

City Council Minutes  
April 1, 2024

The Fergus Falls City Council held a regular meeting on April 1, 2024, at 5:30 pm in the City Council Chambers. Pastor Doug Dent 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: Kvamme, Rufer, Kremeier, Thompson, Rachels, Hicks, Fish and Job.

**Approval of the Agenda**

A motion and second were made by Hicks and Job approving tonight's agenda with the addition of an update on the YMCA lifeguard agreement and the response to the March 18 open forum request to old business and the motion carried.

**Daughters of the American Revolution Proclamation**

A proclamation was read declaring April 11 as Daughters of the American Revolution Day in celebration of their 125-year anniversary.

**Bicycle Friendly Award**

The city was recognized for achieving the silver status as a Bicycle Friendly Community by the Bicycle Alliance of Minnesota.

**Consent Agenda**

The following items were approved under **Resolution #65-2024** by Rufer: Motion approving the minutes from the March 18, 2024, City Council meeting and the March 27, 2024, Committee of the Whole meeting. Motion approving the following licenses: Paving/Sidewalk Lee Property Care; Mechanical Legacy Plumbing of ND; Mobile Food Vendor Permit Ruby's Pinoy Food. **Resolution #66-2024** accepting a Pathways to Policing grant from the Office of Justice Programs. The resolution was seconded by Thompson and was adopted.

**Ordinance 57, Eighth Series**

Ordinance 57, Eighth Series, Tobacco Sales in B-2 zones was adopted by a roll call vote.

**New City Logo**

Kvamme offered **Resolution #67-2024** approving the new city logo, which was seconded by Fish and was adopted.

**Open Forum Policy**

On March 18 the council directed staff to amend the open forum policy to be held prior to the council meeting, not be televised, and not require pre-registration. Rachels offered **Resolution #68-2024** approving the revised open forum policy which was seconded by Rufer.

Job read a statement advocating the open forum policy to remain within the council meeting and be televised to show transparency. She felt the open forum promotes active engagement with the community, offers a platform to share resident concerns and perspectives and when televised it gives residents the opportunity to listen to other public comments. Hicks agreed the open forum should be televised but was fine with it being outside the regular council meeting. Kremeier said televising an open forum provides transparency and gives everyone an opportunity to hear the opinions of other

residents. He felt people have the right to see communication between the council and residents and wanted to keep the open forum in its current format. He asked why the council would not be allowed to engage in dialogue with speakers at the open forum and was told the open forum is offered for the public to speak to their elected officials and for the council to listen to residents' concerns about the city.

Fish felt holding the open forum prior to the meeting allows the council to add items to that evening's council agenda with unanimous consent. Rufer felt the open forum is productive when the community uses the time for open dialogue with their elected officials and advocated it be outside the regular meeting and not televised. He said this decision is not being made to suppress free speech as there still is an opportunity to address the council. Mayor Schierer suggested moving the open forum off camera because a few individuals have abused the televised time to make false statements, provide inaccurate information or interrupt the council's business meeting. He emphasized he has and always will be supportive of the public's ability to address their elected officials and the open forum is still available to address city concerns. The public is also able to comment on matters on that night's agenda, which is available to the public to view three days prior to the meeting.

Rachels said the council conducts their business during an open meeting and whether the open forum is televised or not, residents are still being provided time to address their council members. The council is not trying to hide anything but taking away the public platform some are abusing which makes the city look foolish. He did not feel it is unreasonable to impose rules for people to follow at a city business meeting. Kvamme agreed the open forum should be held outside the council meeting as it is not a part of the city's business. The council meetings are meant to run city business and although the council is glad to hear public opinion, there are a multitude of ways for them to reach the council or staff outside of this meeting. He suggested the city could community listening sessions if people want to be heard publicly outside of the council meetings. Mayor Schierer opened the floor for public comment.

Laurie Mullen felt the open forum should be held within the council meeting and be televised. She disagreed that the council meetings are meant for only council business and felt the revised policy goes against the city's efforts to be a welcoming and inclusive community. Mayor Schierer reminded her the open forum is meant for topics that are not on that night's agenda. The public is still welcome to comment on items that are on the agenda and disagreed the public is not able to address their elected officials. As mayor he will continue to advocate for the public's ability to have respectful dialogue with the council.

