



City of Fergus Falls Committee of the Whole Agenda

September 27, 2023

7:00 am

City Council Chambers

A. Call to Order

B. Roll Call

C. Discussion Items

1. Combined Election Polling Places
Lynne Olson/Andrew Bremseth
Requested Action: Recommendation to the council to combine polling places for the March 5, 2024, Presidential Nominating Primary Election and the August 13, 2024, Primary Elections
2. Union Avenue Bridge (PI 9013)
Brian Yavarow/Steve Olson
Requested Action: Recommendation to the council to accept Olson & Nesvold Engineers (ONE) professional services proposal for final design in the amount of \$138,820
3. Shoreview Drive Street Improvement Project (PI 5373)
Brian Yavarow
Requested Action: Recommendation to the council to accept the petition for bituminous street improvements in the Abundant Life Addition and Pebble Lakes Estates Addition, initiate Public Improvement 5373 and order the preparation of the preliminary engineering feasibility report
4. Broadway Avenue: Fir to Lincoln & Randolph: Friberg to Springen Resurfacing Project (PI 5327)
Brian Yavarow
Requested Action: Recommendation to the council to accept project plans and specifications and authorize the advertising of bids
5. City Code Violations Update
Len Taylor/April Zumach
Staff responses to open forum comments regarding code enforcement violations from the September 5 City Council meeting
6. THC& Edible Product Sale Update
Kile Bergren

7. Charter Commission Recommendations
Mark Hovland
Requested Action: Recommendation to the council to direct the City Attorney to make the recommended changes to the City Charter and City Code 31.25

8. Elected Officials Code of Conduct
Laura Job/Scott Rachels/Scott Kvamme/Tom Rufer
Requested Action: Recommendation to approve the Elected Officials Code of Conduct as proposed by a sub-committee of the city council

D. Additional Agenda Items

E. Announcements

October 2 5:30 pm

City Council Meeting

October 11 7:00 am

Special City Council Meeting immediately followed by the Committee of the Whole Meeting

Adjourn



Council Action Recommendation

Page 1 of 1

Meeting Date: September 27, 2023 Committee of the Whole
October 2, 2023 City Council

Subject: Combining Polling Places for March and August 2024 Primary Elections

Recommendation:
Resolution combining polling precincts for the March 5, 2024 and the August 13, 2024 primary elections

Background/Key Points:

There are three planned elections for 2024: A Presidential Nominating Primary on March 5; the State Primary Election on August 13 and the General Election on November 5.

Minnesota Statute 204B.14 allows cities to combine precinct polling places by resolution by November 1 of the prior year. To seek efficiency and lower staffing costs, I am recommending combining precincts for both the March 5 and August 13 elections. There has been a low voter turnout for primary elections each election sees a greater number of people voting absentee.

Our election judges are loyal, but it is difficult to recruit judges for the March election as we have many snowbirds, or they are uncomfortable driving during unpredictable Minnesota weather conditions. We also struggle with the recruitment of judges that prefer to not serve during the summer months.

All four of the city's polling places would continue to operate, but combining the precincts would reduce staffing needs by half and the city would see savings in labor by only setting up one precinct per polling location.

The November 2024 General Election would have all eight precincts open and fully staffed with the expected large voter turnout.

Budgetary Impact: Savings of an estimated \$6,000 per primary election

Originating Department: Administration/Elections

Respectfully Submitted: Lynne Olson

Attachments: None



Council Action Recommendation

Page 1 of 1

Meeting Date:

September 27, 2023 – Committee of the Whole
October 2, 2023 – City Council

Subject:

PI No. 9013- Union Avenue Bridge (BR No. 5453) Rehabilitation Project

Recommendation:

- Accept Olson & Nesvold Engineers (ONE) professional services proposal for final design in the amount of \$138,820.00

Background/Key Points:

Steve Olson from Olson & Nesvold Engineers (ONE) will be in attendance for a presentation about the Union Avenue Bridge, BR No. 5453, rehabilitation project. If acceptable, Olson & Nesvold will begin the final design process with Interstate Engineering, MnDOT, and the State Historical Society.

Budgetary Impact:

This fee is proposed to be funded thru future project costs and reimbursed thru State funding. Based on correspondence with the State the outlook for funding for this bridge project is appealing. Potential funding is a 50/50 split of State Aid and Bridge Bonding. Given the bridge's historical significance, SHPO will likely contribute funds and perhaps engineering costs as well.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

Union Bridge Power Point

Rehabilitation of the Union Avenue Bridge

City of Fergus Falls

September 27, 2023



Update on Engineering

- Introduction to the Bridge and the load capacity issue
- Engineering Approach (Surgical)
- Fieldwork Findings
 - Geotech Work
 - Asbestos and Regulated Waste Assessment
 - Laser Scanning
- Preliminary Design

Historic Bridge Report

- Eligible for the National Register
- Contributes to:
 - Railroads in MN
 - StP&P St. Vincent Extension / StPM&M / GN / BN Railroad Corridor Historic District.

Minnesota Department of Transportation (MnDOT) Local Historic Bridge Report

Executive Summary

Bridge Number: 5453

Bridge 5453 was constructed in 1938 and carries Union Avenue (Old U.S Highway 52; currently MSAS 104) over the Otter Tail Valley Railroad in Fergus Falls, Otter Tail County. It is owned by the City of Fergus Falls. Bridge 5453 is significant for its aesthetics as applied to a bridge built by a New Deal agency and on a grade separation structure. Additionally it is significant as an example of MHD's design applied to bridges on trunk highways and the aesthetic effort to enhance the railroad corridor. Bridge 5453 is considered a contributing element to the determined-eligible StP&P St. Vincent Extension/ StPM&M/ GN/ BN Railroad Corridor Historic District.

Bridge 5453 is a five-span, cast-in-place, concrete slab-span structure, about 125 feet in total length. The two end spans are 19 feet in length and the three main spans are 29 feet in length. The bridge substructures are placed on an approximate 25-degree skew to align parallel to the railroad. The north span flares to the east at the intersection with Church Street. The bridge has a 40-foot-wide roadway and 6-foot-wide sidewalks on each side. Railings are cast-in-place concrete, featuring an open balustrade design with arched openings. There are intermediate and end pilasters. The abutments and piers are cast-in-place concrete.

Bridge 5453 is in good to fair condition and appears to adequately serve its purpose of carrying vehicular and pedestrian traffic. With proper maintenance, stabilization, and preservation activities, it is believed Bridge 5453 could continue to serve in its present capacity for the 20 years or longer.

Any work on Bridge 5453 should proceed according to the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) [36 CFR part 67] and *The Secretary's Standards with Regard to Repair, Rehabilitation, and Replacement Situations*, as adapted by the Virginia Transportation Research Council (Guidelines).



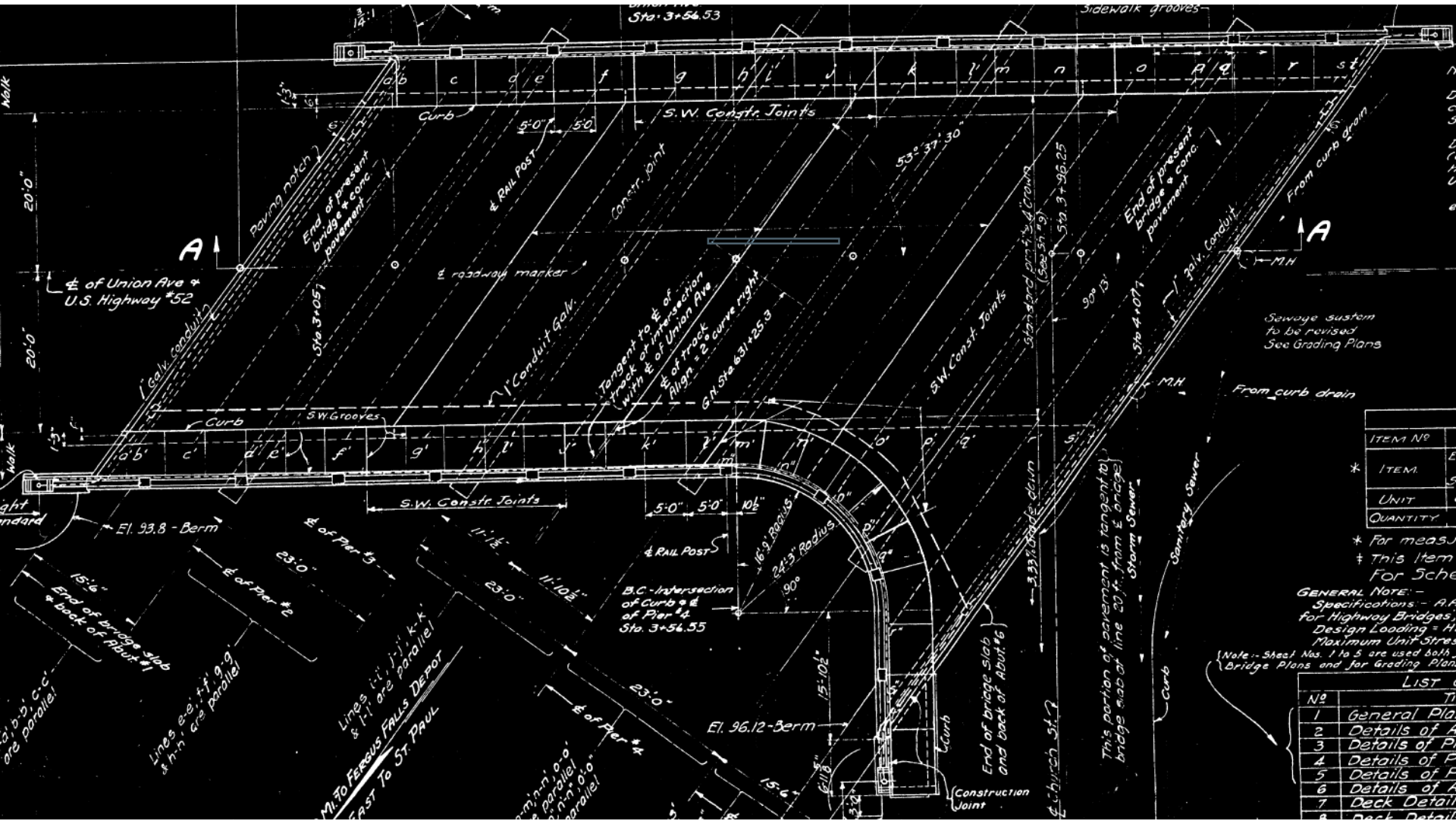
Railing and Setting are Important Historically



Preliminary Engineering Approach

- Address the load capacity issue as “surgically” as possible.
 - Make sure the piling has capacity to carry today’s loads
 - Make sure the piers and abutments have capacity to carry today’s loads
 - Keep the sidewalk and railing
 - Replace the bridge slab between sidewalks with a higher capacity bridge slab.

Plan View of the Bridge



ITEM NO	ITEM	UNIT	QUANTITY
*			
†			

* For meas...
 † This item...
 For Sche...

