



City of Fergus Falls Committee of the Whole Agenda

July 31, 2024

7:00 am

City Council Chambers

A. Call to Order

B. Roll Call

C. Discussion Items

1. Legislative Update from Joel Carlson

2. K-9 Donation

Kile Bergren

Requested Action: Recommendation to the council to accept a \$7,500 donation from the American Kennel Club towards the purchase and training of a new K-9

3. Cannabis Registration Ordinance

Kile Bergren

Requested Action: Recommendation to the council to hold a first reading of Ordinance 59, Eighth Series, Cannabis Registration on August 5

4. Council Vacancy and Council Appointments

Andrew Bremseth

Requested Action: Recommendation to the council to appoint Al Kremeier to the Port Authority and to appoint Scott Rachels to the WCI EDD Board

5. Website Proposal

Jean Bowman/Klara Beck

Requested Action: Recommendation to the council to authorize staff to enter into an agreement with Munibit as the city's website provider

6. Sculpture Walk

Klara Beck

Requested Action: Recommendation to the council to act as the fiscal host for the sculpture walk

7. Falls Community Arts Exchange
Klara Beck
Requested Action: Recommendation to the council to submit a letter of commitment to support Springboard for the Arts new Artists-in-Residency Program, the Falls Community Arts Exchange

8. City Project 5961, Junius Avenue Reconstruction Project
Brian Yavarow
Requested Action: Recommendation to the council to accept project plans and specifications and authorize the advertising of bids for CP 5961

9. PI 9346, the Airport Taxilane Relocation Project
Brian Yavarow
Requested Action: Recommendation to the council to accept the State & Federal Grant Amendment #1 to MnDOT Agreement No. 1035254

10. PI 5373, the Shoreview Drive Street Improvement
Brian Yavarow
Requested Action: Recommendation to the council to accept the project plans and specifications and authorize the advertisement of bids

D. Additional Agenda Items

Announcements

July 30-August 13 Mayor and Council Filing Period Open
August 5 City Council meeting 5:30 pm
August 6 National Night Out
August 13 Primary Election Day. Polls open 7 am-8 pm
August 14 Committee of the Whole meeting 7:00 am

Adjourn



Council Action Recommendation

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Meeting Date: July 31, 2024 Committee of the Whole
August 5, 2024 City Council Meeting

Subject: American Kennel Club Donation

Recommendation: Accept donation from AKC for new K9.

Background/Key Points: The police department received a donation from the AKC in the amount of \$7,500 to be used towards the purchase and training of a new K9.

Budgetary Impact: \$7,500 savings to the budget.

Originating Department: Public Safety

Respectfully Submitted: Kile Bergren, Chief of Public Safety



Council Action Recommendation

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Meeting Date: July 31, 2024

Subject: Cannabis Registration Ordinance

Recommendation: Resolution directing the City Attorney to draft a Cannabis Business Registration Ordinance.

Background/Key Points: The Cannabis Business Registration Ordinance allows the city to limit the number of Cannabis Retail Businesses within the community as well as requiring a business to register with the city. It also allows the city to limit the hours of operation of cannabis retail establishments and address issues pertaining to land use, building and fire code adherence as well as other related items. The draft ordinance also allows for the expansion of Low-Potency Hemp beverages to be sold at on-sale liquor establishments.

Budgetary Impact: N/A

Respectfully Submitted: Kile Bergren, Chief of Public Safety

Attachments: Copy of proposed draft ordinance.

ORDINANCE NO. 59, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS TO REGULATE CANNABIS BUSINESSES.**

THE CITY COUNCIL OF THE CITY OF FERGUS FALLS HEREBY ORDAINS:

SECTION 1. ADMINISTRATION

1.1 Findings and Purpose

The City of Fergus Falls makes the following legislative findings:

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, which authorizes the City of Fergus Falls to protect the public health, safety, welfare of the City residents by regulating cannabis businesses within the legal boundaries of the City of Fergus Falls.

The City of Fergus Falls finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Fergus Falls that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

1.2 Authority and Jurisdiction

A county can adopt an ordinance that applies to unincorporated areas and cities that have delegated authority to impose local zoning controls.

The City of Fergus Falls has the authority to adopt this ordinance pursuant to:

a) Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis

business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

b) Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.

c) Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.

d) Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

Ordinance shall be applicable to the legal boundaries of the City of Fergus Falls.

1.3 Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.4 Enforcement

The City Administrator and designated staff are responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

1.5 Definitions

1. Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

2. *Cannabis Cultivation*: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

3. *Cannabis Retail Businesses*: A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail

operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

4. *Cannabis Retailer*: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

5. *Conditional Use*: "Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist and (2) the use or development conforms to existing land use plans of the city and (3) is compatible with the existing neighborhood.

6. *Daycare*: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

7. *Interim Use*: An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

8. *Lower-potency Hemp Edible*: As defined under Minn. Stat. 342.01 Subd. 50.

8. *Office of Cannabis Management*: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

9. *Place of Public Accommodation*: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

9. *Preliminary License Approval*: OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

10. *Public Place*: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms;

meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

11. *Residential Treatment Facility*: As defined under Minn. Stat. 245.462 Subd. 23.

12. *Retail Registration*: An approved registration issued by the City of Fergus Falls to a state-licensed cannabis retail business.

13. *School*: A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

14. *State License*: An approved license issued by the state of Minnesota's office of cannabis management to a cannabis retail business.

SECTION 2. REGISTRATION OF CANNABIS BUSINESSES

2.1 Consent to Registering of Cannabis Businesses

1. No individual or entity may operate a state-licensed cannabis retail business within the City of Fergus Falls without first registering with the City of Fergus Falls.
2. The City of Fergus Falls only accepts an application for an individual or entity from the OCM for retail registration.
3. Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.
4. An individual or entity that has a retail registration in the City of Fergus Falls must be in compliance with all applicable provisions of Chapter 342.

2.2 Compliance Checks Prior to Retail Registration

Prior to issuance of a cannabis retail business registration, the City of Fergus Falls shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Fergus Falls shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and applicable building code. All cannabis businesses must be brought up to current building and fire codes.

2.3 Registration and Application Procedure

An applicant will submit an application to the OCM and after it has received preliminary approval, the application will be forwarded to the City of Fergus Falls to meet retail registration requirements.

Commented [KB1]: I reached out to Jason on this language.

Commented [KB2R1]: Per Jason: "Building code encompasses all codes: Building, Plumbing, Mechanical, Electrical, ADA and Fire. They may have slight chance of dodging code in a non-code regulated area like sovereign land, such as, reservations or places that are owned by the university of MN. Other wise the State of MN Building code is in effect, we however have control of our own building jurisdiction in Fergus Falls backed by the State of MN. Every building that is to house some type of operation is a change in occupancy and must follow State building code. There is no real loop hole unless sovereign as described above."

Commented [KB3R1]: Suggest editing to read: "...whether a proposed cannabis retail business complies with local zoning ordinances and state fire and building code."

2.3.1 *Fees.*

A registration fee, as established in the City of Fergus Falls's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.

