

City Council Meeting
May 15, 2023

The Fergus Falls City Council held a regular meeting on Monday May 15, 2023, at 5:30 pm in the City Council Chambers. Pastor Jim Johnson of Calvary Free Church gave the invocation, and the Pledge of Allegiance was recited. Mayor Schierer called the meeting to order at 5:32 pm and the following council members were in attendance: Thompson, Rachels, Hicks, Fish, Job, Kvamme, Rufer and Kremeier.

Approval of Agenda

A motion and second were made by Hicks and Thompson to approve tonight's agenda with the requests of Kvamme to remove an item from the consent agenda and add an acknowledgement of the volunteer work of high school students and a request from Kremeier to speak about mediation under old business and the motion carried.

PI 6079 Final Cost Hearing

PI 6079 is the 2022 sidewalk/driveway improvement projects initiated by homeowners by 100% petition. The interest rate is 5.25% and the final assessments are on a variable term based on the assessment value. The public hearing was opened at 5:35 pm and as no one appeared, the hearing was closed. Kvamme offered **Resolution #89-2023** adopting the final cost assessments for PI 6079, the 2022 sidewalk/driveway improvements, which was seconded by Rufer and was adopted.

Housing Tax Rebate Public Hearings

Four properties have applied for the housing tax rebate program. The public hearing was opened at 5:38 pm, as no one appeared, the hearing was closed. Thompson offered **Resolution #90-2023** approving a property tax rebate for 1323 Lenore Way, which was seconded by Fish and was adopted. Rachels offered **Resolution #91-2023** approving a property tax rebate for 1340 Lenore Way, which was seconded by Hicks and was adopted. Fish offered **Resolution #92-2023** approving a property tax rebate for 3405 Pebble Hills Drive, which was seconded by Rufer and was adopted by a 5-3 vote. Voting in favor were Thompson, Rachels, Fish, Kvamme, and Rufer. Voting in opposition were Hicks, Job and Kremeier. Fish offered **Resolution #93-2023** approving a property tax rebate for 3620 Pebble Hills Drive, which was seconded by Kvamme, and voting resulted in a 4-4 tie. Voting in favor were Rachels, Fish, Kvamme and Rufer. Voting in opposition were Thompson, Hicks, Job and Kremeier. Mayor Schierer voted in the affirmative and the resolution was adopted.

Proclamation: Public Works Week

Mayor Schierer read a proclamation declaring May 21-27, 2023, as National Public Works Week.

Consent Agenda

The following items were approved under **Resolution #94-2023** by Rufer: Motion approving the minutes from the May 1, 2023 City Council meeting, the May 10, 2023 Committee of a Whole meeting and the May 10, 2023 Special Council meeting. Motion approving the following licenses: Food Truck Permit Spanky's Stone Hearth, On the Hook Fish & Chips, Fish Factor 108 LLC; Minnesota Lawful Gambling Permit Fergus Falls Youth Baseball Inc. for raffle at DeLagoon Park on June 29, 2023; Excavator Ben Wolden Landscaping, Outdoor Renovations Landscape & Nursery; Sidewalk/Paving Robert Nordick Construction, Andy's Concrete, Derosier Masonry, Ben Wolden Landscaping; Chicken Permit Cindy Jensen 544 W Summit Avenue and Callie Shea 615 S Woodland

Drive. **Resolution #95-2023** setting the final cost hearing for City Project 5960, the 2023 Street & Utility Improvement Project No. 1 (Linden: Broadway to Oak, Summit: Broadway to Oak, Laurel: First Ave to Broadway) for June 5, 2023, at 5:30 pm. **Resolution #96-2023** approving the Library Use Conduct Policy. Motion directing the City Attorney to modify the municipal tax ordinance to include short-term rentals and municipal campgrounds. **Resolution #97-2023** authorizing the execution of a partial release of a permanent utility easement at 1007 N Tower Road. **Resolution #98-2023** initiating PI 6080, the 2023 sidewalk/driveway program and approving the 2023 assessment rates. **Resolution #99-2023** accepting Interstate Engineering's professional services supplemental proposal for design in the amount of \$25,000, ordering the plans and specifications and authorizing staff to prepare the Purchase Agreement between Otter Tail Power Company and the City of Fergus Falls for PI 9502, the old wastewater treatment plant demolition project. **Resolution #100-2023** approving the 2023 Lifeguard Services Contract with the Fergus Falls YMCA for lifeguarding services at Pebble Lake Beach. **Resolution #101-2023** approving a contract with Greystone Construction to provide and install a 65' x 84' Atlas L10 Series building as a salt/sand storage structure. The resolution was seconded by Thompson and was adopted.