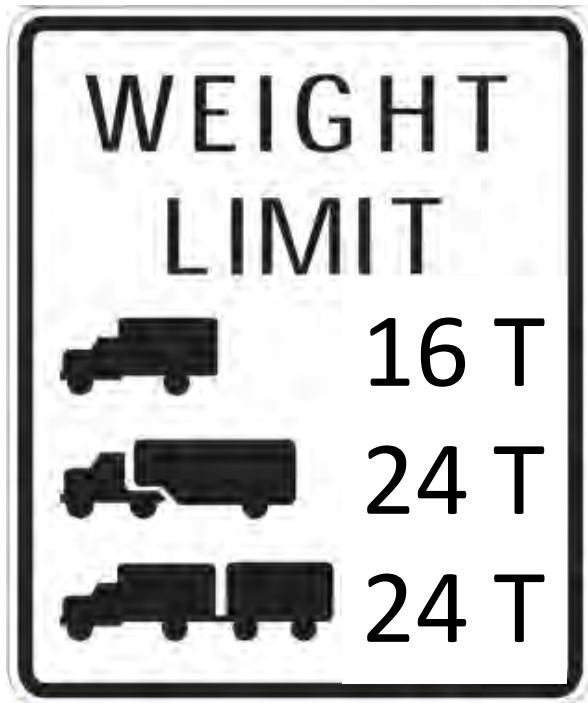
GENERAL NOTE:
 - Specifications - A.A.
 for Highway Bridges,
 Design Loading = H,
 Maximum Unit Stress

{Note: Sheet Nos. 1 to 5 are used both
 Bridge Plans and for Grading Plans}

LIST OF SHEETS

No	Description
1	General Plan
2	Details of A
3	Details of P
4	Details of P
5	Details of P
6	Details of A
7	Deck Detail
8	Deck Detail

Load Capacity Issue



To: Nathan Gannon
Brian Yavarow

From: Alex Schwarzhoff

Date: July 16, 2019

Re: Union Avenue Bridge over Otter Tail Valley Railroad
Rehabilitation
Fergus Falls, MN

In 2016 Bridge No. 5453 on Union Ave over the Otter Tail Valley Railroad in Fergus Falls Minnesota was inspected. As part of this process the existing bridge rating from 2008 was reviewed and it was discovered that a couple of non-conservative assumptions were made. At the time of the inspection in 2016 Bridge No. 5453 had advanced warning signs showing a single tonnage of 45 tons. As part of the review of the bridge rating it was determined that a safer, more conservative approach would be to post the bridge for 16-24 tons based on the Minnesota rating trucks. This determination was based on past experience and the condition of the bridge.

This reduced posting has created an inconvenience for the traveling public as well as the City of Fergus Falls as emergency vehicles, refuse trucks, and semi-trucks have had to be rerouted off of Union Ave a main thoroughfare through the City of Fergus Falls. Due to this inconvenience the City of Fergus Falls has started to explore options to rehabilitate or replace Bridge No. 5453.

The bridge is a 125 foot 5 span concrete slab span with a 25 degree skew carrying two lanes of traffic and two raised sidewalks. The bridge meets current geometric criteria but the deck has significant deterioration and the pier caps are showing shear cracking reducing the sufficiency rating to a 41.2

In beginning to explore options to rehabilitate Bridge No. 5453 we have been in contact with MN/DOT Bridge Office partially because Bridge No. 5453 has been identified as a historic bridge. In discussing the project with the staff about the options and requirements for rehabilitating or replacing the bridge it is our understanding the City has a few options:

1. Complete the project with exclusively Local Funds which because the bridge is not on the National Register of Historic Places would not require the City to meet any historical standards.
2. Using state funds such as Bridge Bonding would require the City to work within the State preservations standards working largely with the State Historical Preservation Office. This option could include a legislative request to obtain bonding money specifically for this project.

Professionals you need, people you trust

P.O. Box 216 • 116 East Washington Avenue • Fergus Falls, MN 56528-0216 • P: 218-739-5545 • F: 218-739-4814 • www.interstateeng.com

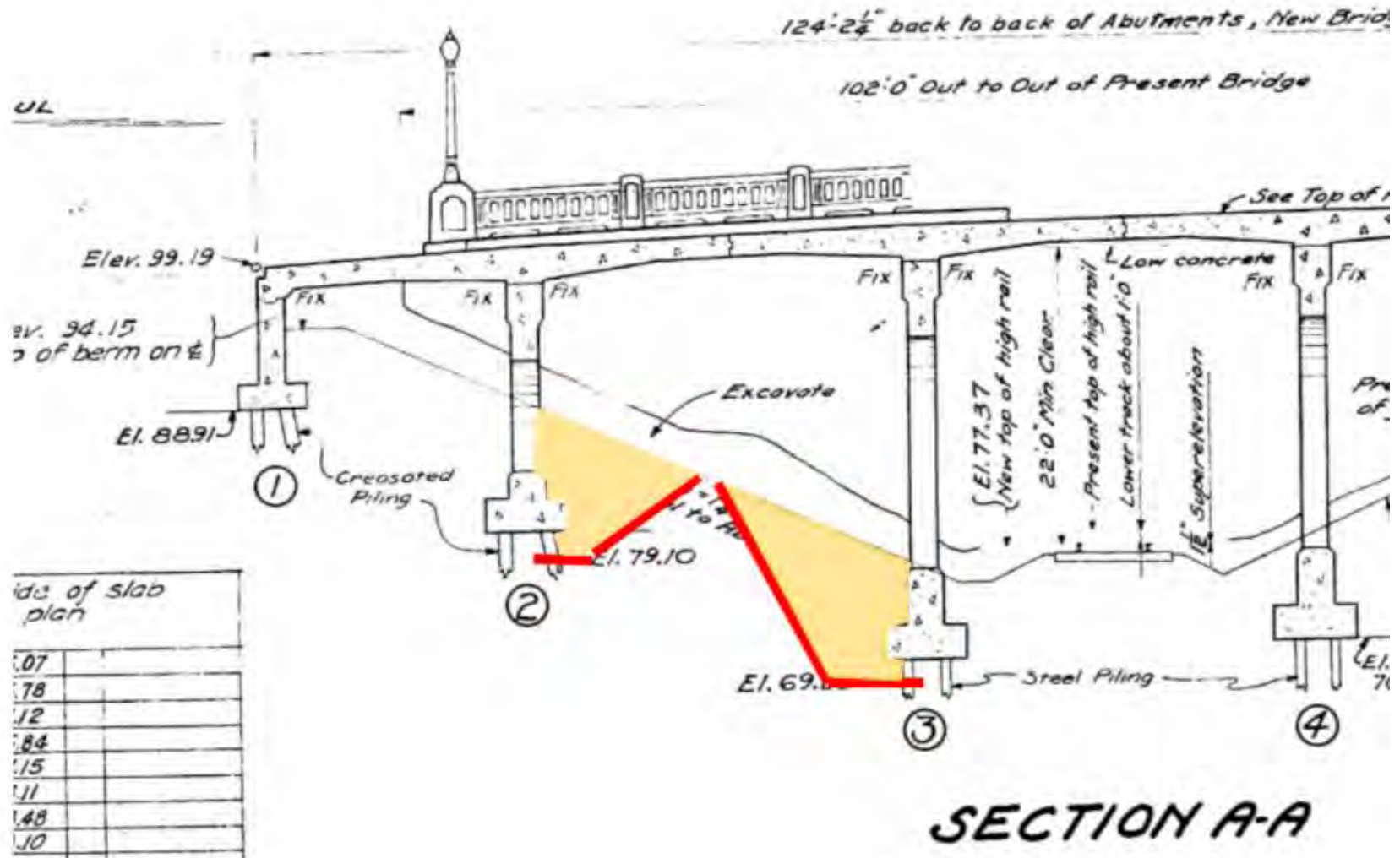
Offices in: North Dakota • Montana • Minnesota • South Dakota

Q:\2018\18-00s\F18 00 124 PER Union Ave Bridge Administrative Correspondence\Memo 07162019.docx

