

City Council Meeting
May 1, 2023

The Fergus Falls City Council held a regular meeting on Monday May 1, 2023, in the City Council Chambers at 5:30 pm. Pastor Duane Smith of Abundant Life Church gave the invocation, and the Pledge of Allegiance was recited. Council members in attendance were Kremeier, Thompson, Rachels, Hicks, Fish, Job, Kvamme and Rufer.

Approval of Agenda

A motion and second were made by Thompson and Rachels to approve tonight's agenda with the removal of item #3 from the consent agenda and the motion carried.

Consent Agenda

The following items were approved under **Resolution #84-2023** by Rufer: 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; Motion approving the following licenses: Food Truck Permit Lone Pine Soup Co. LLC, Ruby's Pinoy Foods; Paving/Sidewalk Barry Brothers Masonry Inc.; motion directing staff to review the city's open forum policy. The resolution was seconded by Fish and was adopted.

Donation to Fire Department

Fish offered **Resolution #85-2023** accepting donations to the Fergus Falls Fire Department for two air monitors and authorizing any necessary budget adjustments, which was seconded by Job and was adopted.

Ordinance 37, Eighth Series

Rufer introduced Ordinance 37, Eighth Series, Amending City Code Chapter 90.24 Noise Violations and it was declared to have its first reading.

Mediation Services

Rachels offered **Resolution #86-2023** directing council members Kremeier and Thompson to participate in mediation, which was seconded by Rufer. Kremeier explained his reasons for not feeling this was necessary and declined to participate. Rachels asked him to reconsider, and Mayor Schierer said this was the unanimous decision made by the council members attending the council/staff retreat to request mediation so the city can move forward. Job asked how this would be possible if one declined participation. The resolution was called to a vote and was adopted 7-1. Voting in favor were Thompson, Rachels, Hicks, Fish, Job, Kvamme, Rufer. Kremeier voted in opposition.

Resolution of Accounts

Fish offered a resolution authorizing the payments and claims in the amount of \$727,647.92, which was seconded by Rufer and was adopted.

Housing Tax Rebate Program

In January staff provided an overview of the housing tax rebate program and council directed staff to modify the program and provide more definitions so the program aligns with city goals. The program is currently a mirror of Otter Tail County's program and is scheduled to run through the end of 2024. Qualified participants can 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 in real estate taxes due to the building of a new home. The program is limited to single- and two-family homes, no limit on the value of the home and rentals are excluded. Staff recommended continuing the program through December 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 include, but are not limited to home additions, converting a garage into living space. New roofing, siding, windows, painting, or landscaping does not qualify as a rehab project.
- Open the program to include significant rehabilitation to rental properties.
- Place a cap on the value of eligible new builds.
- Open the program to offer the rebate to first time homebuyers.

Thompson asked about homes that keep the same square footage but are gutted and rebuilt. Permanent structural alterations should be discussed with the county assessor’s office to ensure the project will qualify. Rufer suggested a metric be provided so potential users will be able to determine if they are qualified. Kvamme felt the city should commit to the program through 2024 and was supportive of expanding the program to rental properties. Hicks suggested the more options be available for new homeowners and placing a cap limit to the value of a new home build. *A motion and second were made by Hicks and Fish directing staff to explore a program to provide financial assistance to first time home buyers and the motion carried.* Fish offered **Resolution #87-2023** 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, which was seconded by Rachels and was adopted.

Townhall Meeting Discussion

Council members present at the April 13 council/staff retreat expressed their concerns about townhall meetings being held in their current manner. Mayor Schierer said the discussion of the council at the retreat was open to the public and it was their unanimous consensus they support free speech and holding public meetings, but not in the Council Chambers as this is too small of a venue. They were also concerned the public may misinterpret the messages about the city given from the podium in a public building by someone other than staff or an elected official. Information was shared at the last town hall meeting by members of the public that is inaccurate and untruthful. *A motion and second were made by Rufer and Fish to not hold town hall meetings in the City Council Chambers unless a quorum of the council makes an exception.*

Kremeier said holding these meetings was a campaign promise he made to hear all voices in the community, and he was offered the council chambers as a location by staff. He said the flyers clearly state all are welcome to attend, including other council members. He said at last week’s Committee of the Whole meeting, was told facts and figures about the timeframe to pay for the aquatics center were wrong and asked for clarification, which the Finance Director provided. Rufer took offense to comments insinuating he was trying to squash free speech and that was not the intent of his motion. He stated his support of groups assembling to discuss city matters but said the Council Chambers space offers an air of legitimacy to the facts being presented and when the information is purposely misleading, it is harmful to the city. He encouraged the town hall meetings to continue, but in a different venue. Schierer agreed there are other venues to hold town hall meetings and reiterated the council as a group made this decision. Kvamme pointed out the open meeting law rules apply to a quorum of elected officials gathering and the city’s need to comply with these laws. Bremseth said

the city has posted both town hall meetings this year to comply with the open meeting law and said these events are not official city events and did not feel they should be publicized as such. Hicks suggested a compromise of holding the meetings quarterly at City Hall and posting them as official meetings so any council members wishing to attend are able without violating the open meeting law. Job felt this was the best location for the town hall events, but there needs to be a way to find common ground and ensure the public can talk to their elected officials. Rachels agreed public interaction is vital but felt the Council Chambers is too small to accommodate these meetings. Bremseth said the council's discussion at the retreat was their desire to hold a meeting in a format that will educate the population. The information needs to come from staff or the elected officials, not by private residents deciphering city documents on their own. He suggested if the council is willing to collaborate and work together to hold these meetings, they would be more productive. The meeting was open to the public wishing to speak.

- Cathy Colling, 509 E Channing felt it was insulting staff feels they must be the ones sharing information and said residents should be able to interpret the information themselves.
- Bob Noah, no address provided, said the town hall meetings were his idea and he approached the Mayor to hold public meetings during the pandemic, which never happened. When Kremeier was elected, he brought the idea to him, and the town hall meetings began happening. He felt the format of the town hall meetings is working and he encouraged the council to have more dialogue with residents.
- Mark Leighton, 1802 Minnehuta Drive asked for examples of information he provided that were called misinformed as he got his information from the city's budget documents. He said it is unfair to say the council was unanimous in their decision to not hold the town hall meetings if two of the council members were not in attendance and they will continue their town hall meetings.

The motion was called to a vote and carried with a 6-2 vote. Thompson, Rachels, Hicks, Fish, Kvamme and Rufer voted in favor. Kremeier and Job voted in opposition.

The meeting adjourned at 6:33 pm

Lynne Olson

Open Forum

Cecilie Cookman, 543 W Stanton Avenue asked the city to reconsider the 10' Glacial Edge Trail segment that will wrap around two sides of her property in conjunction with City Project 5959. She said the trail would be within feet of their front door and she asked her trees and privacy be spared. She was in favor of the street improvements but felt there are enough trails within the community already or people could use the sidewalks on Lincoln Avenue.