

City Council Minutes
July 15, 2024

The Fergus Falls City Council held a regular meeting on July 15, 2024, at 5:30 pm in the City Council Chambers. Pastor Eric Uggerud 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, Kremeier, Hicks and Fish. Rufer and Rachels were absent.

Open Forum

Cecelie Cookman asked questions regarding the city's proposed sale of the Pebble Lake Golf Course for \$1.00 which was presented on July 1. She asked if the line of credit for the golf course written off in 2017 would be payable or a remain a loss to the city; if the sale of the golf course would deplete city assets and by what percentage; how the sale affects the city's bonding and loan capacities and if there is a conflict of interest for members of the council or staff if they are also members of the golf association. Answers to these inquiries will be provided at the next council meeting.

Mark Leighton did not feel the minutes from the July 1 council minutes reflected all his comments. He reiterated his opinion some council members did not follow their oath of office by not voting for Mike Mortenson to fill the ward three council vacancy and alleged staff were aware of council member Brent Thompson was not living in the community prior to his resignation and did nothing.

Lisa Workman thanked staff for their help during last week's Shop, Move & Groove event.

Approval of Agenda

A motion and second were made by Job and Fish to approve tonight's agenda with the removal of an item from the consent agenda and the motion carried.

Retirement- Kevin Oehler

Fish offered **Resolution #134-2024** acknowledging the retirement and 25 years of service from Kevin Oehler, which was seconded by Kvamme and was adopted.

Charter Commission Report

Last week the Charter Commission met at the council's request to review the Charter's vacancy language. The chair provided a summary of their conversation stating they believe the vacant seat should be filled by appointment "forthwith" which they interpret to mean without delay and not waiting until the general election. They will continue looking at the vacancy language at future meetings. Kremeier said he attended this meeting and felt the statement a vacancy on the council can impede the council's ability to conduct city business is incorrect as the council has been able to make decisions and cited the recent sale of the golf course as an example. He interpreted the term forthwith to mean the decision could wait until after the general election and advocated the winner of the ward three council seat should be seated immediately after the election.

City Attorney Rolf Nycklemoe spoke about the memo he sent to the council last month stating his opinion the term forthwith means without delay and the council should fill the vacancy by resolution and not wait until the general election. He agreed the council could seat the winner of the election after the mandated canvassing process has been completed and all the campaign finance reports have been properly filed.

Kvamme suggested the Charter's vacancy language be brought to the July 31 Committee of the Whole meeting for further discussion. Hicks agreed and read Article 3 of the Charter Commission by-laws stating they must act on council recommendations for amendments to the Charter. He felt the Charter Commission's letter implied the council failed to do their job in making an appointment to the council. The commission was asked to provide the council with more guidance after the council was unable to get five affirmative votes for one of the candidates. He did not feel the Charter Commission performed the task requested of them and suggested a turnover in their membership if they were not going to engage in the work the council gives them.

Nycklemoe stated since Fergus Falls is a Charter city, a Charter Commission is required, and he explained the appointment process. This is a slow moving and deliberate body comprised of well-reasoned citizens from a diverse section of the population willing to take on a role to talk about important city issues. He envisions they will give this issue the review and time it deserves and will make a recommendation based on what is in the best interest of the city. Kremer felt the Charter Commission meetings should be recorded and open to the public. It was noted these meetings are open to the public and minutes and agendas are posted. Laurie Mullen did not feel the Charter Commission took the proper time to discuss the issue and the term forthwith should mean a new council member is seated after the election and the commission was unwilling to change their interpretation to reflect what the council wants. Mark Leighton felt the council should direct their governing body to change the Charter language to reflect what the council wants. He believes the council's handling of the council vacancy position was poorly handled.

Proclamation Parks and Recreation Month

Mayor Schierer read a proclamation designating the month of July of 2024 as Parks and Recreation Month.

Consent Agenda

The following items were approved under **Resolution #135-2024** by Hicks: A motion approving the minutes from the July 1, 2024 City Council meeting and the July 10, 2024 Committee of the Whole meeting. **Resolution #136-2024** approving and authorizing signatures on a memorandum of understanding with the Local #248 Union. **Resolution #137-2024** accepting the Civic Systems proposal and authorizing signatures on the contract. **Resolution #138-2024** approving the purchase of a bulldozer for the landfill. **Resolution #139-2024** accepting Interstate Engineering's professional services proposal for final design in the amount of \$112,610 for CP 5961, the Junius Avenue reconstruction project. **Resolution #140-2024** accepting an additional \$5,000 grant from West Central Initiative for Welcoming Communities action work. **Resolution #141-2024** declaring fire equipment as surplus and authorizing its disposal. The resolution was seconded by Kvamme and was adopted.

Primary Election Judges Certified

Hicks asked why two city staff members are acting as head judges and wanted to ensure there are no conflicts. State law cannot prohibit employees from serving as an election judge and if they chose to serve, they use personal vacation or PTO time. Lynne Olson explained the difficulty in finding election judges and the appreciation for those who step up to serve their community. She reiterated staff use personal time to help with elections. Fish asked why some wards have an assistant judge and Olson explained the city combined precincts for the August Primary Election as a cost savings measure. At the November General Election, the city will operate eight precincts and several people

have been asked to step into the head judge role for that election. They will be using the primary election as a training exercise to prepare them. Hicks offered **Resolution #142-2024** certifying election judges for the August 13, 2024, Primary Election, which was seconded by Fish and was adopted.

Sale of Series 2024A General Obligation Bond Sale

Bids were opened this morning for the city's General Obligation Bond Sale, Series 2024A. The \$16,870,000 bonds were reduced to \$14,950,000 after bids were received and the premium was applied. The low bid of the true interest cost was 3.2975% from TD Securities. The bonds will cover the cost of the aquatics center, improvements at DeLagoon Park street projects on Stanton, Linden, Laurel and Summit. Finance Director Bill Sonmor reviewed the bond sale pricing, sources and uses and bonds for the sales tax and PIR bond portions. He also reviewed the city's credit rating of Aa3 (very high-grade credit) from Moody's. Fish offered **Resolution #143-2024** approving the sale of the 2024A bonds to finance the aquatics center, DeLagoon Park improvements and the street improvement project, which was seconded by Hicks and was adopted.

Ordinance 58, Eighth Series, Cannabis Zoning

Ordinance 58, Eighth Series, Cannabis Zoning was introduced by Job with an amendment that all items in Section 5 saying an interim use permit is switched to a conditional use permit in a B-6 zone and the ordinance was declared to have its first reading.

Resolution of Accounts

Fish offered a resolution authorizing the payments and claims in the amount of \$2,168,978.27, which was seconded by Job and was adopted.

The meeting adjourned at 6:15 pm

Lynne Olson