The Largest Fergus Falls Fire truck weighs about 37 tons

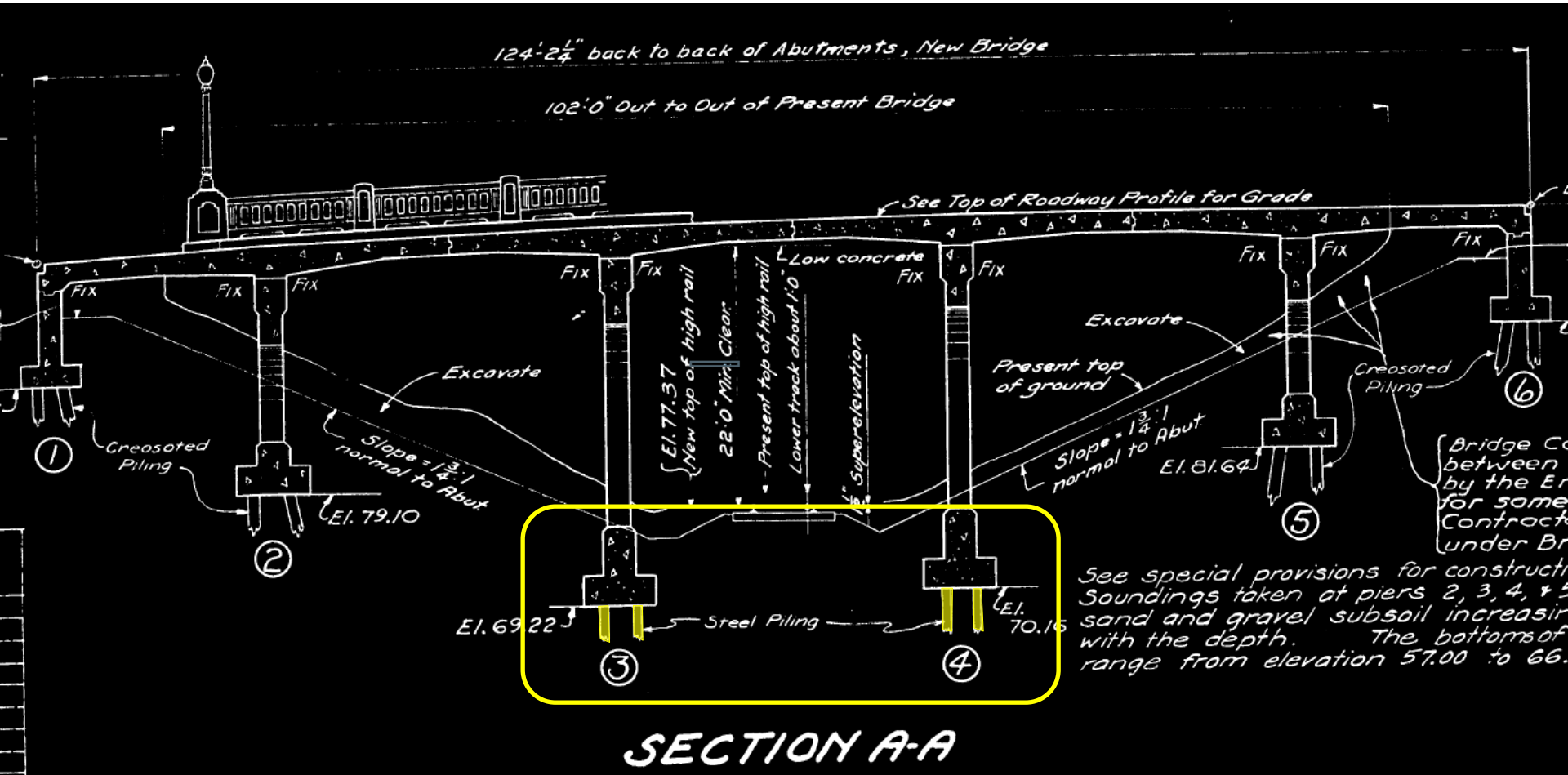


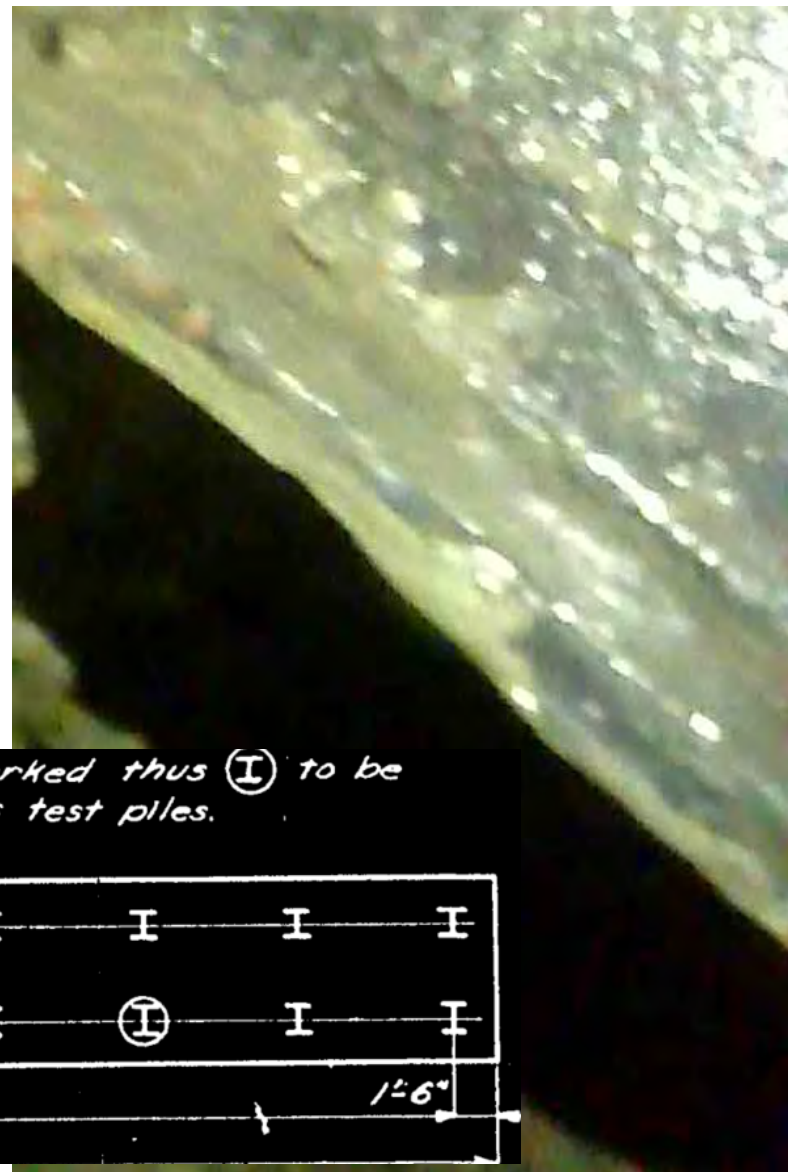
Squeeze more capacity out of foundations



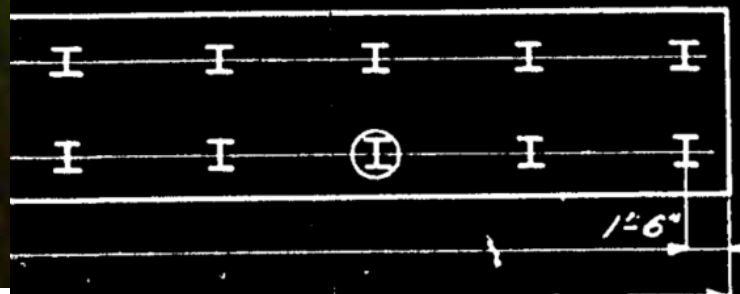
Union Avenue Bridge – Bridge 5453

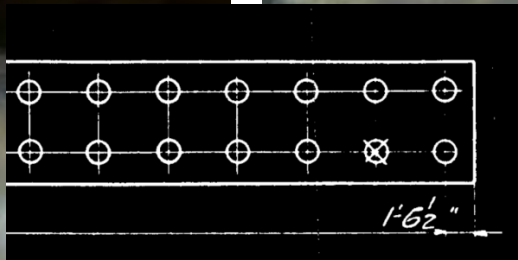
Steel H-Piling





Piling marked thus (I) to be driven as test piles.





33% increase in capacity

- 13% increase in pile loads due to “current” design loads compared to 1938

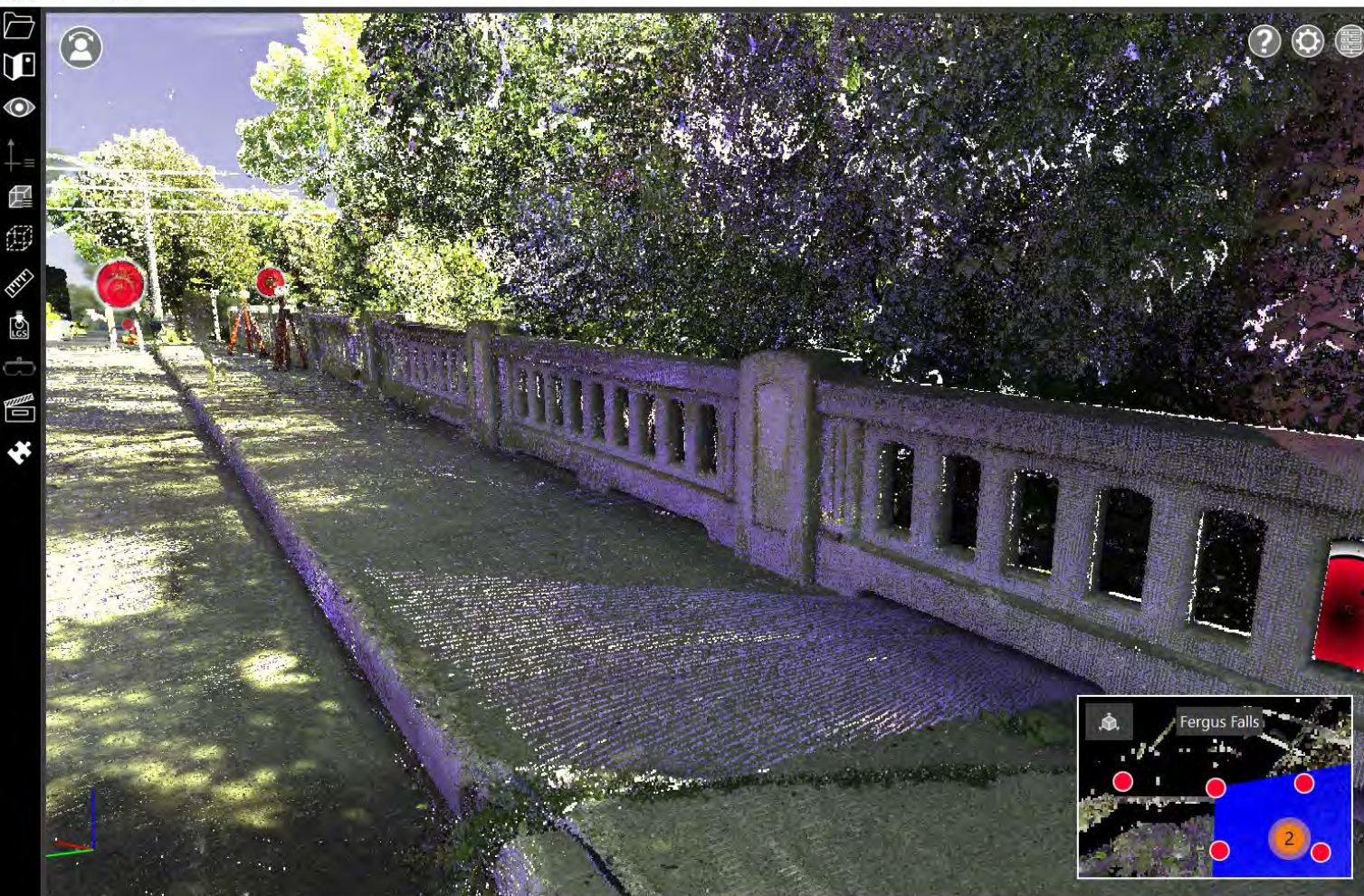


Good News

- No need to add additional piling to support the bridge to carry larger modern truck loads.

