Falls

A written request to address the Council at the Open Forum must be filed and received in the City Administrator's office by noon the day of the City Council meeting. The Open Forum is held from 5:20-5:30 pm.

Today's Date: _____ **Date wishing to speak:** _____

Name: _____

Address: _____

Issue you wish to address with the Council:

Action you would like to see taken by the Council:

If you would like to be contacted regarding this issue, please provide the following:

_____ and/or _____

Phone Number

Email Address

I have read the City of Fergus Falls Open Forum Policy (see back) and agree to comply with the rules as outlined:

Must be signed

Open Forum Policy

1. The open forum is an opportunity to address the Fergus Falls City Council regarding a city business item that is not on the agenda of a regular meeting. The open forum will be held from 5:20-5:30 pm the day of a scheduled city council meeting and the time is to be used to talk about an issue, not to make a presentation.
2. A written request to participate in the open forum must be filed with the City Administrator's office by noon the day of the City Council meeting. The form must be filled out with the participant's name, address, and a brief detailed statement of the comment or issue to be addressed.
3. When addressing the council, participants shall stand at the podium and speak into the microphone. Each participant shall begin by stating their name and address.
4. Speakers will be limited to a maximum of THREE minutes.
5. All remarks should be directed to the City Council. The Mayor may limit the number of individual presentations on any issue to accommodate time set aside for the open forum session.
6. Open forum comments may be limited if they become redundant, repetitive, irrelevant, argumentative, disrespectful, disparaging, harassing, abusive, discriminatory, or do not relate to official city business. Participants shall conduct themselves in a professional, courteous manner and refrain from the use of profanity.
7. The open forum must not be used to make personal attacks on the Mayor, Council, city staff, members of the public, or any business.
8. It is inappropriate to use the open forum to make political endorsements, political speeches or for any political campaign purposes.
9. The council will generally not engage in debate or dialogue with speakers during the open forum session and may refer the issue to staff or ask that it be scheduled on a future agenda, if necessary.
10. Speakers will not be permitted on the same subject more than 2 times within a 12-month period.
11. All materials to be discussed, including photos, must be submitted at the time of the request submission. The use of city technology during the meeting is not allowed.

*This open forum policy was adopted on April 16, 2018
Resolution #79-2018*

City of Fergus Falls Code of Conduct for Elected Officials, Adopted _____

The Three Rs of Fergus Falls Government Leadership: Roles, Responsibilities and Respect

The Home Rule Charter of the City of Fergus Falls and the Fergus Falls City Code provide information on the more formal duties of Councilmembers, the Mayor and the Acting Mayor. The city's Code of Ethics Policy (adopted as Ordinance 14, Eighth Series in 2021) provides guidance related to conflicts of interest. To further clarify the conduct expectations of Councilmembers and the Mayor, the Council in 2023 adopted a Code of Conduct for Fergus Falls' elected officials. After careful review of the Code of Conduct, the Council has determined that it is in the public interest to amend it as noted herein.

This Code of Conduct is designed to describe the manner in which the Mayor and Councilmembers should treat one another, city staff, consultants, constituents, and others they come into contact with in representing the City of Fergus Falls. It reflects the work of the Mayor and City Council in defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. In concert with this document, the Mayor and City Council may wish to consider policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

| The contents of this Code of Conduct includes: | Page |
|--|------|
| Overview of Roles & Responsibilities | 2 |
| Policies & Protocol Related to Conduct | 3 |
| Mayor and Council Conduct with One Another | 4 |
| Mayor and Council Conduct with City Staff | 6 |
| Mayor and Council Conduct with the Public | 7 |
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| Sanctions | 11 |
| Principles of Proper Conduct/Statement of Values | 12 |
| Checklist for Monitoring Conduct | 13 |

The constant and consistent theme through all of the conduct guidelines is "respect." The Mayor and Councilmembers experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide the Mayor and Councilmembers to do the right thing in even the most difficult situations.

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials are the Home Rule Charter of the City of Fergus Falls, Fergus Falls City Code, and League of Minnesota Cities resources for elected officials, including the *Handbook for Minnesota Cities* and the *Minnesota Mayors Handbook*, among many other publications.

