

City Council Meeting
October 2, 2023

The Fergus Falls City Council held a regular meeting on Monday October 2, 2023, at 5:30 pm in the City Council Chambers. Pastor Duane Smith of Abundant Life Church gave the invocation and the Pledge of Allegiance was recited. Mayor Schierer called the meeting to order at 5:32 pm and the following council members were in attendance: Rachels, Hicks, Fish, Job, Kvamme, Rufer, Kremerier and Thompson.

Approval of Agenda

A motion and second were made by Hicks and Job approving tonight's agenda with the addition of a special parking permit at 119 W Alcott Avenue and authorizing the submission of a Small Cities Development Grant and the motion carried.

PI 9502 Bid Award

Four bids were received for PI 9502, the demolition of the old wastewater treatment plant. The project was bid in two phases plus an alternate and the lowest bid received was from Rachel Contracting LLC. Their Phase I bid was \$374,500; Phase II was \$268,635 and alternate of \$8,000 for a total combined bid of \$651,135. Kvamme offered **Resolution #176-2023** accepting the bid of Rachel Contracting LLC for Phases I and II and the alternate for PI 9502, the old wastewater treatment plant demolition project in the amount of \$651,135, which was seconded by Thompson and was adopted.

Purchase Agreements with Otter Tail Power Company

In conjunction with the former wastewater treatment plant demolition project, Otter Tail Power proposed a purchase agreement to acquire 0.3 acres of land on the property being demolished to facilitate their space needs for a new electrical substation and another for the city's acquisition of 0.3 acres of land beneath the Buse Street electrical substation once it has been decommissioned and removed. Fish offered **Resolution #177-2023** authorizing the execution of two Purchase Agreements (approximately 0.3 acres and \$150 each) with Otter Tail Power Company for property exchanges with the city, which was seconded by Hicks and was adopted.

Open Forum

Mark Leighton reviewed the city's 2024 budget and believes he can save the city \$1.45 million. He encouraged the Tax Levy Committee to take his suggestions under advisement. He also felt the council should look at the vehicle storage ordinance and allow city residents to have an unlimited number of vehicles on their property if they are insured and licensed. His third comment was regarding the ethics of elected officials, and he wanted action, not written policy.

Consent Agenda

The following items were approved under **Resolution #178-2023** by Rufer: A motion approving the minutes from the September 18, 2023, City Council meeting and the September 27, 2023, Committee of the Whole meeting. A motion approving the following licenses: 2023 Paving/Sidewalk B & D Concrete, Woessner Construction; 2023 Mechanical Johnson Sheet Metal; 2024 Tobacco Lakeway Express, Olson Oil; 2024 Hemp Derived THC License Sugar High Cannabis Consulting & Dispensary LLC; 2024 Full Liquor Eagles Aerie 2339. **Resolution #179-2023** combining polling places for the March 5, 2024, Presidential Nominating Primary Election and the August 13, 2024, Primary Election. **Resolution #180-2023** accepting Olson & Nesvold Engineers professional services proposal for final

design for PI 9013, the Union Avenue Bridge project in the amount of \$138,820. **Resolution #181-2023** accepting the petition for bituminous street improvements in the Abundant Life Addition and Pebble Lakes Estates Addition, to initiate Public Improvement 5373 and order the preparation of the preliminary engineering feasibility report. **Resolution #182-2023** accepting the plans and specifications and authorizing the advertising of bids for PI 5327, the Broadway Avenue: Fir to Lincoln and Randolph: Friberg to Springen resurfacing project. Motion directing the City Attorney to draft an ordinance extending the Cannabis Moratorium (Ordinance 41, Eighth Series) to THC edible product sales, to establish a council committee to provide recommendations on how the city should proceed with the process of locally regulating cannabis products and amending the B-2 zone to allow tobacco usage. **Resolution #183-2023** nominating Jim Fish to serve on the Lakes Country Service Cooperative Board of Directors. The resolution was seconded by Fish and was adopted.