Laserscan – 1.6 billion survey points

TruView - Fergus Fall - Final 1*

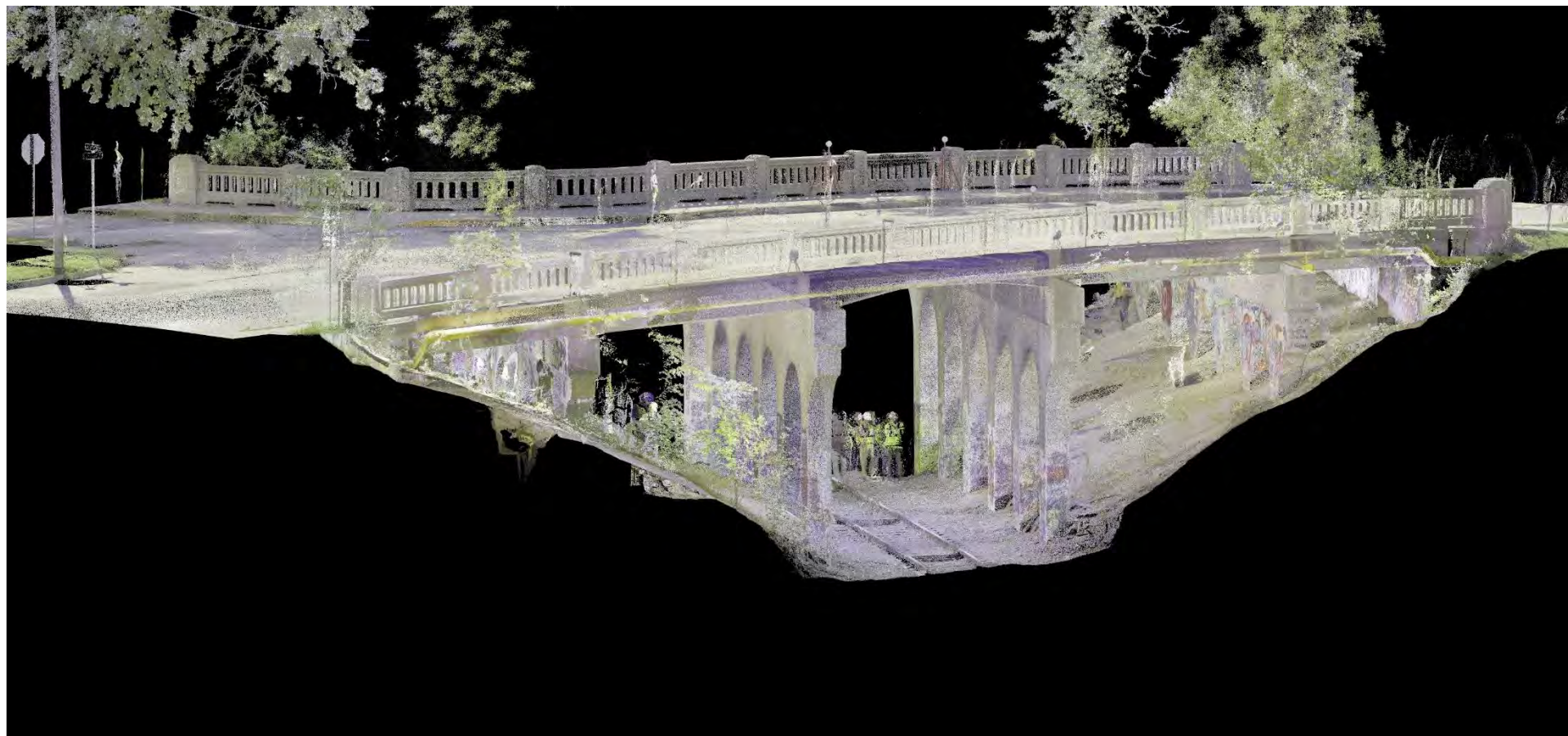


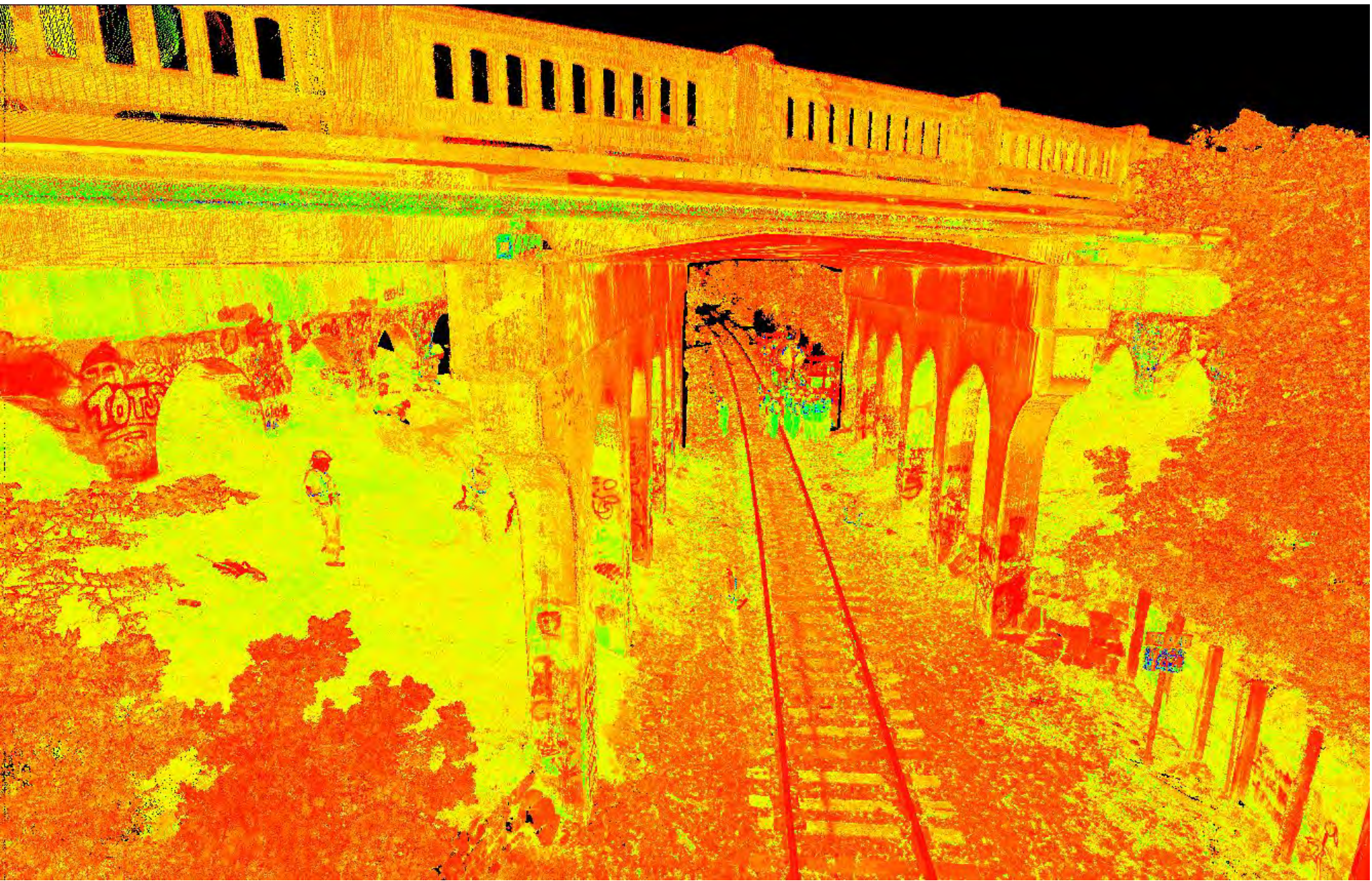
Fergus Fall - Final 1

Description
No Description.

Information

Creation Time	Tue Apr 12 12:55:40 2022
Creating Application	Cyclone REGISTER 360 2022.0.0
Publishing License	Cyclone PUBLISHER Pro
Supports Models	Yes
Supports VR	Yes
Schema version	2022.0.0
SiteMaps	1
Assets	5
Point Cloud Points	1635729009 (1635.7 million)
HDR Point Cloud	Yes
Setups	62
Setups with RGB Images	62
Setups with HDR Images	62
Setups with IR Images	0
Coordinate Systems	0
Control	No

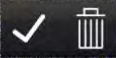




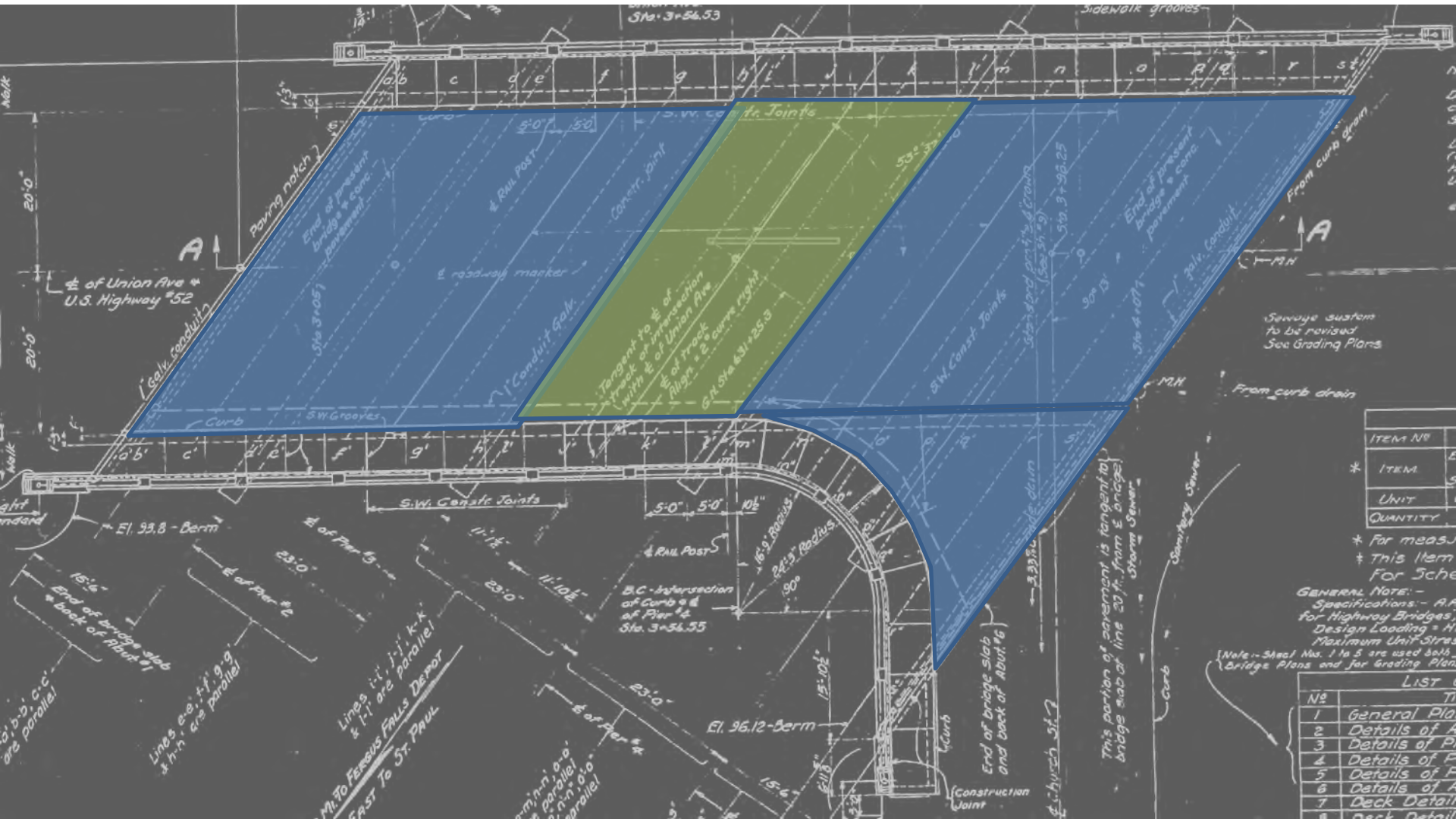


Distance: 23.748 ft (US)
Distance XY: 23.743 ft (US)
Dz: -0.459 ft (US)

