

Committee of the Whole Meeting
May 10, 2023

The Fergus Falls City Council met as a Committee of the Whole on Wednesday May 10, 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, Thompson, Rachels, Hicks, Fish, Job, Kvamme and Rufer.

A Center for the Arts Update

Michael Burgraff from A Center for the Arts thanked the council for their partnership, support of the arts, and allowing them to use the perfect amphitheater the former RTC building creates for their summer outdoor concert series.

Code of Conduct Policy

City Attorney Rolf Nycklemoe reviewed the city's proposed Code of Conduct Policy for Elected Officials. The document regulates the conduct expected of the city's elected officials amongst themselves, with staff, the public, conflicts of interest and asks the council to enforce the rules upon each other. Council member Job's written comments were reviewed. The council needs to communicate to make decisions, but these conversations must not break the open meeting law. City Administrator Andrew Bremseth addressed the section limiting council members from directing individual staff members in their work and the need to communicate employee issues through himself or the appropriate department head. Nycklemoe stated the suggestion that it is inappropriate to express personal comments should read it is appropriate to do so. Hicks said it is a sad day the council needs to implement this policy and felt council members should be morally capable of acting respectfully and suggested the document be simplified. Kremeier asked if the Charter Commission could be included in evaluating the document and suggested a line-by-line review that includes definition of the terms used in the document. Nycklemoe said if the council wants to pare down the document, a sub-committee of no more than 4 council members and a few members of the Charter Commission could be tasked with reviewing the document and bringing amendments to the full council for consideration. Mayor Schierer said it would be appropriate to ask the Charter Commission if they would like to be involved in this document's review but felt the addition of definitions of words like respect or honesty should not have to be spelled out individually as people should know what these words and actions should look like. Rufer agreed it was troubling this policy needs to be adopted and reported he is getting numerous calls requesting the council stop their bickering and get back to work. He did not feel the document needs to be reviewed line-by-line and the council should spend less time playing with the words in this document and more time dedicated to the needs of the city residents. Kvamme agreed a line-by-line review would be time consuming and not practical and a small sub-committee would be the best way to review the proposed document. Rachels asked to be included in this sub-committee. A motion and second were made by Kvamme and Rachels to recommend the council request the Mayor designate a sub-committee of no more than four City Council members and a few Charter Commission members to revise and review the proposed conduct policy and the motion carried. Al Frank, 1209 S Concord Street said the written comments submitted were his. He agreed the document should be condensed and that definitions should be common sense but that has not proven to be the case. He cited the word respect and said if he doesn't agree with someone and calls "bull****", that is not necessarily disrespectful. Mayor Schierer disagreed and said that would be offensive and asked Mr. Frank to be mindful of the language he is using during a public meeting.

Lodging Tax Request

The city has the statutory authority to collect a lodging tax and 95% of the proceeds must be used to fund local convention or tourism bureaus. Visit Fergus Falls is requesting an expansion of the lodging tax collected as allowed to include short-term rentals (VRBO's and Airbnb's) and municipal campgrounds. A motion and second were made by Fish and Hicks to recommend the council direct the City Attorney to modify the municipal tax (or lodging tax) ordinance to include short-term rentals and municipal campgrounds.

Utility Easement for 1007 N Tower Road

The owner of SCR Solutions is planning a building addition to double their manufacturing space at 1007 N Tower Road. The addition would encroach onto a publicly owned permanent utility easement and requires an easement release. The city has reviewed the request and has no objection. A motion and second were made by Hicks and Kvamme to recommend the council direct the City Engineer and City Attorney execute the partial release of a permanent utility easement and the motion carried.