Al Frank agreed the open forum should be televised. If someone is abusing the open forum time, that should be addressed separately than taking away the opportunity for the rest of the community to participate. He did not feel the council is respectful to those addressing the open forum and asked why speakers are limited in the number of times they can address a topic. Debbie Smith asked what the catalyst was for changing the policy and felt disagreement is healthy in communication. She felt not televising the open forum cuts down on transparency and opportunities to learn about the community.

Mark Leighton asked why the mayor skipped over the open forum this evening and Mayor Schierer apologized for his oversight. Leighton asked if he would be limited to speaking about the budget overall more than two times in 12 months or if he would be allowed to address different aspects of the

budget individually. He asked if he would be allowed to bring in his own camera crew to tape the open forum if it is moved outside the council meeting. He doesn't think the council questions their spending enough, his council members don't respond to him, and told the mayor he is mistaken if he believes he can restrict when the public is allowed to speak.

Bob Noah said the open forum is the time to hear the things you need to hear, but don't want to. He felt the policy revisions excluding public input and used the new city logo as an example of not involving the public in the decision-making process. He was opposed to the open forum not being televised, felt the city is not a welcoming community, but designed for control by only a few people and said the town hall meetings were the people's only opportunities be heard and told the council their actions were disgusting.

Desta Hunt spoke about her time as an elected official and the need to balance the council conducting their business and listening to public input. She encouraged the open forum to be televised to help inform the community but felt the limiting time and subject matter was important to enforce. Brenden Janssen said it is difficult to attend council meetings with his work schedule and televising the open forum is the best way for the community to be informed.

The resolution was called to a vote and was adopted 5-3. Voting in favor were Kvamme, Rufer, Thompson, Rachels and Fish. Voting in opposition were Kremerier, Hicks and Job.

### **Open Forum**

Mayor Schierer again apologized for not engaging the open forum earlier in the meeting and encouraged those wishing to address the council on an issue not on tonight's agenda to the podium.

Mark Leighton cited a hypothetical household budget scenario and the hardship the franchise fee would add to a homeowner's tax burden. He asked to have the gas and electric bill for the largest 20 businesses in Fergus Falls and challenged the council to reconsider implementing franchise fees.

Bob Noah spoke about corruption in government and accused the council and mayor of being corrupt. He asked who to contact to expose the corruption. The city attorney told him corruption is a crime and crimes should be reported to law enforcement. He claimed they are also corrupt and warned the council they have crossed the line.

Pam Ballard learned about the proposed new logo on Facebook and asked how much the logo costs taxpayers. She did not feel the process involved the public and it was rude to not offer residents the opportunity for their input in the design process.

### **Resolution of Accounts**

Fish offered a resolution authorizing the payments and claims in the amount of \$1,257,677.67, which was seconded by Rufer and was adopted.

### **Arena Air Conditioning**

On March 18 the council adopted a resolution authorizing the purchase and installation of air conditioning units at the community arena. Recently the contractor realized the equipment quoted would not be available until August. There is equipment that is now available, but it would be configured differently and cost an additional \$7,200. The contractor agreed to cover half of the

additional cost. Fish offered **Resolution #69-2024** approving the additional cost of the air conditioning units at the community arena which was seconded by Rufer and was adopted.

### **Old Business**

Taylor reported he has not yet been able to connect with the YMCA regarding the 2024 lifeguard services agreement. Becky Schwarzhoff's open forum request on March 18 to investigate if council member Kremeier vacated his third ward council position violating Section 2.04 of the Charter has been referred to the Charter Commission to review.

The meeting adjourned to a closed meeting at 6:51 pm for a real estate transaction pursuant to MN Statute 13D.05 and to discuss labor negotiations strategy as allowed by MN Statute 13D.03.

### **Set Loan Public Hearing**

The council reconvened at 7:44 pm. Rachels offered **Resolution #70-2024** setting a public hearing for a business subsidy loan for the property located at 801 W Stanton Avenue for April 15 at 5:30 pm in the City Council Chambers, which was seconded by Hicks and was adopted.

The meeting adjourned at 7:46 pm.

*Lynne Olson*