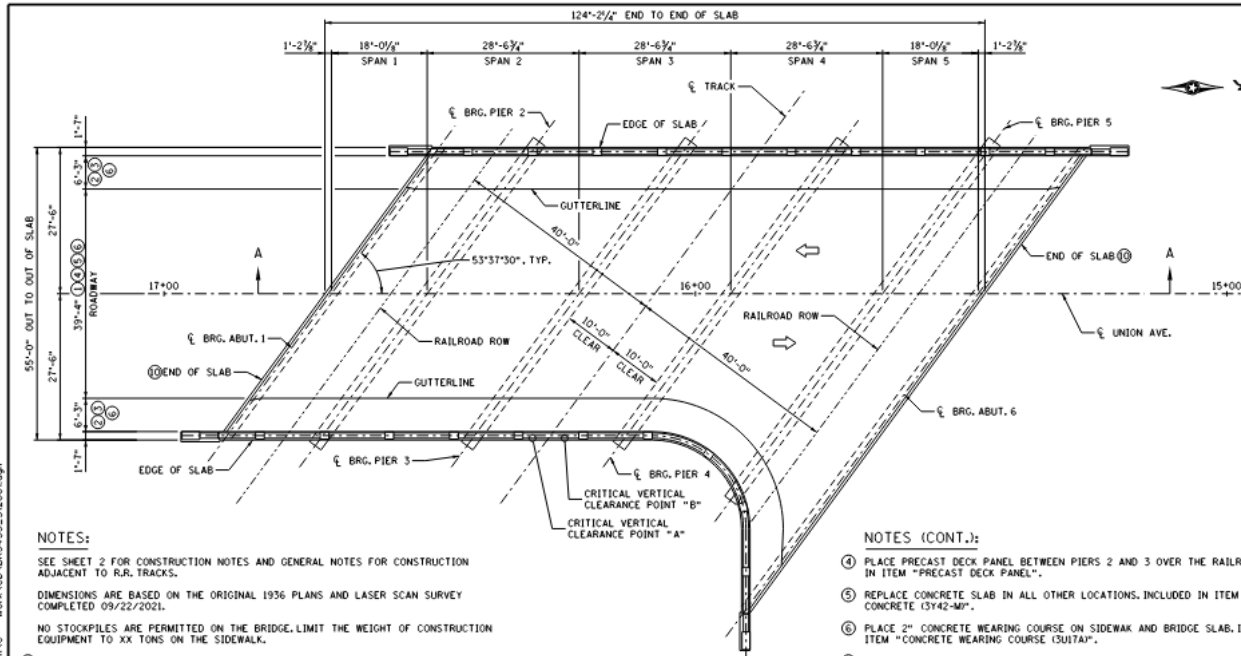
Distance: 15.337 ft (US)
Distance XY: 0.165 ft (US)
Dz: -15.336 ft (US)



Replace the Blue and Green Areas with Stronger Components



30% Bridge Plans Assembled



DESIGN DATA

DESIGNED IN ACCORDANCE WITH 2020 AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS.

HL 93 LIVE LOAD

MATERIAL DESIGN PROPERTIES:
 REINFORCED CONCRETE:
 f'c = 4 K.S.I. CONCRETE
 fy = 60 K.S.I. PLAIN AND EPOXY COATED BARS
 n = 8 FOR REINFORCEMENT

DECK AREA = 7332 SQ. FT

DESIGN SPEED:
 OVER = 30 M.P.H.

HL 93 LRFD
 BRIDGE OPERATING RATING FACTOR RF = X.XX

Olson & Nesvold Engineers, P.S.C.
 8000 West 78th Street, Suite 410
 Edina, MN 55439

30% SUBMITTAL

LIST OF SHEETS

NO.	DESCRIPTION
1	GENERAL PLAN AND ELEVATION
2	GENERAL NOTES & SCHEDULE OF QUANTITIES
3	TRANSVERSE SECTION
4	REMOVALS

BRIDGE NO. 5453

UNION AVE. OVER
 OTY RAILROAD
 IN FERGUS FALLS

5 - SPAN CONCRETE DECK SLAB
 36" SKW

IDENTIFICATION NO. 209/509

GENERAL PLAN AND ELEVATION

SEC 34 T 133 N R 43 W

FERGUS FALLS OTTERTAIL COUNTY

DES: SLN	DR: DPS
CHK:	CHK:

SHEET NO. 1 OF XX SHEETS

NOTES:

SEE SHEET 2 FOR CONSTRUCTION NOTES AND GENERAL NOTES FOR CONSTRUCTION ADJACENT TO R.R. TRACKS.

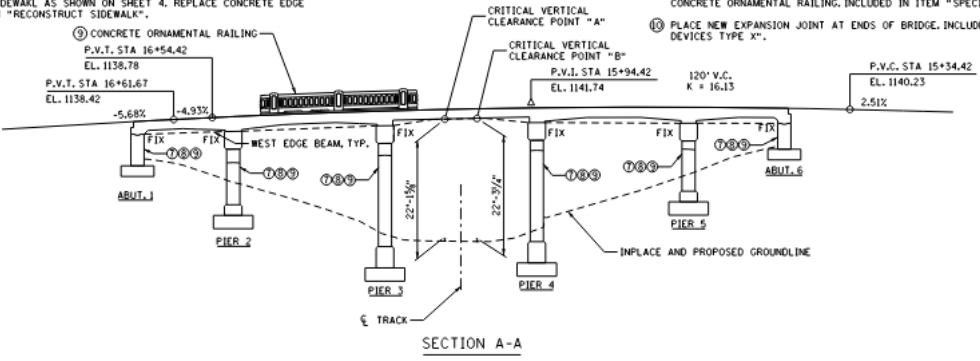
DIMENSIONS ARE BASED ON THE ORIGINAL 1936 PLANS AND LASER SCAN SURVEY COMPLETED 09/22/2021.

NO STOCKPILES ARE PERMITTED ON THE BRIDGE, LIMIT THE WEIGHT OF CONSTRUCTION EQUIPMENT TO XX TONS ON THE SIDEWALK.

- REMOVE CONCRETE SLAB BETWEEN GUTTERLINES AS SHOWN ON SHEET 4, INCLUDED IN ITEM "REMOVE CONCRETE SLAB".
- MILL 2" FROM TOP OF SIDEWALKS, INCLUDED IN ITEM "MILL CONCRETE SURFACE (2.0")".
- REMOVE 2" FROM EDGE OF SIDEWALK AS SHOWN ON SHEET 4. REPLACE CONCRETE EDGE AS SHOWN, INCLUDED IN ITEM "RECONSTRUCT SIDEWALK".

NOTES (CONT.):

- PLACE PRECAST DECK PANEL BETWEEN PIERS 2 AND 3 OVER THE RAILROAD, INCLUDED IN ITEM "PRECAST DECK PANEL".
- REPLACE CONCRETE SLAB IN ALL OTHER LOCATIONS, INCLUDED IN ITEM "BRIDGE SLAB CONCRETE (3742-MP)".
- PLACE 2" CONCRETE WEARING COURSE ON SIDEWALK AND BRIDGE SLAB, INCLUDED IN ITEM "CONCRETE WEARING COURSE (3UITA)".
- REMOVE UNSOUND CONCRETE FROM INPLACE ABUTMENTS AND PIERS AND REPAIR WITH SHOTCRETE, INCLUDED IN ITEM "CONCRETE SURFACE REPAIR".
- REPAIR CRACKS ON PIERS AND ABUTMENTS, INCLUDED IN ITEM "CRACK REPAIR TYPE 1".
- APPLY SPECIAL SURFACE FINISH TO ALL EXPOSED FACES OF THE ABUTMENTS, PIERS, AND CONCRETE ORNAMENTAL RAILING, INCLUDED IN ITEM "SPECIAL SURFACE FINISH (INPLACE)".
- PLACE NEW EXPANSION JOINT AT ENDS OF BRIDGE, INCLUDED IN ITEM "EXPANSION JOINT DEVICES TYPE X".



Plotted by: Don Straeter
 Plotted on: 9/15/2022 at 2:14:40 PM
 File path: \\oneserver\public\PROJECTS\1187-1\Fergus Falls 5453.dwg - Production\c - Work\CD\BR5453_S12001.dgn

Minimal Accident History

- 1 accident in the past 22 year history
- Non-reportable accident
- No impact with the railings

Railroad Pier Protection

- Not needed per MnDOT's Bridge Preservation and Improvement Guidelines

Asbestos & Regulated Waste

- Lead Gaskets
- Mercury Street Light
- Treated Timber
- Solid Waste

Asbestos and Regulated Waste Assessment Report

Bridge ID: 5453
Union Avenue (MSAS 104) over the Otter Tail Valley (OTV) Railroad
Fergus Falls, Minnesota

Prepared for

Olson & Nesvold Engineers, P.S.C.



Prepared By:

Braun Intertec Corporation
11001 Hampshire Avenue South
Bloomington, MN 55438

December 16, 2019

Estimated Costs & Design Fees

- Construction (~\$3 million)
 - Bridge Work ~\$2.5 million
 - Roadway Work ~0.5 million
- Design
 - ONE - \$98,820
 - Bridge Plans, Specifications, MnDOT & SHPO reviews
 - Interstate - \$40,000
 - Roadway, Traffic Control, Watermain Relocation

Next Steps

- Complete Bridge Design
- Complete Roadway Design
- Coordinate with State Aid Bridge
- Coordinate with State Historic Preservation Office
- Coordinate with the MnDOT District Office

Questions?



Council Action Recommendation

Page 1 of 1

Meeting Date:

September 27, 2023 – Committee of the Whole
October 2, 2023 – City Council

Subject:

PI 5373 – Shoreview Drive Street Improvement

Recommendation:

- 1) Accept the Petition for Bituminous Street Improvement in the Abundant Life Addition & Pebble Lakes Estates Addition
- 2) Initiate Public Improvement No. 5373
- 3) Order preparation of the Preliminary Engineering Report – Feasibility Report (PER) for PI No. 5373

Background/Key Points:

A petition has been received for a bituminous street improvement in the Abundant Life Addition & Pebble Lakes Estates Addition. I have attached a copy of the petition along with a map of the location illustrating the proposed improvement.

This petition, representing 58% of the abutting property owners, meets the requirements set forth under the local improvement code of Minnesota Statute, Section 429 and City Codes Chapter 151.035.

After initiation of the project the Engineering Department will prepare a report on the estimated project design and cost, neighborhood appraisal, and method of special assessment for consideration during a future preliminary project hearing.

Budgetary Impact:

The estimated construction cost and preliminary special assessment rates will be included in the PER. Currently the budgetary impact is undetermined. Due to the nature of the proposed improvements most costs should be covered using Permanent Improvement Revolving (PIR) Fund Bonds allocated for special assessments under Chapter 429.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

PI 5373 – Project Petition



1:2,400

SHOREVIEW DRIVE

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.

DO HEREBY PETITION, the Council of the City of Fergus Falls, Minnesota to proceed with and make the following described improvement:

FOR: Grade, Gravel and Bituminous Surface

LOCATION: Shoreview Drive ABUNDANT LIFE ADDITION & PEBBLE LAKE ESTATES

TERMINI: Pebble Lake Road TO: Cul-De-Sac

AND TO ASSESS the benefits against the real estate benefitted thereby, in the manner prescribed by the City Charter and as provided by law.