An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.

Any renewal retail registration fee imposed by City of Fergus Falls shall be charged at the time of the second renewal and each subsequent renewal thereafter.

A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11,.

A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

2.3.2 *Application Submittal*

The City of Fergus Falls shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- A. An applicant for a retail registration shall fill out an application form, as provided by the City of Fergus Falls. Said form shall include, but is not limited to:
 - (1) Full name of the property owner and applicant;
 - (2) Address, email address, and telephone number of the applicant;
 - (3) The address and parcel ID for the property which the retail registration is sought;
 - (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13;
- B. The applicant shall include with the form:
 - (1) the application fee as required in [section 2.3.1];
 - (2) a copy of a valid state license or written notice of OCM license preapproval;
 - (3) Site plan;
 - (4) Security plan;
 - (5) Signage plan;
 - (6) Odor control plan.

C. Once an application is considered complete, the City shall inform the applicant as such, process the application fees, and forward the application to the City Council for approval or denial.

D. The application fee shall be non-refundable once processed.

2.3.3 Application Approval

A. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under section 2.6.

B. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

2.3.4 Selection Process.

If multiple applications for a state-licensed cannabis retail business are received within a 30-day period and the total would exceed the maximum number of registered businesses permitted under section 2.6, City Council will create a policy regarding the selection process.

2.3.4 Annual Compliance Checks.

The City of Fergus Falls shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer

products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this section must be reported to the Office of Cannabis Management.

2.3.5 *Location Change*

A state-licensed cannabis retail business shall be required to submit a new application for registration under section 2.3.2 if it seeks to move to a new location still within the legal boundaries of the City of Fergus Falls.

2.4 **Renewal of Registration**

The City of Fergus Falls shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Fergus Falls.

A cannabis retail registration issued under this ordinance shall not be transferred. A renewal registration shall comply with this ordinance.

2.4.1 *Renewal Fees.*

The City of Fergus Falls may charge a renewal fee for the registration starting at the second renewal, as established in the City of Fergus Falls' fee schedule.

2.4.2 *Renewal Application.*

The application for renewal of a retail registration shall include, but is not limited to:

- Items required under Section 2.3.2 of this ordinance.
- insert additional items here

Commented [KB4]: The county doesn't include this. Instead it says above that a business shall apply to renew registration on a form established by the county. I suggest we do the same.

2.5 **Suspension of Registration**

2.5.1 *When Suspension is Warranted.*

The City of Fergus Falls may suspend a cannabis retail business's registration if it violates the ordinance of the City of Fergus Falls or poses an immediate threat to the health or safety of the public.

2.5.2 *Notification to OCM.*

The City of Fergus Falls shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Fergus Falls and cannabis business

retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

2.5.3 Length of Suspension.

The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. the business may not make sales to customers if their registration is suspended.

The City of Fergus Falls may reinstate a registration if it determines that the violations have been resolved.

The City of Fergus Falls shall reinstate a registration if OCM determines that the violation(s) have been resolved.

2.5.4 Civil Penalties.

Subject to Minn. Stat. 342.22, Subd. 5(e) the City of Fergus Falls may impose a civil penalty, as specified in the City of Fergus Falls' fee schedule, for registration violations, not to exceed \$2,000.

2.6 Limiting of Registrations

A jurisdiction may choose to set a limit on the number of retail registrations within its boundaries. the jurisdiction may not however, limit the number of registrations to fewer than one per 12,500 residents.

The City shall issue at least one registration for a cannabis retail business and may issue up to two. The City may further limit the number of cannabis retail businesses per zone.

SECTION 3. REQUIREMENTS FOR CANNABIS BUSINESSES

3.1 Minimum Buffer Requirements

The City of Fergus Falls shall prohibit the operation of a cannabis business 250 feet of a school.

The City of Fergus Falls shall prohibit the operation of a cannabis business within 250 feet of a day care.

The City of Fergus Falls shall prohibit the operation of a cannabis business within 250 feet of a residential treatment facility.

The City of Fergus Falls shall prohibit the operation of a cannabis business within 250 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

The City of Fergus Falls shall prohibit the operation of a cannabis business within 250 feet of another cannabis retail business.

Pursuant to Minn. Stat. 462.367 Subd. 14, nothing in section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors moves within the minimum buffer zone.

3.2 Zoning and Land Use

All Cannabis Businesses must adhere to the zoning requirements as outlined in city code. No Cannabis Business may operate in any residential zone of the city.

3.3 Hours of Operation

Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 9 AM and 9 PM.

3.4 Advertising

Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business unless otherwise limited by the City of Fergus Falls' sign ordinances.

SECTION 4. TEMPORARY CANNABIS EVENTS

4.1 License or Permit Required for Temporary Cannabis Events

4.1.1 *Permit Required.*

A permit is required to be approved and issued by the City of Fergus Falls prior to holding a temporary cannabis event at which there is to be on-site consumption of cannabis.

4.1.2 *Registration and Application Procedure*

A registration fee, as established in the City of Fergus Falls' fee schedule, shall be charged to applicants for temporary cannabis events.

4.1.3 *Application Submittal and Review*

The City of Fergus Falls shall require an application for temporary cannabis events.

A. An applicant for a retail registration shall fill out an application form, as provided by the City of Fergus Falls. Said form shall include, but is not limited to:

1. Full name of the property owner and applicant;
2. Address, email address, and telephone number of the applicant;
3. Site plan or diagram of the premises;
4. An emergency event plan.

B. The applicant shall include with the form:

1. the application fee as required in (section 4.1.2);
2. a copy of the OCM cannabis event license application, submitted pursuant to 342.39 subd. 2.

The application shall be submitted to the City of Fergus Falls for review. If the City determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

C. Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the city administrator's office for approval or denial.

Commented [KB5]: The same as a special event license?

- D. The application fee shall be non-refundable once processed.
- E. The application for a permit for a temporary cannabis event shall meet the following standards:

The cannabis event must meet the minimum buffering requirements in of 500 feet from any day care, residential treatment facility, park and 1000' feet from any school or residence.

An event may not exceed more than four days and may only operate between the hours of 9 am and pm.

A request for a Temporary Cannabis Event that meets the requirements of this section shall be approved.

- F. A request for a Temporary Cannabis Event that does not meet the requirements of this section shall be denied. The City of Fergus Falls shall notify the applicant of the standards not met and basis for denial.

Temporary cannabis events at which there is consumption of cannabis shall only be held on private property.

Section 5. Lower-Potency Hemp Edibles

The sale of Lower-Potency Hemp Edibles are outlined in city ordinance ?

5.2 Zoning Districts

All sales of Lower-Potency Hemp Edibles are restricted to a B3 or higher zone as outlined in City ordinance ?

5.3.3 Beverages.

No person shall sell or offer to sell Low Potency Hemp Beverages or Hemp derived THC beverage products without an on-sale liquor license issued by the City of Fergus Falls.

The City shall establish a fee for a Low Potency Hemp Beverages or Hemp derived THC beverage license.

