

Committee of the Whole Meeting
June 14, 2023

The Fergus Falls City Council met as a Committee of the Whole on Wednesday June 14, 2023 at 7:00 am in the City Council Chambers. Acting Mayor Scott Kvamme called the meeting to order, and the following council members were in attendance: Rachels, Hicks, Fish, Job, Kvamme, Rufer, Kremeier and Thompson. Mayor Schierer was absent.

City Project 5959

Plans and specifications for City Project 5959, Stanton Avenue: Union to Broadway are substantially complete. The total estimated project cost is \$1,940,000 and the city will have a final cost hearing prior to awarding a contract. A trail was originally intended to run along the entire project length but has been shortened to Union to S Vine Street. A motion and second were made by Fish and Rufer to recommend the council accept the project plans and specifications and authorize the advertising of bids for City Project 5959, and the motion carried.

Public Improvement 5364

Public Improvement 5364 is the 2023 mill and overlay improvement project comprised of Park: Fir Avenue to Skogmo Boulevard; Skogmo Boulevard: Park Street to Cleveland Avenue; Hillside Avenue: Park Street to East termini; Union Avenue: Union to Fir Avenue. The estimated cost is \$276,700. A motion and second were made by Thompson and Hicks to recommend the council accept the project plans and specifications and authorize the advertising of bids for PI 5364, the 2023 mill and overlay improvement project and the motion carried.

Bicycle Lanes on Union Avenue

Mallory Jarvi, the Chair of the Bicycle and Pedestrian Advisory Committee asked the council to consider adding bike lanes on Union Avenue between Lincoln Avenue and Church Street. The addition of the bike lanes would take away a few parking spaces and add to the city's striping budget. Rachels, Hicks, Kremeier and Thompson expressed concerns about the impacts on traffic, alternate routes, safety, and increased costs and Rufer spoke in support. A motion and second were made by Rufer and Hicks to recommend the council authorize city staff to evaluate the feasibility of installing bike lanes on Union Avenue and to add the project to the city's striping project list in 2024. The motion was defeated with Rufer and Job voting in favor and Rachels, Hicks, Fish, Kvamme, Kremeier and Thompson voting in opposition.

Ferber Park Mountain Bike Trail Contract

Pedal Fergus Falls, on behalf of the city, applied for and received a grant from the Minnesota DNR to expand the mountain bike trails in Ferber Park and add a skills area. They provided the matching grant funds for the \$104,000 project. Rufer expressed his support of the project and Kvamme thanked Dave Sanderson for his efforts and noted the \$100,000 addition to a city asset without additional city funding is appreciated. A motion and second were made by Fish and Rachels to recommend the council authorize the Mayor and City Administrator to sign a contract with TrailSource to expand the trail system and construct a skills area within Ferber Park and the motion carried.

Library Annual Report

Library Director Gail Hedstrom provided an annual report of the Fergus Falls Public Library. In 2022 the facility welcomed 102,995 visitors, checked out 196,500 physical and 29,000 digital items,

held nearly 600 programs with over 15,000 participants and the library was the beneficiary of 1,784 volunteer hours. Over 1,200 people have registered for the summer reading program to date. She spoke about the demand for hot spots, the varied activities the volunteers provide, the library's success in the recent legislative session and the increased visitors due to the construction of the new playground across the street.

Conditional Use Permit- Sugar High

On May 24 the Planning Commission considered a Conditional Use Permit (CUP) request from Sugar High LLC for hemp processing or manufacturing in a B-3 General Business District at 116 S Union Avenue. They held a public hearing with no opposition to the request. The Planning Commission unanimously offered a recommendation the council approve the conditional use permit request without conditions as this proposed use is allowed under City Code 154.038. A written request for a CUP is subject to the state's 60-day rule where it must be approved or denied within 60 days from the time it was submitted to the city. The city may extend the period for an additional 60 days which they requested on June 5 for additional discussion and study of the request. Community Development Director Klara Beck explained by August 23, 2023, the council must either: approve the CUP; approve the CUP with conditions; deny the CUP with the reasons for denial in writing or negotiate an additional extension with the applicant. A motion and second were made by Rufer and Fish to recommend the council approve the conditional use permit without conditions at their next meeting.

Rachels asked about hemp manufacturing in a restaurant, the city's licensing process and the impact of the state's legalization of marijuana. Hicks asked about the lifespan of a conditional use permit. A CUP runs in perpetuity with the parcel, not the person it is attached to. He also asked about the safeguards to protect patrons of the kitchens who share this space, controlling minors from entering the kitchen space, food labeling, and concerns with cross contamination. Kvamme reminded the council they are being asked to consider the conditional use permit as it relates to zoning and the council could add conditions to the permit if they chose. Thompson expressed his concerns about food allergies and the public's right to know what is being processed on site and asked about the new state legislation. Kremeier spoke about his conversations with a member of the Planning Commission and Public Health, the city's choice to not join the county's moratorium and said although he is in favor of business, he was not in favor of using shared kitchen space and the potential liability. Rufer felt the issue with cross contamination is a moot point as it would take significant measures to notice the effects of this product and asked how this would differ for products made with alcoholic beverages.

Emily McCune, owner of Sugar High asked to address the council. She said received proper written notice from the city within 48 hours of the city's decision to extend the period for 60 days but felt the city's reasons for the extension request did not constitute a legal basis for an extension. She cited the lack of opposition at the public hearing and said her application met all the conditions set forth in City Code. She shared her opinion the council is taking discriminatory actions against her business and application by delaying their approval. McCune announced she was officially withdrawing her application as she found space in an industrial zone to manufacture her hemp products which is allowed without a CUP. Rufer and Fish retracted their motion to approve the request and the motion carried. A motion and second were offered by Hicks and Job to direct staff to review City Code Chapter 154.038 and the motion carried.

The meeting adjourned at 8:00 am

Lynne Olson