Fergus Falls Airport Master Plan

The Fergus Falls Municipal Airport has three active improvement projects which will be substantially completed this year. PI 9349 is the pavement maintenance, apron repair and reseal project. PI 9348 is the airport fuel system replacement project and PI 9350 is the automated weather observation system relocation and replacement project. PI 9351, the instrument landing system replacement is on hold until the airport master plan and airport layout plan have been approved by the FAA. Tim Wentworth and Melissa Underwood from SEH shared the work scope requirements for the airport master plan which is required to receive federal funds. The last master plan was approved in 2011 most of the previous plan projects will soon be complete. The city can receive \$150,000 in entitlement funding each year and they can bank the funds for up to 4 years. 90% of the funding is federal, 5% from the state and the local share is 5%. The Bipartisan Infrastructure Law bill would provide \$159,000 in Fiscal Year 2022 and \$145,000 in Fiscal Years 2023-2026 (90% is federal funding and 10% local funds). There is state legislative pending to determine the match for these funds. The airport is eligible for state grants for projects not eligible for FAA funding (70% state funding and 30% local funds). The process to develop the master plan, its focus areas, influences on the master plan and stakeholder committee member responsibilities were reviewed. The total estimated cost for the master plan is \$369,200. 90% of the cost can be covered by federal funding and the city would need to provide the remaining 10% (Airport 456 fund). The FAA also requires an Independent Fee Evaluation which HDR will provide. A motion and second were made by Fish and Rachels to recommend the council initiate Public Improvement 9353, the Fergus Falls Municipal Airport Master Plan and Airport Layout Plan; to accept HDR's independent fee evaluation professional services proposal in the amount of \$4,000 and to accept SEH's Airport Master Plan and ALP update professional services proposal in the amount of \$364,200 and the motion carried.

PI 6080, Sidewalk/Driveway Rates

A motion and second were made by Hicks and Thompson to recommend the council initiate Public Improvement 6080, the 2023 sidewalk program and approve the 2023 sidewalk assessment rates and the motion carried.

PI 9502, Old Wastewater Treatment Plant Demolition Project

Last year the city accepted a Letter of Intent from Otter Tail Power (OTP) to acquire city owned property within the abandoned Wastewater Treatment Plant along the Pisgah Dam to construct a new

electrical substation. A condition of the letter of intent was that the city must prepare an Environmental Site Assessment Phase I, which is complete. OTP is not requesting a Phase II assessment and is willing to move forward with a purchase agreement so they can plan to start the new substation construction in the spring of 2024. The council was asked to determine the work scope. Option 1 is demolishing only what is needed to facilitate Otter Tail Power's space needs or Option 2 is demolishing all of the facility once the pending purchase agreement is executed. The project costs are proposed to be funded through the Sanitary Sewer Enterprise Fund and this project has been on the city's Capital Improvement Plan. A motion and second were made by Fish and Rachels to recommend the council accept Interstate Engineering's professional services supplemental proposal for design in the amount of \$25,000; to order the project plans and specifications and to authorize staff to prepare the Purchase Agreement between Otter Tail Power and the City of Fergus Falls. Both stated their preference for demolishing the entire facility and the motion carried. Once the final project costs have been determined, the council will take formal action on which option to proceed with.

YMCA Lifeguard Agreement

A motion and second were made by Thompson and Rufer to recommend the council approve a contract with the Fergus Falls YMCA to provide lifeguard services at Pebble Beach for the 2023 season and the motion carried.

Salt/Sand Storage Building

The City of Fergus Falls, Otter Tail County and State of Minnesota were involved in a three-way sharing of salt/sand storage structure where each paid 1/3 of the costs. Otter Tail County built their own structure and no longer participates in the agreement. The state has decided to construct a new facility which would dramatically increase the city's share of the cost. The city can build their own new structure at the city shop for less than the cost of the share of the new state building. The structure would be pre-engineered, placed at the city shop property and obtained through the Sourcewell purchasing group for \$240,405. A motion and second were made by Thompson and Rachels to recommend the council approve a contract with Greystone Construction to provide and install a 65' x 84' Atlas L 10 Series building, and the motion carried.

The meeting adjourned to a special meeting of the City Council at 8:06 am

Lynne Olson