Hicks thanked the Charter Commission for their work and recommendation to eliminate conflicting language regarding the seating of new council members at the first meeting following an election. A motion and second were made by Hicks and Rachels to direct the City Attorney to draft an ordinance repealing City Code Chapter 31.25 and amending City Charter Chapters 2.07 and 4.01 and the motion carried.

Ordinance 50, Eighth Series

Ordinance 50, Eighth Series, Repealing City Code Chapter 31.25, and Amending City Code Chapters 2.07 and 4.01 was introduced by Fish and declared to have its first reading.

Elected Officials Code of Conduct

Earlier this year the council members attending their retreat asked for an Elected Officials Code of Conduct and a sub-committee of council members drafted such a document. Kremeier appreciated the work put into this but did not feel it was necessary. After reading various definitions of oaths he said the Oath of Office taken when council members are sworn in is more important to uphold. He felt the conduct policy could limit tough discussions, was too lengthy and questioned how it would be enforced. Hicks suggested future amendments to the policy include third-party mediation when necessary. Kvamme felt the size of the document was inconsequential and said it is a fluid document open to future revisions. He said the policy was designed to help resolve issues, that it provided a reasonable way to move forward and thanked the fellow council members for their work. Mayor Schierer agreed this is reasonable and thanked the sub-committee. Rufer felt it is unfortunate we need this policy as it should not be difficult to be nice and treat others with respect. He did not believe a code of conduct would limit discussion and explained the conduct policy calls for self-enforcement by the council censuring those who do not comply. Rufer said council meetings should be restricted to conducting city business in an efficient manner to benefit the people they were elected to represent and not reporting what someone may have done in their capacity as a private citizen. Kremeier said he is bringing up issues residents have brought to him, and the council needs to resolve these issues even if they must confront difficult topics. Rufer offered **Resolution #184-2023** approving the Elected Officials Code of Conduct, which was seconded by Rachels and was adopted with Kremeier voting in opposition.

Resolution of Accounts

Fish offered a resolution authorizing the payments and claims in the amount of \$1,495,156.14, which was seconded by Rufer and was adopted.

Special Parking Permit at 119 W Alcott Avenue

A home daycare at 119 W Alcott Avenue requested an on-street loading zone sign due to parking difficulties near Lake Region Healthcare. Rachels offered **Resolution #185-2023** authorizing a special parking permit for 119 W Alcott Avenue, which was seconded by Hicks and was adopted.

Small Cities Development Grant

Hicks explained the city has an opportunity to apply for a Small Cities Development Grant that could provide money to loan to businesses. In the temporary absence of the Community Development Director, Mikel Olson and Laurie Mullen are willing to write the grant on behalf of the city and staff time would be needed to provide GIS services. He invited Laurie Mullen to share more information and she said these block grants could provide \$1.4 million for businesses and her estimate is the city has spent \$16.5 million on the city's recent improvements which can be leveraged in the grant application. Mullen said Mikel Olson's experience with housing grants would be valuable in writing this grant, which is due in November. It was suggested staff and the council review the grant before it is submitted. A motion and second were made by Hicks and Kremeier to direct staff to assist by supplying GIS services for a Small Cities Development Grant being written on the city's behalf and the motion carried.

Announcements

The city will be holding a special council meeting on October 11 at 7:00 am to hear an appeal for a denied THC license to Lincoln Vapors which will immediately convene to a Committee of the Whole meeting. Otter Tail County will be hosting an open house to learn more about the roundabout project at Fir and Friberg Avenue on October 19 from 4-6 pm at the Government Services Center. The Fire Department will be holding an open house and chili cook-off at the fire hall on October 9 from 5-7 pm. Fish wanted to squash the rumor that the splashpad will only be open to those ages 5 and under. He clarified the new amenity will be open for all ages to use and enjoy.

The meeting adjourned at 6:09 pm

Lynne Olson