MAYOR

- Elected “at-large” for a four year term
- Presiding officer of the council (Fergus Falls City Charter, Section 2.07)
- Votes in the event of a tie vote by the City Council (Fergus Falls City Charter, Section 4.03)
- Executes and authenticates ordinances and resolutions (Fergus Falls City Charter, Section 4.04)
- Leads the Council into an effective, cohesive working team

ACTING MAYOR

- Elected by the City Council at their first meeting in January of each year
- (Fergus Falls City Charter, Section 2.08)
- Performs the duties of the Mayor if the Mayor is absent or disabled (Fergus Falls City Charter, Section 2.08)

ALL COUNCIL MEMBERS

All members of the City Council, including the Acting Mayor have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of meetings and be familiar with issues on the agenda
- Represent the City at ceremonial functions at the request of the Mayor
- Be respectful of other people’s time
- Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Fergus Falls city government
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities

Policies & Protocol Related To Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be directed to the Mayor. The Mayor will serve as the designated City representative. If the Mayor is unavailable, the Acting Mayor will be recommended to serve as the substitute. Invitations received at City Hall are presumed to be for official City representation.

Correspondence Signatures

The Mayor and Councilmembers do not need to acknowledge the receipt of correspondence relating to City business, or copies of such correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the appropriate City staff. If correspondence is addressed only to the Mayor or to one Councilmember, that correspondence will be shared with the rest of the Council.

Endorsement of Candidates and Ballot Initiatives

The Mayor and Councilmembers have the right to endorse candidates for all Council seats, other elected offices, and ballot initiatives by other government bodies. It is inappropriate to include such items on any Council agenda or to mention those endorsements during Council meetings or other official City meetings or functions.

Intergovernmental Relations

The Mayor and Council value intergovernmental relations with neighboring communities and other entities. As a result, the Mayor and Councilmembers should make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

Legislative Process

The procedural rules adopted by the City Council will be the governing guide for council proceedings.

Public Meeting Hearing Protocol

The Mayor will determine the meeting protocol on a case-by-case basis, taking into account any legally-required protocols that may apply in certain circumstances. Generally, staff will make an initial presentation and when they have concluded, the Mayor will open the public hearing. At that time, the applicant or appellant, if any, shall be given the opportunity to speak first. In situations where there is no applicant or appellant, members of the public will be invited to speak in any order deemed appropriate by the Mayor. If deemed necessary by the Mayor, any speaker who has already spoken may be given the opportunity to respond to comments made by others. The Mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. This includes determining how much time will be allowed for each speaker, with 3 to 5 minutes the standard time granted. The Mayor may also limit presentations of viewpoints that are repetitive of comments that have already been made and may exclude any person who exhibits disorderly conduct or other inappropriate or unlawful behavior. The Mayor may ask the Council if any issues need clarification before the public hearing is closed. The Mayor and Councilmembers will not express opinions during the public hearing portion of the meeting except to ask

pertinent questions of the speaker or staff. "I think" and "I feel" comments by the Mayor and Councilmembers are not appropriate until after the close of the public hearing. The Mayor and Councilmembers should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view. Once the Mayor is satisfied that all information that could be gathered during the public hearing has been gathered, the Mayor shall close the public hearing and resume the Council meeting.

EEO, Discrimination, Harassment and Respectful Workplace

The Mayor and all councilmembers shall be familiar with and adhere to the City's equal employment opportunity, discrimination, sexual and other harassment and respectful workplace policies.

Mayor and Council Conduct with One Another

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as the Mayor and Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

• Practice civility, professionalism and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, the Mayor and Councilmembers to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threats will be tolerated. The Mayor and Councilmembers should always conduct themselves in a professional manner.

• Honor the role of the Mayor in maintaining order

It is the responsibility of the Mayor to keep the comments of Councilmembers on track during public meetings. Councilmembers should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in the procedural rules adopted by the Council.

• Avoid personal comments that could offend other Councilmembers

If a Councilmember is personally offended by the remarks of another Councilmember, the offended Councilmember should note their concerns during the meeting and make notes of the actual words used and follow the Council's procedural rules to request the other Councilmember to justify or apologize for the language used. The Mayor will maintain control of this discussion.

• Demonstrate effective problem-solving approaches

The Mayor and Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

- **Be punctual and keep comments relative to topics discussed**

The Mayor and Councilmembers have made a commitment to attend meetings and participate in discussions. Therefore, it is important that the Mayor and Councilmembers be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues.