An establishment must meet the zoning requirements of a normal alcohol establishment in order to receive a Low Potency Hemp Beverages or Hemp derived THC beverage license.

The sale of low potency hemp beverages is permitted in a municipal liquor store.

5.3.4 Sale, Storage and Consumption of Product.

The sale of Low-Potency Edibles are prohibited in any liquor establishment.

Onsite consumption of Low-Potency Hemp Beverages or Hemp derived THC beverages are only allowed at licensed on-sale establishments.

The onsite sale and consumption of Low-Potency Hemp Beverages or Hemp derived THC beverages must be done in compliance with all laws of the state.

SECTION 7. USE IN PUBLIC PLACES

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use.

Section 2. Effective date. The effective date of this ordinance shall be the _____ day of _____, 2024.

Section 3. Summary Publication. Pursuant to Minn. Stat. §412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

ORDINANCE NO. 59, EIGHTH SERIES

AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA, REGULATING CANNABUS BUSINESSES.

THIS ORDINANCE was introduced on the _____ day of _____, 2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 2024, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on_____.

barb/acityoffergusfalls/ords/8thseries/Ord59



Council Action Recommendation

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Meeting Date: July 31, 2024- COW

Subject: Proposal to Switch Website Providers from Granicus to Munibit

Recommendation: Allow staff to initiate the process of transitioning to Munibit as the city's website provider.

Background/Key Points:

The City of Fergus Falls has used a website platform by Granicus since early 2020. Granicus was a logical next step in the evolution of the city website at the time, but several years later, it's clear that Granicus products do not serve our needs from either a cost or performance perspective. For example, incorporating the city's 2024 rebrand comes with a \$7,000 price tag, and the handy address search function our site initially came with broke within months of rollout, only for us to be told it would be a further \$5,000 to fix and maintain the feature that ultimately sold us on the Granicus product.

A small committee of the most active website administrators on staff was formed to explore new solutions. Over the last year, the committee has thoughtfully studied the current website to understand the user experience from both the front and back ends. Granicus products have proven to be too cumbersome for intuitive use and lack the responsive support necessary for our small staff to comfortably rely on when making frequent updates.

Enter Munibit, a family-owned company based in MO. Munibit offers a pared-down platform that translates to a more user-friendly experience, a clean layout, mobile responsiveness, and cost-effectiveness. Munibit also offers the one-on-one customer support our staff has been looking for. Switching from Granicus to Munibit offers advantages that align with our goals of enhancing our online user experience, receiving improved support, and maintaining a modern, responsive, and cost-effective website.

Budgetary Impact:

\$309/month, covering the website builder, unlimited support, troubleshooting, and training. There are no separate setup, design, or hosting fees with Munibit.

Respectfully Submitted:

Jean Bowman
Communications Director



Council Action Recommendation

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Meeting Date:

July 31, 2024- Committee of the Whole

Subject:

Request for City of Fergus Falls to be Fiscal Host for Sculpture Walk

Recommendation:

Agree to act as fiscal host for the sculpture walk project, overseen by the Public Arts Commission of the City of Fergus Falls (PAC).

Background/Key Points:

Outdoor art has a proven track record of attracting tourists and stimulating local economies while developing a community's sense of identity and place. A newly established sculpture walk (SW) will feature six outdoor sculptures, loaned by artists for year-round display along Lincoln Avenue in downtown Fergus Falls. Each of the three intersections between Union and Cascade Avenues will host two sculptures to increase foot traffic to downtown businesses. Sculptures will be installed in May and removed the following April, with participating artists receiving a stipend. The sculptures will also be available for sale, with proceeds split between the artist and SW programming.

After initial planning by a committee of citizens and artists, the PAC has voted to oversee the sculpture walk project. The PAC will seek grants and donations for funding and requests that the City Council agree for the city to act as the fiscal host for the SW project. There is no request for the city to fund SW activities outside of receipting grant funding.

Budgetary Impact:

The PAC seeks a grant and donations in the amount of \$65,100.

Respectfully Submitted:

Klara Beck, Community Development Director

Attachments:

Sculpture Walk Planning Document

Fergus Falls Sculpture Walk

Purpose:

The purpose of a Sculpture Walk (SW) in Fergus Falls is to grow the economy by making Fergus Falls a better place to live, work, and raise a family, and to make Fergus Falls an attractive tourist destination. From Mount Rushmore to the world's largest otter, people are attracted to outdoor art.

Other cities that use a SW as economic development include [Bemidji](#), [Hutchinson](#), [Red Wing](#), [Mankato](#), and [Sioux Falls, SD](#).

What:

The SW is an exhibit of six outdoor sculptures, loaned by artists for year-round display along Lincoln Avenue in downtown Fergus Falls. Two sculptures will be located on opposite corners at three intersections between Union and Cascade Avenues, aiming to increase foot traffic in front of the downtown stores.

The sculptures will be installed in May on pedestals and removed in April the following year to make room for new sculptures. Artists accepted to exhibit in the SW will receive a stipend for the loan of their sculptures for the year. The sculptures will be available for sale, with any sale proceeds divided between the artist and the SW Committee for program use.

Ownership and Oversight:

At its April 2024 meeting, the City of Fergus Falls Public Arts Commission (PAC) voted to take on ownership of the Sculpture Walk project as the steering committee and will approve any future modifications or changes to the plan for the project. A grant and/ or donation-funded project manager will oversee the project and report to the PAC.

Marketing:

- Develop and/ or connect website(s) and social media to physical art via QR codes on the sculptures.
- Push information on social media through the businesses downtown, Visit Fergus Falls, artist networks, individuals, and families that walk the path. Also, word of mouth.

Application process:

In December of 2024, a Request for Proposals will be advertised to the regional artistic community. Submissions will be evaluated by a subcommittee of the Public Arts Commission (PAC) called the Sculpture Walk Committee. The SW Committee will be made up of two members of the PAC and up to four volunteers from the Fergus Falls area. This recommendation from the SW Committee will be made

to the PAC at their February 2025 meeting. Winning artists will be notified and offered a SW art loan agreement.

Financial Plan:

The financial plan for the startup of the SW outlines preliminary cost estimates for constructing six pedestals, each designed to hold a single sculpture. These pedestals are anticipated to be constructed in 2024. These plans are subject to approval by the Fergus Falls Public Works and Engineering departments and the City Council.

The plan estimates the cost of installing each sculpture on a pedestal, including equipment and labor to lift and secure each piece. Although general maintenance costs are unknown, an allowance has been estimated. The sculptures, on loan to the City of Fergus Falls, will be covered by the city's property insurance for vandalism and damage during the display period.

