

City Council Minutes  
March 18, 2024

The Fergus Falls City Council held a regular meeting on March 18, 2024, at 5:30 pm in the City Council Chambers. Pastor David Strom 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: Job, Kvamme, Rufer, Kremeier, Thompson, Rachels, and Hicks. Fish was absent.

**Approval of the Agenda**

A motion and second were made by Thompson and Rachels approving tonight's agenda with no changes and the motion carried.

**Bid Award**

Kvamme offered **Resolution #59-2024** awarding the construction services contract for PI 5372, the 2024 seal coat improvement project to Asphalt Preservation Company in the amount of \$257,847.18, which was seconded by Hicks and was adopted.

**Open Forum**

Becky Schwarzhoff said she was greatly concerned about the legality of Council Member Kremeier declaring he was vacating his third ward council position on March 4 when he addressed the council at the open forum as a resident. She read language from the City Charter Section 2.04 that discusses vacancies and felt the council should adopt a resolution declaring a vacancy exists and was disturbed he reassumed his seat that night. She asked the city to provide a legal interpretation of his actions.

**Consent Agenda**

The following items were adopted under **Resolution #60-2024** by Rufer: Motion approving the minutes from the March 4, 2024, City Council meeting. Motion approving the following licenses: Chicken/Quail Cory Nebbeling 725 W Summit Ave, Mobile Food Vending Permit J2M (dba Spanky's Stone Hearth), Sign Hanger Sign Guys, Excavator Budke Excavating. **Resolution #61-2024** setting a public hearing on April 15, 2024, at 5:30 pm in the City Council Chambers for a redevelopment TIF District at 801 W Stanton Avenue. **Resolution #62-2024** accepting a \$500 donation from the American Legion Post 30 and adjusting the Fire Department budget accordingly. **Resolution #63-2024** declaring surplus property and authorizing its disposal. The resolution was seconded by Thompson and was adopted.

**Ordinance 57, Eighth Series**

Ordinance 57, Eighth Series, Licensing Tobacco Sales in B-2 Zones was introduced by Hicks and was declared to have its first reading.

**Ordinance 55, Eighth Series**

Ordinance 55, Eighth Series, Rezoning 2008 County Highway 111 from R-1 to R-A as requested by Alex and Megan Blondeau was adopted by a roll call vote.

**Ordinance 56, Eighth Series**

Ordinance 56, Eighth Series, Rezoning 801 W Stanton Avenue from I-2 to R-4 as requested by the City of Fergus Falls on behalf of Mark and Brenda Christopherson, contingent upon the sale of the property was adopted by a roll call vote.

## **Resolution of Accounts**

Thompson offered a resolution authorizing the payments and claims in the amount of \$1,779,658.51, which was seconded by Rachels and was adopted.

## **2024 Pebble Lake Lifeguard Agreement**

The city budgeted \$25,000 for the Fergus Falls YMCA to provide lifeguarding services at Pebble Lake Beach in 2024. The YMCA requested a \$10,000 increase on the contract. The Park Board considered the request and recommended not renewing the contract this year. The beach is currently staffed with two lifeguards from June 15-August 10 from 1-5:30 pm. Mayor Schierer was concerned about the impact of not having any lifeguard services and asked for this item to be delayed until the next meeting to solicit public input on this issue. The council discussed other options such as reduced hours or days. A motion and second were made by Hicks and Rachels directing staff to contact the YMCA to see what services they could provide with the budgeted amount of \$25,000 and the motion carried.

## **Air Conditioning System at the Community Arena**

When the city purchased the chiller for the community arena from the school, the facilities were put on separate lines which took away the city's ability to cool the community arena facilities during the summer. Not having air conditioning in the facility negatively impacted summer programming and created moisture and humidity issues throughout the building. Staff recommended installing air conditioning units to prevent building deterioration. Portions of the building previously conditioned by the chiller system could be re-connected as an additional project. Two separate air handling units would need to be installed as each serves a different area of the building. Mission Mechanical has provided a quote of \$56,301 for each unit. The funding would come from unspent donations for the community arena project held in an account for capital improvement projects at the facility. Rufer offered [Resolution #64-2024](#) approving the purchase and installation of two air conditioning units at the community arena, which was seconded by Kvamme and was adopted.