IN PRIVATE ENCOUNTERS

- **Continue respectful behavior in private**

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

- **Be aware of the insecurity of written notes, voicemail messages, e-mail, text messages, “tweets,” and social media**

Technology allows words written or said without much forethought to be distributed wide and far. Before recording or putting something in writing, consider:

- Would you feel comfortable to have this note forwarded to others?
- How would you feel if this voicemail message was played on a speaker phone in a full office?
- What would happen if this e-mail or text message was forwarded to others?
- How would you feel if this comment, image, video, “tweet,” or social media post went “viral” for the world to see and read?
- Written notes, voicemail messages, email and social media posts should be treated as potentially "public" communication. It is the responsibility of the City Council to be aware of and follow the City’s Data Practices Policy and the Minnesota Government Data Practices Act (“MGDPA”).
- If the communication is between Councilmembers, could this conversation or written exchange, including emails, text messages, and other forms of electronic communication violate Minnesota’s Open Meetings Law?

- **Even private conversations can have a public presence**

Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates and arguments will be watched, and casual comments between individuals before and after public meetings noted. Before Council meetings are opened and after they are closed, Councilmembers should avoid any pre- and post-meeting discussions amongst themselves, as such conversations could violate Minnesota’s Open Meetings Law, or at least be perceived as a violation.

Mayor and Council Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Council’s policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific City staff**

Questions of City staff and/or requests for additional background information should be directed to the City Administrator, Mayor, or Department Heads. The City Administrator should be copied on or informed of any request.

Requests for follow-up or directions to staff should be made only through the City Administrator. When in doubt about what staff contact is appropriate, Councilmembers should ask the City Administrator or Mayor for direction. Materials supplied to a Councilmember in response to a request will be made available to the Mayor and all members of the Council so that all have equal access to information.

- **Do not disrupt City staff from their jobs**

The Mayor and Councilmembers should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. As a matter of courtesy and effective time management, Councilmembers should schedule appointments with staff in advance.

- **Never publicly criticize an individual employee**

The Mayor and Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation. Councilmembers must respect the City's employees' right to data privacy under the MGDPA.

- **Do not get involved in administrative functions**

The Mayor and Councilmembers must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

- **Check with City staff on correspondence before taking action**

Before sending correspondence, the Mayor and Councilmembers should check with City staff to see if an official City response has already been sent or is in progress.

- **Do not attend meetings with City staff unless requested by staff.**

Even if the Mayor and/or Councilmember does not say anything, the Mayor and/or Councilmember's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

- **Limit requests for staff support**

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Administrator who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- **Do not solicit political support from staff**

The Mayor and Councilmembers should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Mayor and Council Conduct with the Public

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of the Mayor or individual Councilmembers toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony or comment.

- **Be welcoming to speakers and treat them with care and gentleness**

Speaking in front of the Mayor and Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that the Mayor and Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity. Deescalating a situation will lead to a more productive outcome for all involved and the community as whole.

- **Give the appearance of active listening**

It is disconcerting to speakers to have the Mayor and Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument with the public**

Only the Mayor – not individual Councilmembers – may interrupt a speaker during a presentation. However, using the Council's rules of procedure, a Councilmember may ask the Mayor to address the situation if the speaker is off the topic or exhibiting behavior or language the Councilmember finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- **No personal attacks of any kind, under any circumstance**

The Mayor and Councilmembers should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

- **Follow the Council's rules of procedure in conducting public meetings**

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to the Council's rules of procedure. Final rulings on procedural issues are made by the Mayor, subject to the Council's rules of procedure.

MAYOR AND COUNCIL CONDUCT IN UNOFFICIAL SETTINGS

• Make no promises on behalf of the Council

The Mayor and Councilmembers will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to express personal feelings or positions on an issue or to give a brief overview of City policy and to refer to City staff or Council for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers, approve a license or permit, install a traffic sign, etc.).

• Make no personal comments about the Mayor or other Councilmembers

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about the Mayor or other Councilmembers, their opinions and actions.

• Remember that despite its continued growth, Fergus Falls is a small community at heart

The Mayor and Councilmembers are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Fergus Falls. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by the Mayor and Councilmembers, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Mayor and Council Conduct with Other Public Agencies

• Be clear about representing the City or personal interests

If the Mayor or a Councilmember appears before another governmental agency or organization to give a statement on an issue, the Mayor or Councilmember must clearly state:

- 1) If his or her statement reflects personal opinion or is the official stance of the City;
- 2) Whether this is the majority or minority opinion of the Council, if the Council has taken a position on the matter. Even if the Mayor or Councilmember is representing his or her own personal opinions, remember that this still may reflect upon the Council as an organization and the City as a whole.