Product	Cost Per Unit	Number of Units	Total 2025	Total 2026	Total 2027
18" X 18" X 24" Limestone Pad	\$1,000	6	\$6,000	\$0	\$0
Annual Welding Installation Fee	\$100	6	\$600	\$600	\$600
Stipend to Artists	\$1,500 yr 1 \$2,000 yr 2 \$2,000 yr 3	6	\$9,000	\$12,000	\$12,000
Misc Maintenance	\$100	6	\$600	\$600	\$600
Project Manager Stipend	\$4,500	1	\$4,500	\$4,500	\$4,500
Marketing	\$1,000	1	\$1,000	\$1,000	\$1,000
Contingency	8-9%		\$2,000	\$2,000	\$2,000
		total	\$23,700	\$20,700	\$20,700

Future and Funding:

The Sculpture Walk Committee of the Public Arts Commission will seek grants and individual donor funding of \$23,700 for the 2024-2025 startup phase. The artist stipend will increase to \$2,000 for the second and third years to make the program as competitive as possible. Funding for 2026 and 2027 will be \$20,700 per year. The PAC aims to secure full funding for the first three years, totaling \$65,100, before soliciting applications for sculptures.

Starting at the end of 2025, the PAC will annually evaluate the success of the Sculpture Walk by surveying downtown business owners and conducting a community-based survey.



Council Action Recommendation

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Meeting Date:

July 31, 2024- Committee of the Whole

Subject:

Request for Letter of Commitment

Recommendation:

Submit a letter of commitment to support Springboard for the Arts' new Artists-in-Residency Program, the Falls Community Arts Exchange.

Background/Key Points:

Springboard for the Arts is introducing the Falls Community Arts Exchange, a residency program aimed at fostering artist-led community development and geographic exchange. This program invites artists, creatives, culture bearers, community leaders, and travelers to experience and contribute to the Fergus Falls community.

Springboard for the Arts, a partner and leader in community development in the Fergus Falls area for the past 13 + years, requests that the Fergus Falls City Council submit a letter of commitment to support the new program. The partnership roles Springboard hopes the city will take on are:

- Advising the project overall to ensure projects are aligning with overall community goals and needs.
- Representation on the artist selection committee (this could be any rep of the city - staff, a commission member, or a council person).
- Helping artists and SB staff navigate processes for using public spaces for projects.

Further background on the program is on the Springboard website:

<https://springboardforthearts.org/falls-community-arts-exchange/>

Budgetary Impact:

N/A

Respectfully Submitted:

Klara Beck, Community Development Director

Attachments

Draft commitment letter

DATE

The National Endowment for the Arts
400 7th Street, SW
Washington, DC 20506

Dear Selection Panel:

For 13 years, the community of Fergus Falls has benefited from the presence of Springboard for the Arts in downtown Fergus Falls. Their team of active community leaders and artists have supported and informed a variety of community efforts, enhancing our capacity for strong community engagement and creative placemaking.

We are committed to continuing our partnership with Springboard for their next phase of the Falls Community Arts Exchange. This collaboration presents an exciting opportunity to harness the creative talents of artists involved in the Exchange, leveraging their skills to amplify our local assets. This partnership will further enhance public spaces, particularly in our Downtown Riverfront District, including the Spies Pavilion and the Riverfront Splash Pad, as well as other public spaces that the City has invested in over the last 5 years.

The vision for the next phase of the Falls Community Arts Exchange aligns with our ongoing efforts to promote cultural and economic development, further enhancing the livability of our community. The impact of this project has the potential to extend beyond Fergus Falls, with participating artists bringing back new insights and strategies to their own communities, helping to boost local economies and enrich cultural life.



Council Action Recommendation

Page 1 of 1

Meeting Date:

July 31, 2024 – Committee of the Whole

August 5, 2024 – City Council

Subject:

City Project No. 5961 - 2024 Street and Utility Reconstruction Project No. 1

Junius Avenue: Union Avenue to Cascade Street

Recommendation:

- Resolution Accepting project plans and specifications
- Resolution Authorization to Advertise for Bids

Background/Key Points:

Interstate Engineering, Inc. has substantially completed the project plans and specifications for the above reference project. The Estimated Probable Construction Cost is \$1,325,000.00. The City must publicly advertise for bids pursuant to the “Competitive Bidding Requirements” monetary thresholds for a minimum 21-day publication. MnDOT District 4 needs to complete their review therefore, the actual bid date is not determined at this time.

The overall project delivery schedule accounts for holding the Final Assessment Hearing prior to a recommendation to award the construction services contract like recent reconstruction projects such as this. Once bids are received, the lowest responsible bidder’s itemized costs will be utilized to revise the final assessment roles. I will then be requesting the Council to set the final cost assessment hearing date. Individual assessment notices along with a publication will be issued prior to the final cost hearing. A recommendation to award the construction contract will be contingent on potential objections at this final hearing.

Budgetary Impact:

As presented at the preliminary cost hearing, this project is proposed to be funded by a combination of PIR 429 Bonds (Special Assessment Street), Municipal State Aid Street Funds (Construction), Sanitary Sewer Enterprise Fund, Water Enterprise Fund, and the Storm Water Enterprise Fund.

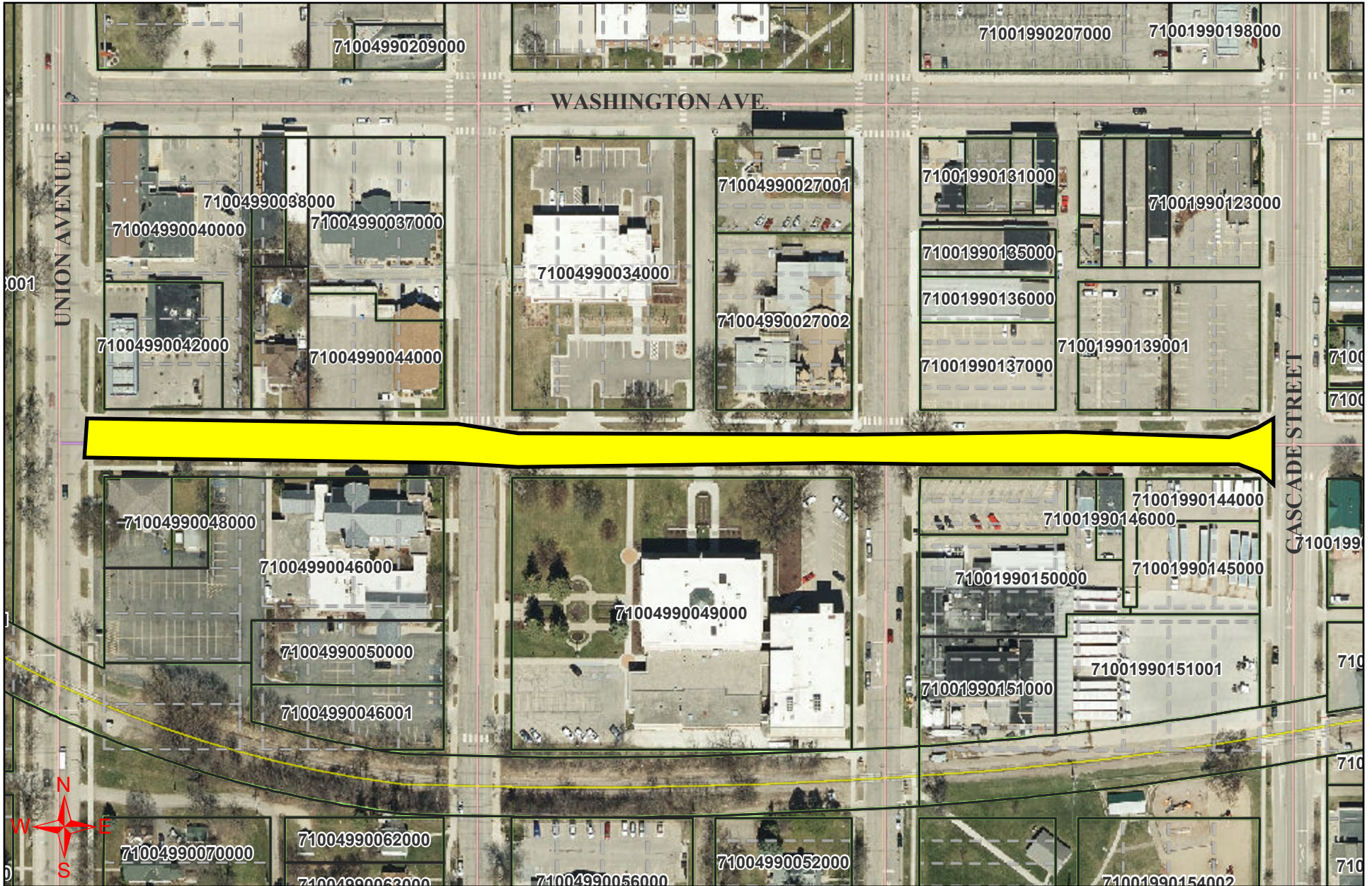
Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

