

Committee of the Whole Meeting
September 27, 2023

The Fergus Falls City Council held a Committee of the Whole meeting on September 27, 2023, at 7:00 am in the City Council Chambers. Mayor Schierer called the meeting to order, and the following members were in attendance: Thompson, Hicks, Fish, Job, Kvamme, Rufer and Kremeier. Rachels was absent.

Combined Polling Places for 2024 Primary Elections

A motion and second were offered by Hicks and Fish to recommend combining polling places for the March 5, 2024, Presidential Nominating Primary Election and the August 5, 2024, State Primary Election and the motion carried.

Union Avenue Bridge

The Union Avenue Bridge was built in 1938 and no longer meets the capacity for today's vehicles including the Fire Department's 37-ton ladder truck. The Olson & Nesvold Engineering Firm developed a preliminary engineering approach to "surgically" ensure the capacity of the bridge while keeping the historic qualities. Engineer Steve Olson reviewed each bridge section noting the existing pilings can be maintained without additional pilings and they submitted the 30% bridge plans which have been approved by the state. The estimated project cost is \$3 million (\$2.5 million for the bridge work and \$500,000 for the roadway work). The engineering design work is \$138,200 and potential funding for the project is a 50/50 split of state aid and bridge bonding. A motion and second were made by Hicks and Thompson to recommend the council accept Olson & Nesvold Engineers professional services proposal for final design of PI 9013, the Union Avenue Bridge rehabilitation project in the amount of \$138,820 and the motion carried.

THC and Edible Product Sale Update

Police Chief Kile Bergren commented on the everchanging aspects of the new THC, edible product, and cannabis laws. Due to the uncertainty of the rules and regulation of the industry at the state and local levels, and he recommended extending the moratorium adopted earlier this year for cannabis sales to THC edible products as well. This would not adversely impact the four existing businesses conducting these sales, but it would prevent the influx of new businesses trying to establish themselves for a cannabis license and give the Planning Commission more time to iron out the zoning issues. Bergren reminded the council these are controlled substances and advocated taking a slower approach to focus on safety and keeping these products out of the hands of minors. He encouraged establishing a committee of council members to look at the new rules and regulations and advising staff how they would like to proceed once the Office of Cannabis Management is functional and businesses are able to legally sell the products. A motion and second were made by Rufer and Fish to recommend the council adopt an ordinance amending the moratorium on cannabis products to extend to edible THC product sales and establish a council committee to provide recommendations on how the city should proceed with the process of regulating cannabis products locally and the motion carried.

Charter Commission Recommendations

The Charter Commission was asked to review the Charter language regarding the order of events at the first council meeting of the year following an election and council pay raises. They recommended changing Charter Section 4.01, so the "old" council starts the meeting and receiving recognition. The new council would then be sworn in and conduct the business of the city. Making these changes

would require repealing City Code 31.25. They recommended continuing the same process for council compensation. If the council votes to give themselves an increase, it would not be in effect until after the next election. The commission members also cleaned up language in section 2.07 under the Mayor to make the term gender inclusive. The commission recommended the council not take official city action at a Committee of the Whole meeting unless a special meeting of the City Council was called. A motion and second were made by Kvamme and Job to recommend the council direct the City Attorney to make amendments to Charter Section 4.01 and 2.07 and to repeal City Code 31.25, and the motion carried.

Code of Conduct

Council members Job, Rachels, Kvamme and Rufer comprised the council sub-committee charged with drafting language pertaining to an Elected Officials Code of Conduct. Rufer reviewed changes to the proposed language and the rationale for the amendments. This is a self-enforcing document for the council to administer and council members would be asked to sign the document showing their intention of following the code of conduct. Kremeier felt it was unnecessary for council members to sign this document as they already sign the Oath of Office upon being sworn in. A motion and second were made by Rufer and Job to recommend the council adopt the Code of Conduct for Elected Officials and the motion carried.

PI 5373, Shoreview Drive Petition

The city received a petition for bituminous street improvements from 58% of property owners along Shoreview Drive. The petition meets standards of State Statute, Section 429, and City Code 151.035. A Preliminary Engineering Report including an estimated cost, neighborhood appraisal and method of special assessments will be drafted. A motion and second were made by Fish and Thompson to recommend the council accepting the petition for street improvements in the Abundant Life Addition & Pebble Lake Estates Addition; to initiate PI 5373 and order the preparation of the Preliminary Engineering Report and the motion carried.

PI 5327, Broadway Resurfacing Project

Project plans and specifications are substantially complete for the resurfacing project on Broadway: Fir Avenue to Lincoln Avenue and Randolph Avenue: Friberg to Springen Avenue. The estimated cost is \$1,780,000 of which 80% of the funding would come from federal funds while the remaining 20%, including 100% of the engineering design and contract administration would be paid from the state aid shares. A motion and second were made by Hicks and Thompson to recommend the council accept the project plans and specifications and to authorize the advertising of bids and the motion carried.

Code Updates

On September 5, five residents shared their concerns with City Code issues.

- The owner of the property at 104 S Lakeside Drive requested a reclassification of the property making it exempt from the rental registration program. The county is the only entity that can change classifications for homesteads. If they consent to the status change, the city will agree to the exemption.
- The situation with the property owner at 421 Friberg Avenue has been resolved and she has been told she can have up to four operable/insured and licensed vehicles on her property if they are parked in the driveway or on gravel.

- The resident of 349 Friberg Avenue said the city served a nuisance violation to the property inhabited by his grandkids (at an undisclosed address) regarding outside storage concerns. The property remains in violation.
- The owner of the property at 723 E Cherry Avenue had seven vehicles parked at the property including a tractor/trailer. He is attempting compliance as some vehicles have been moved to the street where the code requires them to be moved every 24 hours. His semi is still out of compliance and the sign on his building has been deemed decorative and is allowed to remain. The property owner felt he should be grandfathered with the code language to have as many vehicles as he wishes. Grandfathering only applies to land use, not nuisance violations. Rufer said he has heard from several property owners in this area asking the city to enforce the code language and limit the number of allowed vehicles as they want a clean look that shows pride in their neighborhood.
- The rental property owner of 1206 N Cleveland Avenue has been informed their renter has an excessive number of vehicles parked at the property. The renter has made some attempts to move vehicles to the street, but they are not being moved every 24 hours as the code language requires. This property remains in violation.

99% of the violations received by the city are complaint driven and the code enforcement department deals with issues from the curb to the house and parking issues are the responsibility of the police department. Thompson remarked on the excessive number of complaints he hears about too many vehicles parked on properties and vehicles not moving every 24 hours.

The meeting adjourned at 8:07 am

Lynne Olson