No.	Registered Owner	Part Lot	Lot	Blk.	Frontage
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SEE ATTACHED PARCEL REPORTS:

Signed Petitions represent 58% of property frontage adjacent to the proposed improvement. Minimum of 35% is required to initiate project by Petition so request should proceed to City Council for action.

STATE OF MINNESOTA


COUNTY OF OTTER TAIL

Paul S. Jensen (Petitioner), being first
duly sworn on oath says that he or she is one of the petitioners who
signed the foregoing petition and that he or she circulated the petition
and personally states that the signatures on this petition, which appear
on page one, were made in his or her presence and that he or she
personally knows that each who signed the petition is, in fact, a petitioner
and that person signing the same was shown the petition and given an
opportunity to read the contents thereof, and that affiant has read the
foregoing petition and knows the contents thereof, and that the same
is true of his own knowledge except as to matters therein stated on
information and belief and as to those matters, he believes it to be true.

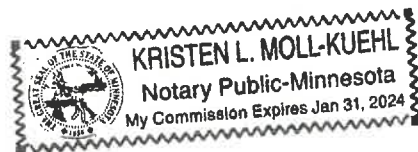
 (Petitioner Signature)

Subscribed and sworn to before me

this 8th day of June, 2023

 (Notary Signature)

My commission expires 1/31/2024



OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc 

Parcel Number: 71-001-99-0947-000
Deed Holder: CARR FAMILY REV LVG TST
Property Address: 1810 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1810 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4212 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 01766-PEBBLE LAKE ESTATES
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 1 BLK 1
Minnesota Water: PEBBLE 56082900



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024			\$0	
2023			\$0	
2022			\$0	

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	250.00	250.00
Main Lot	12.00	12.00	250.00	250.00
Main Lot	44.00	44.00	250.00	250.00

Land Information

Lot Type	Square Feet	Acres
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Signed Petition

[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

I, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.



BRIAN CARR, TRUSTEE
CARR FAMILY REVOCABLE TRUST
PIN: 71001990947000

Date: 6-22-23

6/6/23, 4:07 PM

Otter Tail County

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc

Parcel Number: 71-001-50-0095-003
Deed Holder: KEVYN B HECK & ANGELA F BOWMAN
Property Address: 1765 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1765 SHOREVIEW DR
 FERGUS FALLS, MN 56537 USA
PDF Name: FERGUS FALLS CITY
Subdivision: N/A
Sec-Twp-Rng: 14-132-043
Legal Description: PT GL 1 & W1/2 NE1/4 E OF HWY R/W EX TRS EX HWY EX PLATTED



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Information

Lot Type	Square Feet	Acres
Acres x Rate	174,240	4.000
Acres x Rate	43,560	1.000
Total	217,800	5.000

Residential Building Information

Occupancy	Style	Year Built
Single-Family / Owner Occupied	1 1/2 Story Frame	2021

<https://ottertail.minnesotaassessors.com/parcel.php?parcel=71001500095003>

Signed Petition


[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

We, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.



KEVYN HECK
PIN: 71001500095003

Date: 6-10-23



ANGELA BOWMAN
PIN: 71001500095003

Date: 6-10-23

6/6/23, 4:01 PM

Otter Tail County

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc

Parcel Number: 71-001-50-0095-014
Deed Holder: ALT FAMILY REV LIV TST
Property Address: 1802 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1802 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4212 USA
PDF Name: FERGUS FALLS CITY
Subdivision: N/A
Sec-Twp-Rng: 74-132-043
Legal Description: PT GL 1 COM SW COR GL 1 SEC 14S 89° E 341.82' N 14° W 655.93' N
 66° E 46.53' NELY
Minnesota Water: PEBBLE 56082900



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024			\$0	

<https://ottertail.minnesotaassessors.com/parcel.php?parcel=71001500095014>

Signed Petition

[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

We, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.



MIKE ALT, TRUSTEE
ALT FAMILY REVOCABLE LIVING TRUST
PIN: 71001500095014

Date: JUNE 11, 2023

6/6/23, 4:09 PM

Otter Tail County

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc

Parcel Number: 71-001-99-1027-000
Deed Holder: PAUL S & SARAH B JENSEN
Property Address: 1729 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1729 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4253 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 02437-ABUNDANT LIFE ADDN
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 2 BLK 1



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	259.00	259.00
Main Lot	60.00	60.00	259.00	259.00

Residential Building Information

Occupancy	Style	Year Built
Single-Family / Owner Occupied	1 1/2 Story Frame	2020

Signed Petition

[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

We, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.



PAUL JENSEN
PIN: 71001991027000

Date: 6-8-23



SARAH JENSEN
PIN: 71001991027000

Date: 6-8-23

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc 

Parcel Number: 71-001-99-0948-000
Deed Holder: WERNER FAMILY REV LVG TST
Property Address: 1814 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1814 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4212 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 01766-PEBBLE LAKE ESTATES
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 2 BLK 1
Minnesota Water: PEBBLE 56082900



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	250.00	250.00
Main Lot	50.00	50.00	250.00	250.00

Land Information

Lot Type	Square Feet	Acres
1.00 Unit	0	0.000

Signed Petition

[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

We, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.

Werner Family Revocable Living Trust

Perry Werner
PERRY WERNER, TRUSTEE
WERNER TRUST
PIN: 71001990948000

Peggy Werner
Trustee

Date: June 24, 2023

OTTER TAIL COUNTY ASSESSOR



Parcel Number: 71-001-99-0952-000
Deed Holder: WILLIAM J & KARLA K ZANDER
Property Address: 1817 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1793 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4253 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 01766-PEBBLE LAKE ESTATES
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 6 BLK 1

No image to display

Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	268.00	268.00
Main Lot	50.00	50.00	268.00	268.00

Signed Petition

OTTER TAIL COUNTY ASSESSOR



Parcel Number: 71-001-99-0953-000
Deed Holder: WILLIAM J & KARLA K ZANDER
Property Address: 1793 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1793 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4253 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 01766-PEBBLE LAKE ESTATES
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 7 & 8 BLK 1



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Front foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	276.00	276.00
Main Lot	100.00	100.00	276.00	276.00
Main Lot	0.00	160.00	260.00	308.00

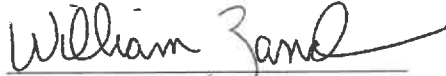
Residential Building Information

Occupancy	Style	Year Built
Single-Family / Owner Occupied	1 Story Frame	2021

Signed Petition

[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

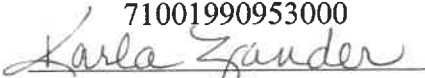
We, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.



WILLIAM ZANDER

PIN: 71001990952000

71001990953000



KARLA ZANDER

PIN: 71001990952000

71001990953000

Date: 6-20-2023

Date: 6/20/2023

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc 

Parcel Number: 71-001-99-0950-000
Deed Holder: SHERRI E MONEY REV LIV TST
Property Address: 1822 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1822 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4212 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 01766-PEBBLE LAKE ESTATES
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 4 AND LOT 5 BLK 1
Minnesota Water: PEBBLE 56082900



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	300.00	300.00
Main Lot	52.00	52.00	300.00	300.00
Main Lot	100.00	100.00	285.00	285.00
Main Lot	50.00	50.00	285.00	285.00

Land Information

Lot Type	Square Feet	Acres
1.00 Unit	0	0.000

Signed Petition

[SIGNATURE PAGE TO PETITION FOR IMPROVEMENT]

I, undersigned, owner(s) of the following described parcel(s) abutting or served by Shoreview Drive hereby join the Petition for Improvement, and respectfully request that the City Council consider our request for bituminous road surfacing upon Shoreview Drive.

 trustee

SHERRI E. MONEY, TRUSTEE

SHERRI E. MONEY REVOCABLE LIVING TRUST

PIN: 71001990950000

PIN: 71001990951000

Date: 6/14/23



Parcel Number: 71-001-50-0095-015
Deed Holder: STEPHEN A & SARAH E MOLINE
Property Address: 1827 PEBBLE LAKE GOLF DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1827 PEBBLE LAKE GOLF DR
 FERGUS FALLS, MN 56537-8526 USA
PDF Name: FERGUS FALLS CITY
Subdivision: N/A
Sec-Twp-Rng: 14-132-043
Legal Description: PT NW1/4 NE1/4 & PT GL 1 & PT SW1/4 NE1/4 BG SW COR GL 1 E 341.82' N
 15°W 665.62' S 68

**No image
to display**

Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024			\$0	
2023			\$0	
2022			\$0	

Land Information

Lot Type	Square Feet	Acres
Acres x Rate	43,560	1.000
Acres x Rate	455,202	10.450
Total	498,762	11.450

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc

Parcel Number: 71-001-99-0949-000
Deed Holder: TODD J & JENNIFER S KAMPSTRA
Property Address: 1818 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1818 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4212 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 01766-PEBBLE LAKE ESTATES
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 3 BLK 1
Minnesota Water: PEBBLE 56082900



Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	250.00	250.00
Main Lot	51.00	51.00	250.00	250.00

Land Information

Lot Type	Square Feet	Acres
1.00 Unit	0	0.000

OTTER TAIL COUNTY ASSESSOR

Assessor Hub provided by Vanguard Appraisals, Inc 

Parcel Number: 71-001-99-1028-000
Deed Holder: ARLAN & NANCY SYMENS
Property Address: 1743 SHOREVIEW DR
 FERGUS FALLS, MN 56537-0000 [MAP THIS ADDRESS](#)
Mailing Address: 1743 SHOREVIEW DR
 FERGUS FALLS, MN 56537-4253 USA
PDF Name: FERGUS FALLS CITY
Subdivision: 02437-ABUNDANT LIFE ADDN
Sec-Twp-Rng: 14-132-043
Legal Description: LOT 3 BLK 1



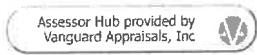
Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				

Land Front Foot Information

Lot	Front	Rear	Side 1	Side 2
Main Lot	100.00	100.00	275.00	275.00
Main Lot	21.00	21.00	275.00	275.00
Main Lot	79.00	79.00	275.00	275.00
Main Lot	47.00	47.00	275.00	275.00

Residential Building Information



Parcel Number:
71-001-99-1026-000

Deed Holder:
ASSEMBLY OF GOD CHURCH

Property Address:
0

Mailing Address:
2929 PEBBLE LAKE RD

FERGUS FALLS, MN 56537-4244 USA

PDF Name:
FERGUS FALLS CITY

Subdivision:
02437-ABUNDANT LIFE ADDN

Sec-Twp-Rng:
14-132-043

Legal Description:
LOT 1 BLK 1

**No image
to display**

Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2024				
2023				
2022				



Council Action Recommendation

Page 1 of 2

Meeting Date:

September 27, 2023 – Committee of the Whole
October 2, 2023 – City Council

Subject:

PI 5327 – Broadway Avenue from Fir Avenue to Lincoln Avenue & Randolph Avenue
from Friberg Avenue to Springen Avenue Resurfacing Project
State Transportation Improvement Program (STIP) SFY 2023
(MSAS 105 & 135)

Recommendation:

- Accept project plans and specifications
- Authorization to Advertise for Bids

Background/Key Points:

The project plans and specifications are substantially complete for the above referenced project. The Estimated Probable Construction Cost is \$1,780,000.00. The City must publicly advertise for bids pursuant to the “Competitive Bidding Requirements” monetary thresholds. MnDOT Central Office has completed their review and approved the bidding documents. The bid opening is scheduled for **October 26, 2023, at 2:00PM.**

The project work scope consists of street resurfacing (mill & overlay), base patching, and ADA improvements as required throughout the project limits. Traffic control will be utilized to facilitate traffic during construction. Please refer to the attached exhibit for additional detail.