CP 5961- Project Location Map

Title Sheet



**JUNIUS AVENUE STREET & UTILITY
RECONSTRUCTION PROJECT LIMITS
P. I. No. 5961**

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.

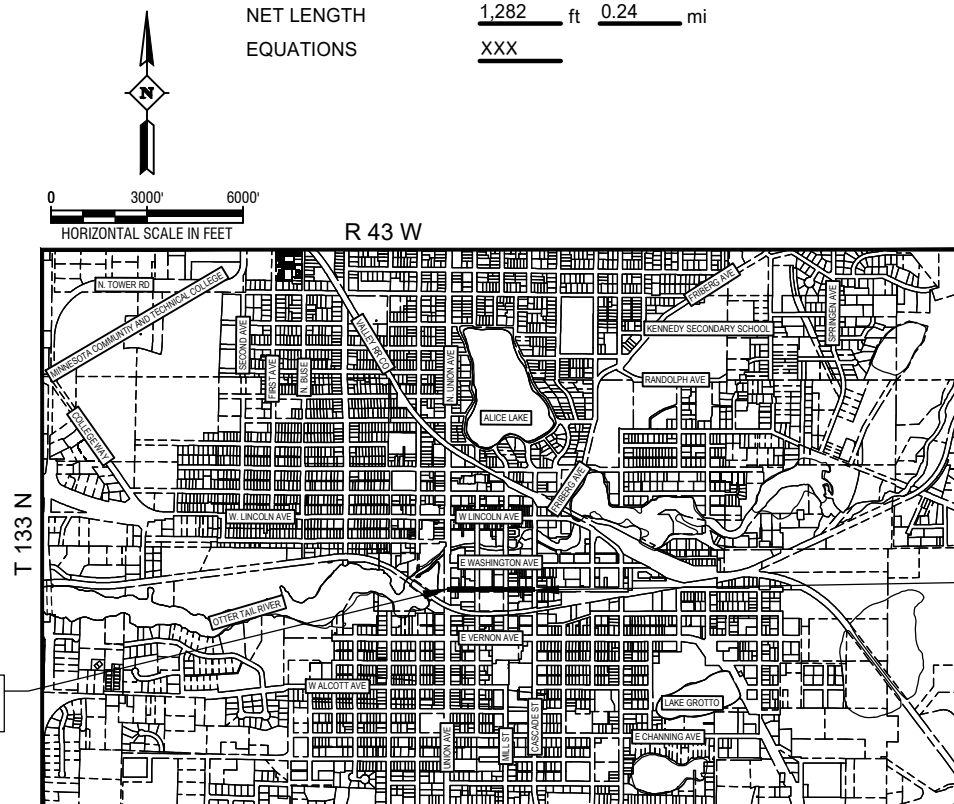
MINNESOTA DEPARTMENT OF TRANSPORTATION CITY OF FERGUS FALLS

CONSTRUCTION PLAN FOR
CONSTRUCT BITUMINOUS ROADWAY, CONCRETE SIDEWALK, CURB & GUTTER,
CURB RAMPS, STORM SEWER, SANITARY SEWER, & WATER MAIN

LOCATED ON EAST JUNIUS AVE FROM SOUTH UNION AVE TO SOUTH CASCADE STREET (GEOGRAPHIC DESCRIPTION)
FROM 626' SOUTH AND 1091' EAST OF NORTHWEST CORNER SECTION 3; TOWNSHIP 132 NORTH; RANGE 43 WEST (LEGAL DESCRIPTION)
TO 634' SOUTH AND 2373' EAST OF NORTHWEST CORNER SECTION 3; TOWNSHIP 132 NORTH; RANGE 43 WEST (LEGAL DESCRIPTION)

S.A.P. 126-112-001

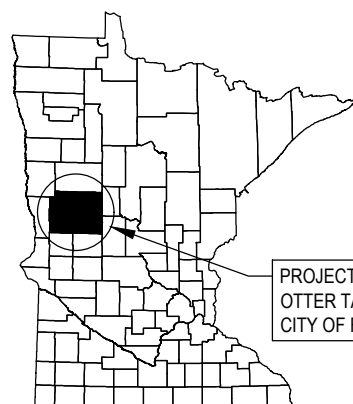
GROSS LENGTH 1,282 ft 0.24 mi
BRIDGE LENGTH 0 ft 0 mi
EXCEPTIONS LENGTH 0 ft 0 mi
NET LENGTH 1,282 ft 0.24 mi
EQUATIONS XXX



BEGIN S.A.P. 126-112-001
STA. 10+00

END S.A.P. 126-112-001
STA. 22+82

SITE MAP



PROJECT LOCATION
OTTER TAIL COUNTY
CITY OF FERGUS FALLS



S.A.P. 126-112-001

MINN. PROJ. NO. S.A.P. 126-112-001

GOVERNING SPECIFICATIONS

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION
"STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

INDEX OF SHEETS

SHEET NO.	TITLE
C1	TITLE SHEET
C2	LEGEND
C3-C4	ESTIMATED QUANTITIES
C5	EXISTING TYPICAL SECTIONS
C6	PROPOSED TYPICAL SECTIONS
C7	SWPPP NOTES
C8-C10	EROSION CONTROL
C11-C13	EROSION CONTROL STANDARD PLANS
C14-C16	REMOVAL PLAN
C17-C20	SANITARY SEWER PLAN AND PROFILE
C21-C24	WATER MAIN PLAN AND PROFILE
C25-C28	UTILITY DETAILS
C29-C31	STORM SEWER PLAN AND PROFILE
C32-C34	ROAD PLAN & PROFILE
C35-C37	SURFACING AND STRIPING PLAN
C38-C42	ADA RAMPS
C43-C52	ADA DETAILS
C53-C56	TRAFFIC CONTROL
C57-C65	CROSS SECTIONS