## **Open Forum Policy**

In 2018 the city revised the open forum policy to hold the open forum prior to the council meetings and requiring those wishing to address the council pre-register. In June of 2023 the council revised the policy to hold the open forum during the council meeting and the pre-registration requirement was lifted. Mayor Schierer felt strongly the council should be holding their meetings to conduct their business. A few individuals have taken advantage of the open forum time on camera to make statements and accusations and advocated the council amend the policy to hold the open forum prior to the meetings, to not televised it and not require pre-registration. He felt these changes may be less intimidating for those not wishing to speak to the council off camera and the council could answer simple questions or direct staff later in the meeting to follow up with resident concerns. Rufer agreed the policy was amended with good intentions but has not been used in the spirit of providing opportunities for residents to productively address the council about city business. A motion and second were made by Rufer and Hicks directing staff to amend the open forum policy to be held prior to the council meeting, off camera but not require pre-registration.

Kremeier asked the policy to address a response to the speakers of the open forum. Hicks agreed citing Ms. Schwarzhoff's comments earlier tonight and how a response needs to be made. He suggested a recap of these questions be considered at a subsequent meeting. Thompson said the current policy restricts speakers to the same topic twice in a 12-month period. He asked how that would be enforced without the council being accused of being disrespectful to the speaker. Rufer did not believe it would

be disrespectful to remind participants there are rules set by a resolution they are asked to abide by. If they choose to deviate from the rules, then the council has the right to speak up. He was inclined to leave the two-time limit to continue fresh productive discussions with residents.

Kvamme felt moving the open forum conversation outside the regular meeting allows the council to focus on city business. He asked how the open forum comments would be considered in the minutes and how responses would be provided when necessary. He felt the open forum being held prior to the meeting gives the council an opportunity to put certain topics on that night's agenda if there is unanimous consent to do so. Kvamme said the town hall meetings held last year were designed to seek public input, but without structure, motions, minutes, or accountability, they didn't provide measurable value. Hicks felt the goal of the open forum is to encourage conversation and holding the open forum off camera may make speakers more comfortable. Rachels suggested the open forum period begin at 5:15 pm and encouraged the entire council to make it a point to be at the meeting at this time. Mayor Schierer opened the meeting for public input.

Mark Leighton took offense at the council thinking the council meetings were to conduct their business and that they should be the public's meetings. He accused the mayor of being afraid to listen to the public or hold town hall meetings in the council chambers. He advocated letting people speak for any length of time, and as many times as they want as some topics need more conversation. Leighton doesn't feel he is respected when he does not receive a response.

Bob Noah felt limiting speakers to a limited number of opportunities and a set amount of time was a violation of the first amendment. He asked the council "who they thought they were to limit who can talk and what they can talk about". He claimed the town halls were the only opportunities given to the public to speak freely.

Kirby Anderson spoke as a member of the Fergus Falls School Board to share how they handle public input. The school offers a time at the conclusion of their meetings for people to address the board. There is a 3-minute time limit that is done off camera, which takes away the opportunity to grandstand. He too feels strongly that council meetings, (like school board meetings) are held for the city to conduct their business. At the meetings elected officials conduct financial planning, project implementation, visioning, and budgeting aspects of the city's business. The meetings are open to the public to listen and observe. If someone wants to bring an item for discussion, they should be encouraged to contact staff, who are hired to handle the day-to-day operations prior to addressing the council. The motion was called to a vote and was adopted.

The meeting adjourned at 6:26 pm

*Lynne Olson*