PI 9353, Airport Master Plan

Kvamme pointed out the airport master plan is necessary to receive federal funds for airport projects and felt this is a good example of the city investing in their current assets. The cost of the professional services for this plan is \$364,200 and 90% of the cost is covered by federal funding. Kvamme offered **Resolution #102-2023** initiating PI 9353, the Fergus Falls Municipal Airport Masterplan and ALP update, accepting HDR's independent fee evaluation professional services proposal in the amount of \$4,000 and accepting SEH's professional services proposal in the amount of \$364,200, which was seconded by Rachels and was adopted.

Ordinance 37, Eighth Series

After clarifying the means of recourse for violation of the noise ordinance, Ordinance 37, Eighth Series, Amending City Code Chapter 90.24, Noise Violations was adopted by a roll call vote.

Lessards-Sams Outdoor Heritage Council for Lake Alice

The Lessards-Sams Outdoor Heritage Council was established by the legislature for projects relating to the restoration, protection and enhancement of wetlands, prairies, forests and habitat for fish, game and wildlife. The city's lobbyist is encouraging the city to consider an application for grit chambers to help catch sediment before it enters Lake Alice. Kvamme offered **Resolution #103-2023** authorizing staff to apply to the Lessards-Sams Outdoor Heritage Council for the installation of grit chambers for Lake Alice, which was seconded by Hicks and was adopted.

Property Tax Rebate Program

The council has been considering changes to the property tax rebate program including a separate incentive program for first time homebuyers. There was discussion regarding what qualifies as a significant improvement and ensuring the value of the property is higher than the rebate provided. Thompson offered **Resolution #104-2023** to modify the city's property tax rebate program to cap eligible property values at \$400,000, which was seconded by Job and was adopted.

Resolution of Accounts

Fish offered a resolution authorizing the payments and claims in the amount of \$2,047,872.11, which was seconded by Rufer and was adopted.

Code of Conduct Policy

Last week the council asked for a sub-committee of City Council and Charter Commission members to review the proposed Code of Conduct Policy for Elected Officials. Since that time, the Charter Commission leadership has respectfully declined to participate in the review process as this is out of the scope of their role. They are willing to help review any sections that pertain to the Charter language. Hicks felt the Charter Commission could serve as a neutral body to resolve conflicts between council members. City Attorney Rolf Nycklemoe clarified the differences between the City Charter and the City Code. The Charter Commission is made up of private residents, appointed by the court. They review the Charter as the city's constitution and larger issues such as the structure of government. The City Council, comprised of elected officials, implements the code language governing many of the city's functions. Although having more people in the review process may be helpful, this is the council's document, and it is their responsibility to govern themselves and hold each other accountable. A motion and second were made by Hicks and Fish to approve a sub-committee of Scott Rachels, Scott Kvamme, Laura Job, and Tom Rufer to review the proposed Code of Conduct for Elected Officials and the motion carried.

Old Business

Kremeier said the council requested mediation services between himself and council member Thompson with a mediator from the League of Minnesota Cities (the League), which he has declined. Mark Leighton (a resident of Ward Two) and Mike Mortenson (a resident of Ward Three) are willing to participate in mediation with Thompson if an attorney is present to ensure the conversation is properly documented. City Administrator Andrew Bremseth was uncertain if the League would provide the mediation services between an elected official and private residents and felt it is unlikely they would provide this service at no cost. Mayor Schierer agreed the League needs to be consulted and expressed his feelings that no more additional taxpayer funds be expended on this issue. Job felt it was valuable to do what is needed to move the city forward. Kremeier felt this is taxpayer money well spent as this is the only way it is possible to move forward. Rachels said the council members attending the retreat unanimously agreed they want mediation between council members Kremeier and Thompson, and that stance has not changed. He asked Kremeier to reconsider his participation. Kremeier responded this is not an issue between himself and Thompson, but rather between the private residents and Thompson. Schierer said these concerns of the private residents have been resolved by legal means. The city funded an independent investigation conducted by an attorney and the election issue was resolved by a three-judge panel at the state level. In his mind, these matters have been resolved and no additional taxpayer funds need to be expended for private issues.

The National Honor Society students who recently assisted the city in painting messages on local storm drains about protecting the city's water quality were commended for their efforts. A town hall meeting is set for May 17 at 6:30 pm at the Public Library.

The meeting adjourned at 6:24 pm

Lynne Olson

Open Forum

The person who requested to speak at the open forum did not appear. Bob Noah provided his opinion people addressing the council through the open forum need not supply their home address. The City Attorney suggested those using the open forum should identify if they are a city resident.