THIS PLAN SET CONTAINS 65 SHEETS

DESIGN DESIGNATION

PRESENT ADT	2024 = 710
FUTURE ADT	2044 = 781
TON DESIGN	10 TON
CLASSIFICATION	URBAN LOCAL
NO. OF TRAFFIC LANES	2
NO. OF PARKING LANES	2
DRIVING LANE WIDTH	11'
PARKING LANE WIDTH	7.5'
R-VALUE	12.0
DESIGN YEAR	20
ESAL	82,000
POSTED SPEED	30 MPH

BASED ON STOPPING SIGHT DISTANCE

3.5' HEIGHT OF EYE. 2.0' HEIGHT OF OBJECT.

DESIGN SPEED NOT ACHIEVED AT: N/A

INTERSTATE ENGINEERING

ALEX SCHWARZHOFF

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY
ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS
OF THE STATE OF MINNESOTA.

DATE: _____ LICENSE NUMBER: 47119

APPROVED BY _____
BRIAN YAVAROW PE CITY ENGINEER

DATE: _____ LICENSE NUMBER: 48363

DISTRICT STATE AID ENGINEER: REVIEWED FOR
COMPLIANCE WITH STATE-AID RULES/POLICY.

APPROVED FOR STATE AID FUNDING
STATE AID ENGINEER

SHEET 1 OF 65 SHEETS

SCALES
REMOVALS 20 FT
SURFACING 20 FT
ADA RAMPS 10 FT
PLAN AND PROFILE 20 FT
JUNIUS AVE. TRAFFIC CONTROL 20 FT



Council Action Recommendation

Page 1 of 2

Meeting Date:

July 31, 2024 – Committee of the Whole

August 5, 2024 – City Council

Subject:

PI No. 9346 - 2019 Airport Taxi Lane Relocation Project

Recommendation:

1. Resolution accepting the State & Federal Grant Amendment #1 to MnDOT Agreement No. 1035254

Background/Key Points:

In 2020 Central Specialties substantially completed the referenced project. The impetus for this taxi lane relocation project resulted from a 5010 inspection which occurs every three (3) years statewide for state airport licensure. For decades, these State inspections occurred at the FFM Airport and up until 2018 the FAA noted an existing taxi lane as a “high level” airside safety concern. Please refer to the attached exhibit for additional information.

As work progressed, additional unsuitable soils beneath the new taxi lane were encountered along with existing subsurface drainage tiles. The unsuitable soils were excavated, and the drainage tiles were inspected and extended beyond the new taxi lane limits to maintain function. This work added additional costs to the project.

We contacted the State and FAA to discuss the added construction costs. Both agencies agreed to the construction change and additional funding, however, this past approval was not memorialized until recently because of a series of staff retirements within the FAA and State Aeronautics department. The attached State Grant Amendment No.1 was sent to me and requires execution so I can complete the final project closeout.

Budgetary Impact:

This project was a significant airside need by the FAA, the FAA & State contribution funding level was 95%. The remaining 5% funding share is City cost.

The initial estimated project cost was \$575,362.30. The revised total construction cost is \$630,118.78. The 5% City share was \$28,768.15 and revised is \$31,506.84 equating to a \$2,738.69 increase from the local Airport 456 Fund. Sufficient funds were available to complete this project in efforts to close the project out.

Originating Department:

Engineering Department

Respectfully Submitted:




Brian Yavarow, P.E. - City Engineer

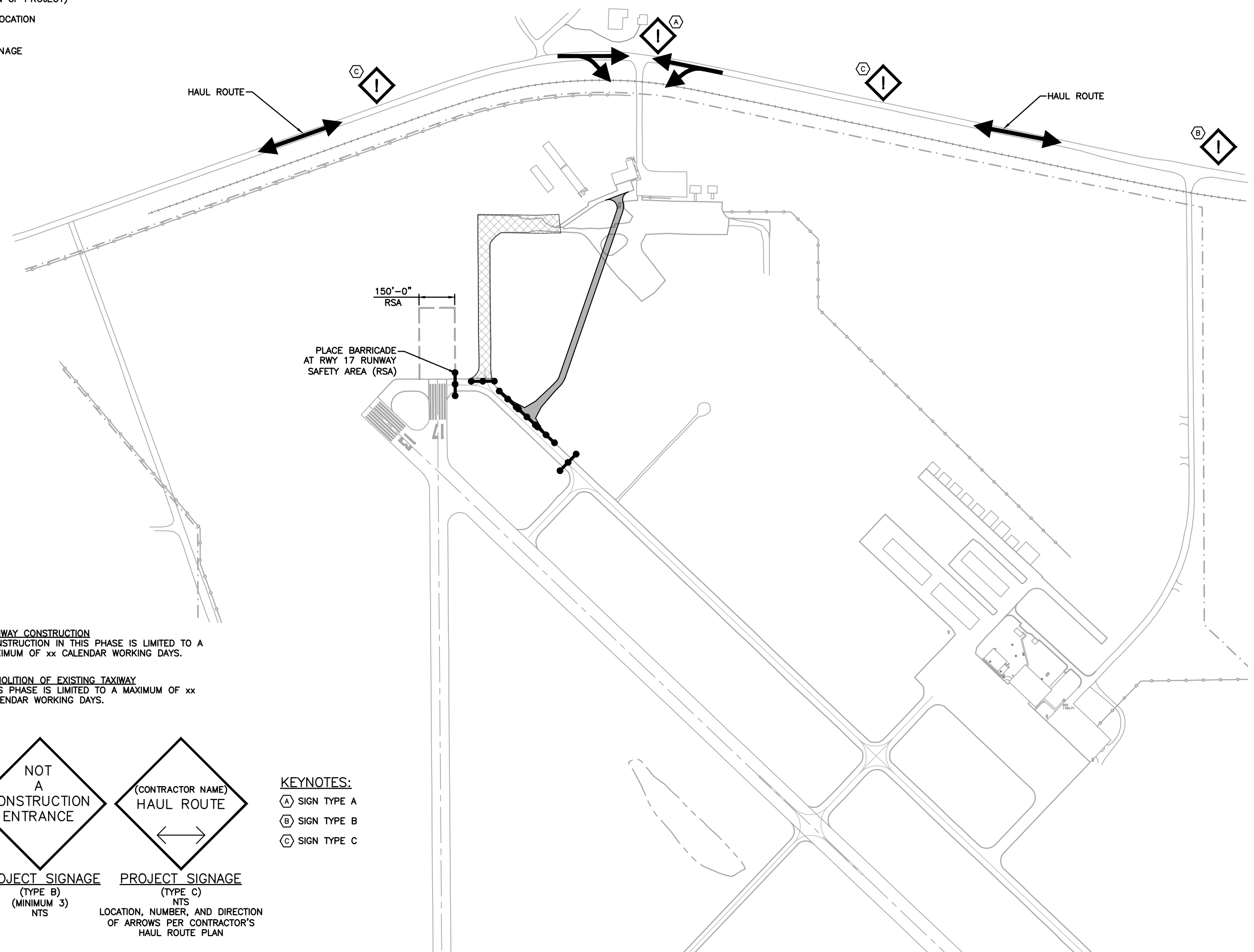
Attachments:



Amendment No. 1 to MnDOT Agreement No. 1035254

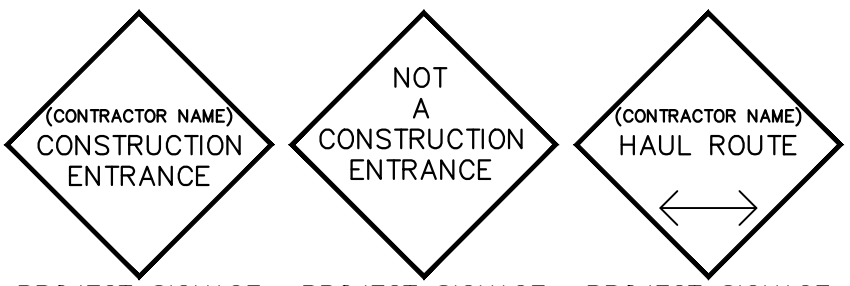
S:\V\F\149582\5-final-dsgn\51-drawings\65-Aviation\Plans\FM-2019 TAXI_PH.dwg 4/3/2019 9:59 AM slutterman

LEGEND

-  HAUL ROUTE (DURATION OF PROJECT)
-  REQUIRED BARRICADE LOCATION
-  REQUIRED PROJECT SIGNAGE



-  PHASE 1 - TAXIWAY CONSTRUCTION
CONSTRUCTION IN THIS PHASE IS LIMITED TO A MAXIMUM OF xx CALENDAR WORKING DAYS.
-  PHASE 2 - DEMOLITION OF EXISTING TAXIWAY
THIS PHASE IS LIMITED TO A MAXIMUM OF xx CALENDAR WORKING DAYS.



PROJECT SIGNAGE (TYPE A)
(MINIMUM 1) NTS

PROJECT SIGNAGE (TYPE B)
(MINIMUM 3) NTS

PROJECT SIGNAGE (TYPE C)
NTS
LOCATION, NUMBER, AND DIRECTION OF ARROWS PER CONTRACTOR'S HAUL ROUTE PLAN

KEYNOTES:

-  SIGN TYPE A
-  SIGN TYPE B
-  SIGN TYPE C

MARK	DATE	DESCRIPTION
		REVISIONS

SEH FILE NO. FERGUL149582	TJW
STATE PROJECT NO. A5601-55	SJL
ISSUE DATE	
DESIGNED BY	
DRAWN BY	
Short Elliott Hendrickson, Inc. (SEH)	
© 2019 Short Elliott Hendrickson, Inc.	

AMENDMENT # 01 TO MnDOT GRANT AGREEMENT #1035254

This Amendment is by and between the state of Minnesota, through its Commissioner of Transportation (“State”), and the City of Fergus Falls (“Recipient”).

Recitals

1. The State has an agreement with the Recipient identified as MnDOT Agreement Number 1035254 (“Original Agreement”), to provide for Reconstruct Taxiway to the North Building Area.
2. The agreement is being amended to cover the cost of construction over-runs in the amount of about 11%.
3. The State and the Recipient are willing to amend the Original Agreement as stated below.

Agreement Amendment

In this Amendment deleted agreement terms will be ~~struck out~~ and the added agreement terms will be underlined.

REVISION 1. Article 1 is amended as follows:

1. This Agreement is effective upon execution by the Recipient and the State, and will remain in effect until ~~September 30, 2023~~ September 30, 2024 .

REVISION 2. Article 3 is amended as follows:

3. The Project costs will not exceed ~~\$575,362.30~~ \$630,118.78. The proportionate shares of the Project costs are: Federal: Committed ~~\$493,125.00~~ \$542,405.00 , Multi-Year Amount: \$24,701.00; State: ~~\$28,768.15~~ \$31,505.94 , and Recipient: ~~\$28,768.15~~ \$31,506.84. This project is not estimated to be completed this fiscal year and the federal multiyear amount is an estimate only. These additional funds are not committed by the state and are only available after being made so by the U.S. government. Federal funds for the Project will be received and disbursed by the State. In the event federal reimbursement becomes available or is increased for this Project, the State will be entitled to recover from such federal funds an amount not to exceed the state funds

advanced for this Project. No funds are committed under this Agreement until they are encumbered by the State. No more than 95% of the amount due under this Agreement will be paid by the State until the State determines that the Recipient has complied with all terms of this Agreement, and furnished all necessary records.

REVISION 2. Article 10 is amended as follows:

10. ~~This Agreement may be terminated by the Recipient or State at any time, with or without cause, upon ninety (90) days written notice to the other party. Such termination will not remove any unfulfilled financial obligations of the Recipient as set forth in this Agreement. In the event of such a termination, the Recipient will be entitled to reimbursement for eligible expenses incurred for work satisfactorily performed on the Project up to the date of termination.~~ **Termination. The State or Commissioner of Administration may unilaterally terminate this agreement at any time, with or without cause, upon written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.** The State may immediately terminate this Agreement if it does not receive sufficient funding from the Minnesota Legislature or other funding source, or such funding is not provided at a level sufficient to allow for the continuation of the work covered by this Agreement. In the event of such termination, the Recipient will be reimbursed for work satisfactorily performed up to the effective date of such termination to the extent that funds are available. In the event of any complete or partial state government shutdown due to a failure to have a budget approved at the required time, the State may suspend this Agreement, upon notice to the Recipient, until such government shutdown ends, and the Recipient assumes the risk of non-payment for work performed during such shutdown.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minn. Stat. §§ 16A.15 and 16C.05.

By: _____

Date: _____

SWIFT Purchase Order: _____

Recipient

Recipient certifies that the appropriate person(s) have executed the Agreement on behalf of the Recipient as required by applicable resolutions, charter provisions or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

Commissioner, Minnesota Department of Transportation

By: _____
Director, Office of Aeronautics

Date: _____

**Office of Financial Management-Grant Unit
Agency Grant Supervisor**

By: _____

Date: _____

Mn/DOT Contract Management

as to form & execution

By: _____

Date: _____



Council Action Recommendation

Page 1 of 2

Meeting Date:

July 31, 2024 – Committee of the Whole

August 5, 2024 – City Council

Subject:

PI 5373 – Shoreview Drive Street Improvement

Recommendation:

- 1) Resolution accepting the project plans and specifications
- 2) Resolution authorizing the advertisement for bids

Background/Key Points:

City staff has substantially completed the project plans and specifications for the above reference project. The Estimated Probable Construction Cost is \$290,000. The City must publicly advertise for bids pursuant to the “Competitive Bidding Requirements” monetary thresholds for a minimum 10-day publication. The actual bid date is not determined yet.