Construction is scheduled to occur next summer. Interim progress dates will apply in the contract. Additionally, work on Randolph Avenue occur and be completed while school is out for summer break.

Budgetary Impact:

This project is proposed be funded thru Federal and State Aid funds. The preliminary cost shares are:

Federal Share: 80-percent for construction only (max. rate)

State Aid Share: 20-percent construction, 100-percent for engineering design and contract administration

\$1,542,400 in federal funds have been authorized to date for this project.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

PI 5327 – Title Sheet

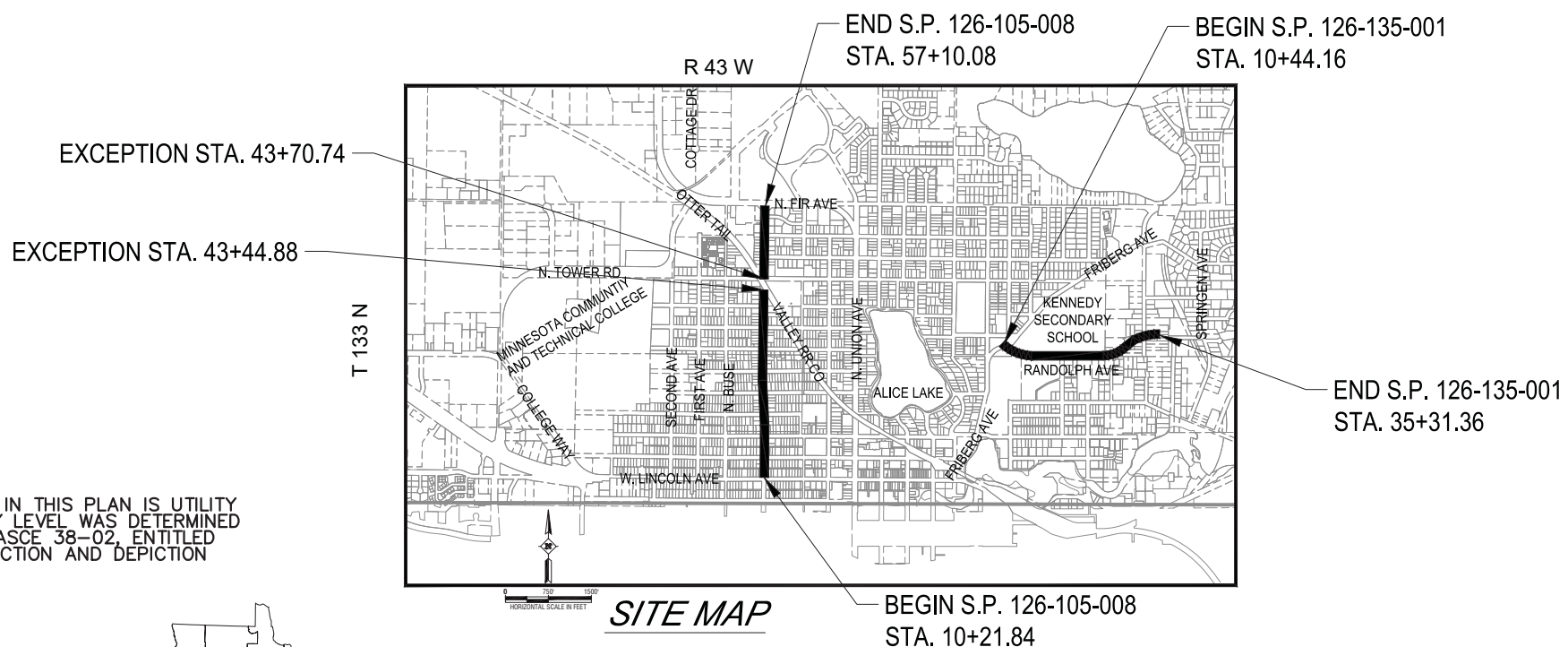
MINNESOTA DEPARTMENT OF TRANSPORTATION CITY OF FERGUS FALLS

CONSTRUCTION PLAN FOR
BITUMINOUS MILLING AND BITUMINOUS SURFACING,
CONCRETE SIDEWALK, CURB RAMPS & RETAINING WALL

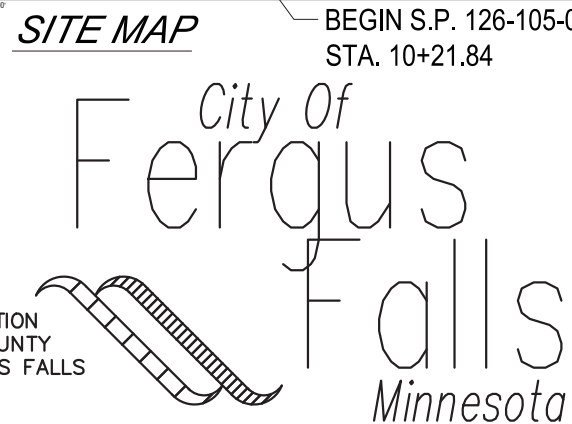
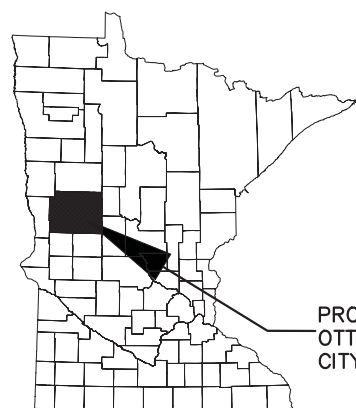
LOCATED ON S.P. 126-105-008 NORTH BROADWAY FROM WEST LINCOLN AVE TO NORTH FIR AVE (GEOGRAPHIC DESCRIPTION)
 FROM 148' NORTH AND 2000' EAST OF THE SOUTHWEST CORNER OF SEC. 34 T 133, R 43 (LEGAL DESCRIPTION)
 TO 43' SOUTH AND 1872' EAST OF THE NORTHWEST CORNER OF SEC. 34 T 133, R 43 (LEGAL DESCRIPTION)

LOCATED ON S.P. 126-135-001 RANDOLPH AVENUE FROM FRIBERG AVENUE TO SPRINGEN AVENUE (GEOGRAPHIC DESCRIPTION)
 FROM 2833' NORTH AND 936' EAST OF THE SOUTHWEST CORNER OF SEC. 35 T 133, R 43 (LEGAL DESCRIPTION)
 TO 3002' NORTH AND 3397' EAST OF THE SOUTHWEST CORNER OF SEC. 35 T 133, R 43 (LEGAL DESCRIPTION)

S.P. 126-105-008	S.P. 126-135-001
GROSS LENGTH <u>4688.24ft</u> <u>0.888</u> mi	GROSS LENGTH <u>2487.20ft</u> <u>0.471</u> mi
BRIDGES-LENGTH _____ ft _____ mi	BRIDGES-LENGTH _____ ft _____ mi
EXCEPTIONS-LENGTH <u>25.86</u> ft <u>0.005</u> mi	EXCEPTIONS-LENGTH _____ ft _____ mi
NET LENGTH <u>4662.38ft</u> <u>0.883</u> mi	NET LENGTH <u>2487.20ft</u> <u>0.471</u> mi
EQUATIONS _____	EQUATIONS _____



THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA"



SCALES

REMOVALS	<u>40 FT</u>
SURFACING	<u>40 FT</u>
CURB RAMPS	<u>20 FT</u>
MILL AND OVERLAY, TRAFFIC MARKINGS	<u>40 FT</u>
BROADWAY AVE. TRAFFIC CONTROL	<u>50 FT</u>



S.P. 126-105-008
S.P. 126-135-001

MINN. PROJ. NO. STBG 5623(243)

GOVERNING SPECIFICATIONS
THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND THE "SUPPLEMENTAL SPECIFICATIONS" DATED SEPTEMBER 2022 SHALL GOVERN.

INDEX OF SHEETS		
SHEET NO.	TITLE SHEET	TITLE
1	G1.1	TITLE SHEET
2	G1.2	LEGEND
3	G1.3	ESTIMATED QUANTITIES
4-5	G1.4 - G1.5	TYPICAL SECTIONS
6	G1.6	GENERAL DETAILS
7-18	G2.1 - G2.12	STANDARD PLAN DETAILS
19-20	C1.1 - C1.2	BROADWAY AVE. TABULATIONS
21-25	C2.1 - C2.5	BROADWAY AVE. REMOVAL PLANS
26-30	C3.1 - C3.5	BROADWAY AVE. SURFACING PLANS
31-42	C4.1 - C4.12	BROADWAY AVE. ADA IMPROVEMENTS
43-48	C5.1 - C5.6	BROADWAY AVE. EROSION CONTROL PLANS
49-60	C6.1 - C6.12	BROADWAY AVE. TRAFFIC CONTROL PLANS
61	D1.1	RANDOLPH AVE. TABULATIONS
62-66	D2.1 - D2.5	RANDOLPH AVE. REMOVAL PLANS
67-71	D3.1 - D3.5	RANDOLPH AVE. SURFACING PLANS
72	D4.1	RANDOLPH AVE. CURB RAMPS
73-77	D5.1 - D5.5	RANDOLPH AVE. EROSION CONTROL
78-90	D6.1 - D6.13	RANDOLPH AVE. TRAFFIC CONTROL PLANS
91-95	D7.1 - D7.5	RANDOLPH AVE. STRIPING PLAN

THIS PLAN SET CONTAINS 95 SHEETS
DESIGN DESIGNATION

	S.P. 126-105-008	S.P. 126-135-001
	PRESENT ADT	2023 = 2450
FUTURE ADT	2043 = 2690	2043 = 2630
TON DESIGN	9 TON	9 TON
CLASSIFICATION	URBAN MAJOR COLLECTOR	URBAN MAJOR COLLECTOR
NO. OF TRAFFIC LANES	2	2
NO. OF PARKING LANES	2	2
DRIVING LANE WIDTH	12'	12'
PARKING LANE WIDTH	10'	8'
POSTED SPEED	30 MPH	30 MPH
SOIL FACTOR	120	120
HCADT	145	142

BASED ON STOPPING SIGHT DISTANCE
3.5' HEIGHT OF EYE. 2.0' HEIGHT OF OBJECT.
 DESIGN SPEED NOT ACHIEVED AT: N/A

Alex Schwarzhoff
ALEX SCHWARZHOFF INTERSTATE ENGINEERING

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 3-14-2023 LICENSE NUMBER: 47119

APPROVED BY *Brian Yavarow*
BRIAN YAVAROW PE CITY ENGINEER

DATE: 3-18-2023 LICENSE NUMBER: 48363

DISTRICT STATE AID ENGINEER: REVIEWED FOR COMPLIANCE WITH STATE-AID AND/OR FEDERAL AID RULES/POLICY.