If the Mayor or Councilmember is representing the City, the Mayor or Councilmember must support and advocate the official City position on an issue, not a personal viewpoint even if the Councilmember may personally disagree with the City's official position.

If the Mayor or Councilmember is representing another organization whose position is different from the City, the Mayor or Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. The Mayor and Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the Mayor or Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the City Administrator to be filed as part of the permanent public record.

City letterhead may not be used for correspondence of the Mayor and Councilmembers representing a personal point of view, or a dissenting point of view from an official Council position.

Mayor and Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees, and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the Mayor and City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **If attending a Board or Commission meeting of which the Councilmember is not a member, be careful to only express personal opinions** The Mayor and Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board or Commission is conducting a public hearing, the Mayor or Councilmember shall remove themselves from the proceedings. The Mayor and Councilmembers should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by the Mayor or a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Also, the Mayor or a Councilmember's presence may affect the conduct of the Board or Commission and limit their role and function. In addition, Councilmembers must be cognizant of how their presence impacts any potential quorum of the Council and, therefore, the resulting implications under Minnesota's Open Meeting Law.

- **Limit contact with Board and Commission members**

It is inappropriate for the Mayor or a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. The Mayor and Councilmembers should contact staff in order to clarify a position taken by the Board or Commission.

- **Remember that Boards and Commissions serve the community, not the Mayor or individual Councilmembers**

The Mayor and City Council appoint individuals to serve on Boards and Commissions, and it is the

responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to the Mayor or individual Councilmembers, nor should the Mayor or Councilmembers feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

- **Be respectful of diverse opinions**

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Mayor and Council with advice based on a full spectrum of concerns and perspectives. The Mayor and Councilmembers must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

Board and Commission members may offer political support to the Mayor or a Councilmember, but not in a public forum while conducting official duties. Conversely, the Mayor or Councilmembers may support Board and Commission members who are running for office, but not in an official forum in their capacity as the Mayor or a Councilmember.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council which shall decide the appropriate action, which may include removal from the Board or Commission.

Mayor and Council Conduct with the Media

The Mayor and Councilmembers may be contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record"**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted. Words that are said cannot be unsaid.

- **The Mayor is the official spokesperson for the representative on City position**

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, c u r s i n g or word play. When talking to the media, consider the same issues noted in the **In Private Encounters** section above.

Sanctions

• Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

• Inappropriate Staff Behavior

Council members should refer to the City Administrator any City staff who do not follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

• Council members Behavior and Conduct

The Mayor or City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

1. If the Mayor or a Councilmember believes that another Councilmember or the Mayor has violated this Code of Conduct or the City's Code of Ethics during a meeting of the Council, s/he should call the matter to the offending person's attention at that or a subsequent Council meeting. If the problem continues, it shall be referred to the Mayor (or the Acting Mayor if the complaint is against the Mayor) who will attempt to resolve the matter in private. If the dispute is between the Mayor and the Acting Mayor, the Council shall select one of its other members to attempt to privately resolve the matter. The Mayor (or Acting Mayor or Council's designee, if any) may involve the City Administrator and/or City Attorney to investigate and make recommendations about the dispute. If these private efforts do not resolve the matter, then the Mayor or any member of the Council may bring it before the Council at a duly noted public meeting, at which time the Council shall decide whether or not to proceed with further action as noted in section 3 below.
2. If the Mayor or a Councilmember believes that another Councilmember or the Mayor has violated this Code of Conduct or the City's Code of Ethics at a time other than a meeting of the Council, s/he should call the matter to the offending person's attention and attempt to resolve it privately. If the problem is not resolved or continues after that informal discussion, it may be called to the attention of the Mayor (or the Acting Mayor if it is the Mayor's actions that are being challenged) who shall attempt to privately resolve the matter. If the dispute is between the Mayor and the Acting Mayor, then it shall be referred to the City Attorney who shall attempt to privately resolve the matter. The City Administrator shall be included in these efforts to privately resolve the matter. If these private efforts do not resolve the matter, then the elected official who initiated the complaint may raise it with the City Council at a duly noted public meeting, at which time the Council shall decide whether or not to proceed with further action as noted in section 3 below.
3. If a Code of Conduct or Code of Ethics complaint is raised with the City Council after informal efforts to resolve it have failed as described in 1 or 2 above, then the Council shall, at a duly noted public meeting, consider all available evidence and decide whether sanctions

are warranted, and if so, which sanction(s) to impose. Prior to making this decision, the Council may authorize the City Attorney, City Administrator, and/or other designee to investigate the matter further and to report his or her findings to the Council. The Council may also form an ad hoc committee to look into the matter. If, after considering all evidence presented, the Council determines that sanctions are warranted, the Council may take any and all lawful action it deems appropriate, including: requiring the offending member to undergo training or other appropriate education intended to fix the problem, censure, or terminating appointments to boards, committees and commissions.