The overall project delivery schedule accounts for holding the Final Assessment Hearing prior to a recommendation to award the construction services contract like recent improvement projects. Once bids are received, the lowest responsible bidder’s itemized costs will be utilized to revise the final assessment roles. I will then request the Council to set the final cost assessment hearing date. Individual assessment notices along with a publication will be issued prior to the final cost hearing. A recommendation to award the construction contract will be contingent on potential objections at this final hearing.

Actual construction could begin this fall, contingent on the construction contract awarding however, I am recommending a working day contract with a substantial completion date in summer, 2025 for this project. Additionally, the amount of rainfall this spring has delayed many contractors in the region therefore, I believe it is in the City’s best interest to add flexibility in the contract in attempts to receive favorable bid pricing.

Budgetary Impact:

Due to the nature of the proposed improvements most costs should be covered using Permanent Improvement Revolving (PIR) Fund Bonds allocated for special assessments under Chapter 429.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

Title Sheet

CITY OF FERGUS FALLS, MINNESOTA

ENGINEERING DEPARTMENT

CONSTRUCTION PLANS FOR

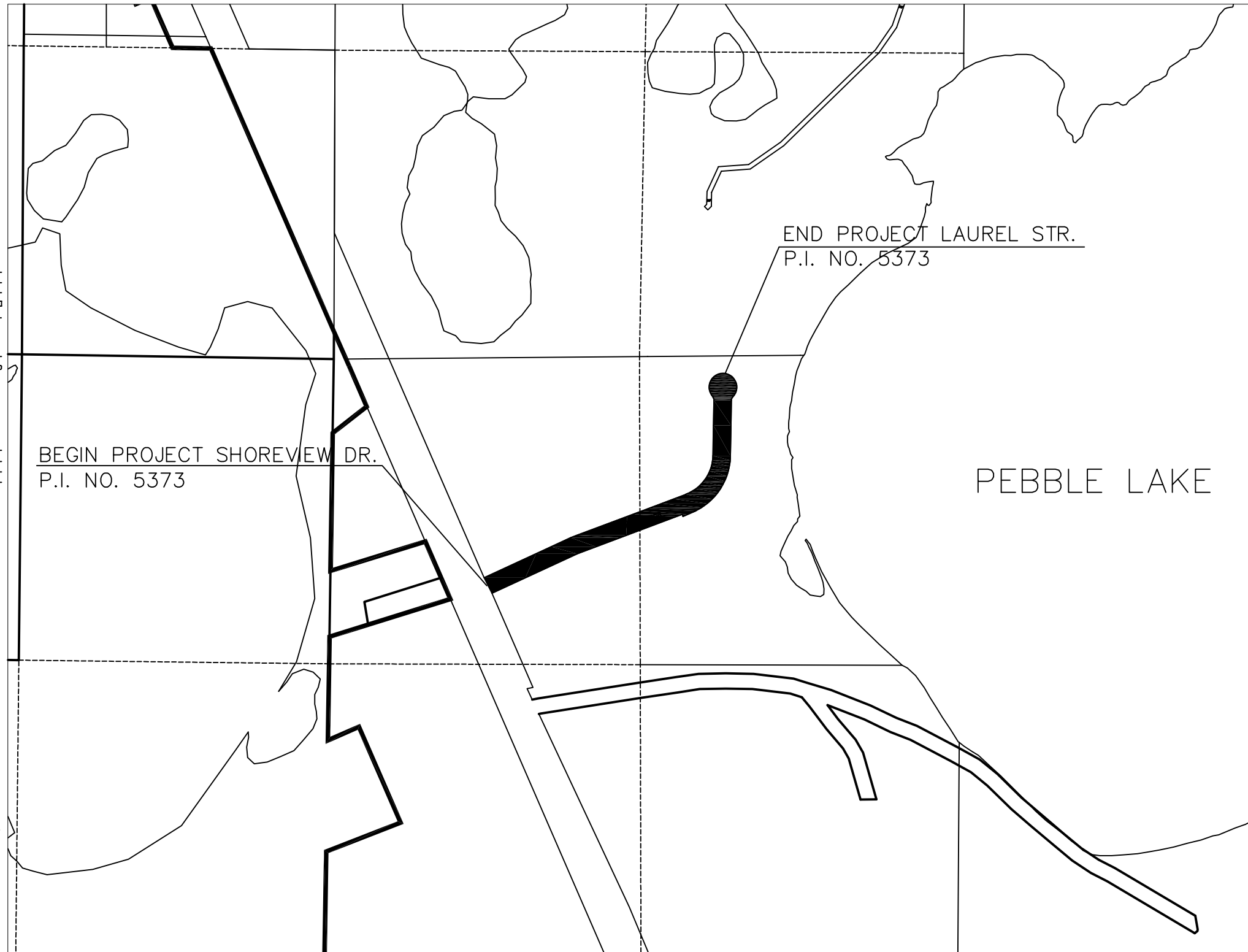
GRADING, GRAVEL & BITUMINOUS STREET PAVING

CITY PUBLIC IMPROVEMENT NO. 5373

SPECIFICATIONS REFERENCE

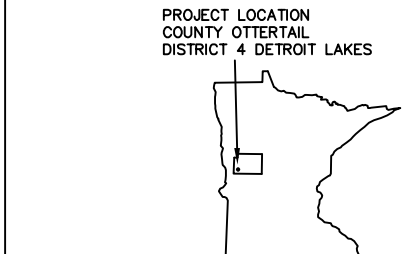
THE 2018 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) STANDARD SPECIFICATION LATEST EDITION, SHALL GOVERN THE CONTRACT.



CONVENTIONAL SYMBOLS

RIGHT OF WAY LINE	=====
PROPERTY LINE	=====
VACATED PROPERTY	-----
RAILROAD	-----
R.R. RIGHT OF WAY	-----
POWER POLE	o-----o
TELEPHONE POLE	o-----o
WATER VALVE BOX	•-----•
WIRE FENCE	-----
HEDGE	-----
WATER MAIN	-----
SANITARY SEWER IN PLACE	-----
STORM SEWER IN PLACE	-----
TREES	-----
MANHOLE	-----
FIRE HYDRANT	-----
STREET LIGHT	-----
GAS MAIN	-----
UNDERGROUND TELEPHONE	-----
UNDERGROUND POWER	-----
UNDERGROUND TELEVISION	-----



SCALES
(UNLESS OTHERWISE NOTED)



INDEX OF SHEETS

PI. NO.	DESCRIPTION	SHEET
	TITLE SHEET	1
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	CURB & GUTTER - LAUREL STR.	47-48
	CROSS SECTIONS-LAUREL STR.	49-54

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

CITY ENGINEER
DATE _____ 20____ REG. NO. 48363