APPROVED FOR STATE AID AND/OR FEDERAL AID FUNDING
STATE AID ENGINEER



Council Action Recommendation

Page 1 of 1

Meeting Date:

September 27, 2023 – City Council

Subject:

Open Forum Request re: Rental Properties and Limited Liability Companies (LLCs)
Joe Clausen, 104 S. Lakeside Drive

Recommended Action:

None

Background/Key Points:

- Mr. Clausen owns a property that is registered with the State as LLC and his son lives at this property. Mr. Clausen asked for an exemption from the rental registration program during the September 5, 2023, City Council meeting.
- Property classifications of homestead vs non-homestead (such as an LLC) are determined by the Otter Tail County Assessor, not the City.
- Mr. Clausen will need to work with Otter Tail County to determine how to reclassify his property from non-homestead to homestead to be exempt from registering the property as a rental.
- If homesteaded status is granted and verified by Otter Tail County, then the property would be exempt.

Budgetary Impact:

None

Originating Department: Public Works

Respectfully Submitted: April Schubert-Zumach, Code Enforcement Officer

Meeting Date

September 27, 2023

Subject

Four Open Forum Disputes with Nuisance Code Violations

For Information Only

Background

At the September 5, 2023 City Council Open Forum, four residents expressed concern about their specific property, related to nuisance code violations they received this summer. All complaints are related to trailer parking, yards & off-street parking, and inoperable vehicles on residential property. Each will be addressed below.

The code currently allows no more than four vehicles be stored on one property. They must all be in working order, licensed, and insured. Also, all vehicles parked in the street must be moved at least once every 24 hours.

In 2019 the City of Fergus Falls updated our entire code. This was done under the guidance of legal counsel with the League of MN Cities. The reason for the update was to bring our codes into compliance with model ordinances that have been vetted in the court system.

When codes change, certain *zoning* ordinances may be grandfathered in. However, no other ordinances, including licensing and nuisance ordinances, are subject to grandfathering.

When the City receives a formal complaint, the complainer's identity is protected by law. This is confidential and cannot share that information.

Specific Concerns on September 5

Rhonda Craft, 421 Friberg Ave.: Ms. Craft's situation is resolved, and to date the property is complying. She may have up to four operable/insured/licensed vehicles on her property provided they are on gravel or payment.

Curtis Drake, 349 Friberg Ave.: Mr. Drake objected to being told that a different address (where his grandchildren live, which he did not disclose) has a yard that was complained about and was served a violation for being a nuisance and a hazard. It remains in violation.

Nick Ott, 723 E. Cherry: Mr. Ott has more than the allowable four vehicles on his property and front-yard, and they have been there since at least 2007. After formal complaints were received, Mr. Ott was asked to reduce the number of vehicles and address outside storage to bring the property into compliance. He asked to be grandfathered since he was allowed to have more than four vehicles before the 2019 code revision. Only zoning ordinances are

grandfathered in. Mr. Ott's property must be brought into comply by reducing the number of vehicles to four or fewer operable/insured/licensed vehicles on his property to comply.

Jerry Arntson, 1206 N. Cleveland Ave.: Mr. Arntson is the renter at this property and has more than the allowable four vehicles on his property and side-yard. Because this is a corner lot, he feels the code should allow him to store more vehicles. The city received complaints regarding upkeep of the premise, which includes outside storage, animals, and off-street parking as well as continuous parking on the street at an intersection. This creates a hazard and limits maintenance vehicles. This is a rental property, so matters are handled with the owner of record.

Summary

Staff reviewed each case and continue to monitor the situations. The Planning Commission (or its subcommittee) may revisit the code to consider changes accommodating corner lots or set-back properties, etc.. All three chapters of concern – 72 (trailer parking), 90 (inoperable vehicles) and 154 (yards and off-street parking) will be addressed during this process. It is anticipated to begin in late 2023, when the community development manager is back from leave.

City codes are in place for good reasons, with public safety being of the utmost concern. Also, residents choose to live as part of a community where pride in property and respect for neighbors should be a priority. We work together with staff and residents to identify, correct, and resolve issues of concern and provide a beautiful, safe and welcoming community.

Budgetary Impact

None

Originating Department: Public Works

Respectfully Submitted: April Schubert-Zumach, Code Enforcement Officer



Council Action Recommendation

Page 1 of 2

Meeting Date: September 27, 2023 Committee of the Whole Meeting
October 2, 2023 City Council Meeting

Subject: Charter Commission recommendations for changes to the City Charter

Recommendation:

- Approve changes to Charter Section 4.01 Council Meetings
- Approve the repeal of City Code 31.25 (relating to council meetings)
- Approve changes to Charter Section 2.07 The Mayor
- No changes recommended to Charter Section 2.05 Council Salaries

Background/Key Points:

The Charter Commission was asked to look at the process on how to transfer from the old council to a new council after an election year. We first looked at when the soonest a new council could be sworn in after the election. Canvassing and certifying the election results along with candidates turning in their required paperwork brought us to the middle of December. The Commission felt leaving the first scheduled meeting of the year as the transfer point giving the old council time to finish the year.

One important part of this review was that there would always be an active council in case an emergency would occur. The old council is still active until the new council is sworn in. At the first meeting the commission felt it was important that the old council could call the meeting to order. At this time, any outgoing council members could be publicly thanked, and any awards presented. No other business could be conducted.

If for some reason there is not enough old members present for a quorum, the new council could be sworn in and proceed with the meeting.

The commission is recommending the repeal of City Code 31.25 to avoid any future confusion.

The Charter Commission was asked to look at any change to the process for setting council members salaries, specifically if a raise could be tied to the raise percentage of the employee groups. The commission felt it was important that the council's salaries remained separate and public, not an automatic change. No change to the charter section 2.05 is recommended.

During our discussions two more items came up. One of the members noticed section 2.07 referenced the Mayor as "he or him". To make it gender neutral, "he" was replaced by "The Mayor".

The other item was the council taking "official" action at the committee of the whole meetings. Even though the meeting is posted, the commission felt the committee of the

whole meeting was a time for information gathering and any items should forward to the Monday night council meetings. The public expects the council will only taking official action at the council meetings and this gives them time to gather more information before any action taken. However, there are times that the council needs to act sooner than the next scheduled council meeting. If those instances arise, the council then should call a special meeting giving the public proper notice an official action could occur.

** since this discussion, the desired process has been followed.

Budgetary Impact: None

Respectfully Submitted: Mark Hovland, Chair of the City of Fergus Falls Charter Commission

Attachments:

- Charter Section 4.01
- City Code 31.25
- Charter Section 2.07
- Charter Section 2.05

SEC. 4.01. COUNCIL MEETINGS. ~~Elected members of the Council shall assume their duties after being qualified and sworn in at the first regular meeting of the Council in January following a regular municipal election.~~ At its first regular meeting in January following a municipal election, the sitting Council may call a meeting to order only to recognize and issue awards to sitting or outgoing council members. No other business items shall be discussed or acted on and the council meeting shall adjourn sine die. All qualified new Council members shall be sworn in and seated. The new Council must assume their duties and select a Mayor pro tem and a Secretary of the Council. The Secretary of the Council may be the City Administrator. The new Council shall then take such other organizational acts, functions and business items as may be permitted or required.

Thereafter, the Council shall meet at such time or times each month as may be prescribed by ordinance or resolution; provided, that the Council shall hold at least one regular meeting each month. The Mayor, or any three members of the Council, may call special meetings of the Council upon such notice as is provided by ordinance or statute. Notice of such meeting shall be given to the members of the Council by any means provided in its rules which must be consistent with any applicable statutory provision. All meetings of the Council shall be public, except as otherwise provided by statute, and any citizen shall have access to the minutes and records thereof at all reasonable times. (Ord. 77, Seventh Series, eff. 1-26-19)

~~§ 31.25 COUNCIL REORGANIZATION.~~

~~At its first regular meeting in January, the Council shall, in the order herein stated and prior to commencing its regular order of business, reorganize by:~~

- ~~—(A) Having all new officers and officials take and subscribe their oath of office;~~
 - ~~—(B) Seat all new members of the Council;~~
 - ~~—(C) Select a Mayor pro tem;~~
 - ~~—(D) Select a Secretary of the Council who may be the City Administrator; and~~
 - ~~—(E) Perform other organizational acts or functions as may be permitted or required.~~
- ~~(2002 Code, § 2.50)~~

SEC. 2.05. SALARIES.

The members of the Council shall serve with reasonable compensation. The Council, by ordinance, may change the annual salary of its members, and such ordinance shall take effect after the regular City election next following adoption of such ordinance.

SEC. 2.07. THE MAYOR. The Mayor shall be the presiding officer of the Council. The Mayor shall have a vote as a member of the Council only in the case of a tie. ~~The Mayor He~~ shall exercise all powers and perform all duties conferred and imposed ~~upon him~~ by this Charter, the ordinances of the City, and the laws of the State. ~~The Mayor-He~~ shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law SEC.

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.

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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 Mayor will determine if event organizers would like another representative from the Council. If yes, then 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, the Mayor will open the public hearing, and staff will then make an initial presentation. After the staff presentation, the applicant or appellant, if any, shall be given the opportunity to speak first, followed by those with opposing views. 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. Care should be taken to avoid personal comments that could offend the Mayor or other Councilmembers, city staff, or members of the public.~~

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• **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 faxed 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. Councilmembers should use care when communicating among themselves, as such conversations or communications could violate Minnesota’s Open Meetings Law, or at least be perceived as a violation.~~ ¹¹⁷ _{SEP}

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~~-[section \(page 5\)](#) 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?

(add the following at end of document)

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As an expression of the standards of conduct for Elected officials expected by the Town, the Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when Elected officials are thoroughly familiar with it and embrace its provisions. For this reason,

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· Newly elected or appointed officials shall acknowledge the receipt and commitment to this document prior to being sworn in. Additionally, at the first regular meeting of a new council, all incumbent council members shall review, and be given the opportunity to sign and return the Code to the City Administrator.

-

· The City Council will dedicate an annual meeting agenda item to the review of the Code of Ethics and Conduct for Elected and Appointed Officials, in an effort to address questions.

-
Failure to comply with the items outlined above could result in disciplinary action outlined in section titled Sanctions