Principles of Proper Conduct/Statement of Values

The proper operation of democratic government requires that decision-makers must be independent, impartial and accountable to the people they serve. All elected and appointed officials, City employees and volunteers shall subscribe to the statement below, understand how it applies to their specific responsibilities and practice this conduct and express these values in their work.

Representatives of the City of Fergus Falls.....

- Serve the public interest
- Fulfill the duties and responsibilities of holding public office
- Are forward thinking
- Keep promises
- Are dependable
- Build a solid reputation
- Participate and are available
- Demonstrate patience
- Practice fiscal responsibility
- Show empathy
- Hold onto ethical principles under stress
- Listen attentively
- Study thoroughly
- Keep integrity intact
- Overcome discouragement
- Go above and beyond, time and time again
- Model a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up divisiveness or controversy
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct/Values

- ✓ Will my decision/statement/action violate the trust, rights or good will of others?
- ✓ What are my interior motives and the spirit behind my actions?
- ✓ If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- ✓ How would my conduct be evaluated by people whose integrity and character I respect?
- ✓ Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Will it harm their reputation?
- ✓ Is my conduct fair? Just? Morally right? If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- ✓ Does my conduct give others reason to trust or distrust me?
- ✓ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- ✓ Do I exhibit the same conduct in my private life as I do in my public life?
- ✓ Can I take legitimate pride in the way I conduct myself and the example I set?
- ✓ Do I listen and understand the views of others?
- ✓ Do I question and confront different points of view in a constructive manner?
- ✓ Do I work to resolve differences and come to mutual agreement?
- ✓ Do I support others and show respect for their ideas?
- ✓ Will my conduct cause public embarrassment to someone else or my community?

Identifying and Addressing Conflicts of Interest

So that citizens may have the utmost confidence and trust in the integrity of City government, and to protect the City's interest and its citizen's interests, the Mayor and City Council ("Members") must disclose and avoid conflicts of interest that arise in performing their official duties. To this end, the below principles provide guidance for identifying, addressing, and disclosing conflicts of interest. This guidance supplements, not supplants, the responsibilities Members have under law regarding conflicts of interest. Members should consult with the City Administrator and/or City Attorney with questions or concerns they may have regarding conflicts of interest (whether the conflicts are real or perceived, potential or in existence), and not participate in or take any official action on a matter until such questions or concerns are resolved with the City Administrator or City Attorney.

Identifying Legal Conflicts of Interest

A "legal conflict of interest" exists when, in the discharge of official duties, a Member participates in a governmental decision, action or transaction that:

- a. affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation; or

b. affects the financial interests of an organization in which the person participates as a member of the governing body unless the person serves in that capacity as the City's representative.

Identifying Financial Interests

A financial interest is any interest, including loans, which may yield, directly or indirectly, a monetary or other material benefit to the Member (other than monetary or material benefits authorized by the City in accordance with law). A financial interest of a Member or Member's employer (other than the City), his or her associated business, or his or her spouse, domestic partner, parent, sibling or child, and their employers or associated businesses shall also be considered a financial interest of the Member. The following assets shall not be considered a financial interest for purposes of this section:

- a. ownership of shares in a diversified mutual fund;
- b. membership in a pension plan or employee benefit plan;
- c. ownership of bonds or publicly traded securities; and
- d. ownership of a whole life insurance policy

Addressing Legal Conflicts of Interest

When a legal conflict of interest exists, except as permitted by law, a Member must disclose the potential conflict of interest for the public record (in the manner as set forth below) and refrain from participating in the discussion and from voting on the matter. To participate or participation means making the decision, acting, entering into a transaction, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, and investigating the decision, action, or transaction.

A Member shall not participate in making or attempt to use his or her position to influence any City governmental decision, action, or transaction in which the Member knows or has reason to know that he or she has a legal conflict of interest.

Non-Legal Conflicts of Interest

Members may face situations in performing their official duties that raise, or are perceived to raise, a conflict of interest but which do not fall within the above description of a legal conflict of interest and are otherwise not a conflict of interest regulated by law. These types of conflicts are referred to, for purposes of this document, as "non-legal conflicts of interest."

While non-legal conflicts of interest may be different in nature or degree from a legal conflict of interest and other conflicts of interest regulated by law, they can nevertheless impair, or give the appearance of impairing, a Member's independence of judgement and/or harm the City's interests and the interests of the citizens.

The significance of non-legal conflicts of interest often depends on the facts and circumstances involved in each situation, and thus it is difficult to establish bright-line rules regarding when such conflicts must be disclosed and necessitate a Member to refrain from participating in a matter. Therefore, Members are entrusted to use their best judgement regarding such situations with the aim of upholding the principles established under this document and the highest possible standards of ethical conduct, and with the understanding that public disclosure of non-legal conflicts of interest, by itself, helps maintain citizens' trust and confidence in the integrity of City government.

To this end, if a Member recognizes that his or her participation may create a non-legal conflict of interest, he or she should (i) discuss the matter in advance (to the extent possible) and in confidence with the City Administrator and/or City Attorney regarding the appropriate action to take; and/or (ii) disclose the conflict as set forth below and, if necessary, refrain from participating in the matter.

Without limiting the foregoing, a Member may participate in a City governmental decision, action, or transaction involving an organization or entity that the Member, or his or her partner, spouse, partner, domestic partner, sibling, or child is an officer, director, board member, or trustee of, if the Member does not have a legal conflict of interest in the governmental decision, action, or transaction. However, the Member must disclose his or her affiliation with the organization or entity as though it were a legal conflict of interest, as in the manner as set forth below.

Similarly, a Member may participate in a City governmental decision involving a person related by family to the Member, other than his or her parent, spouse, domestic partner, sibling, or child, if the Member does not have a legal conflict of interest in the governmental decision, action, or transaction. However, the Member must disclose his or her relationship with the related person as though it were a legal conflict of interest, in the manner set forth below.

Disclosure of Conflicts of Interest

If a Member, in the discharge of his or her official duties, recognizes that his or her participation in a matter would create a legal conflict of interest, or a non-legal conflict of interest that should or must be disclosed, the Member shall disclose the conflict of interest as follows:

- a. The Member shall disclose the conflict of interest to the City Administrator and his or her fellow Members as soon as he or she becomes aware of the conflict. If a Member becomes aware of a conflict during a meeting of the Council or a committee or board, the Member shall immediately disclose the conflict of interest orally.
- b. In the case of a legal conflict of interest, a Member must also prepare a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest, or as otherwise required by law. In the case of a Council Member, the written statement shall be distributed to the other Council Members and Mayor and filed with the City Administrator. After the first time the Member has orally disclosed a conflict of interest and filed the disclosure form, the Member may subsequently orally disclose a conflict by referring to the filed form. Because Members may not attend all meetings, oral disclosure may consist of the written statement being read into the record by the presiding Member at the first regular meeting after the form has been filed. All written statements shall be filed and distributed within one week after the Member becomes aware of the legal conflict of interest. In the case of non-legal conflicts of interest that a Member discloses, the Member may file a written statement regarding the conflict.
- c. If a Member does not participate in any discussion or vote on a matter due to a conflict of interest, he or she shall be counted present for the purposes of establishing a quorum to carry on the business of the Council, board, or commission, but shall be considered disqualified for the purpose of establishing the number of votes necessary to pass motions, resolutions or ordinances.

Hearing

Any person may file a written complaint with the City Administrator questioning a Member's adherence to the principles of these conflicts of interest. After reviewing the complaint, the Council may hold a public hearing only if: (1) a neutral third-party designated by the City Attorney, advises the Council that the allegations state a legally recognized violation of the law or a legally-recognized conflict of interest; or (2) a neutral third-party designated by the City Attorney, advises the Council that the complaint has been lodged in good faith and that the alleged violation is related to the accused Member's role as a Member. Prior to the hearing, a letter will be sent to the accused Member stating the alleged complaint. At the hearing, the accused Member shall have the opportunity to be heard. If, after the hearing, the Council finds a violation of the principles stated in this Conflict of Interest section, the Council may, by a majority vote, censure the accused Member. The accused Member shall not participate in the Council's decision to censure.

Shared Values Statement

I affirm that I believe in and am committed to upholding the values as stated in this City of Fergus Falls Code of Conduct for Elected Officials.

Signature _____ Date: _____

Printed Name: _____

Refusal to sign City of Fergus Falls Code of Conduct for Elected Officials

Signature _____ Date: _____

Printed Name: _____

This policy was adopted by the Fergus Falls City Council _____, 2023