

City Council Minutes  
August 5, 2024

The Fergus Falls City Council held a regular meeting on Monday August 5, 2024 at 5:30 pm in the City Council Chambers. Pastor Dave Foss 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, Rachels, Hicks, Fish and Job.

No one appeared for the open forum.

### **Approval of the Agenda**

A motion and second were made by Hicks and Kremeier to approve tonight's agenda with the removal of the minutes from the consent agenda and the motion carried.

### **PI 7224, Scenic Drive Sanitary Sewer Project**

Public Improvement 7224 is the construction of an 8" sanitary sewer extension project on Scenic Drive from Pebble Shores Drive to Pebble Hills Drive. The total project cost is \$128,500 with deferred special assessments not to exceed 7% over 15 years. A public hearing was held. One written objection was noted with the property owner asking the assessments to be deferred. Jason Vaughn asked for clarification on the unplatted lots and it was noted all parcels are deferred and once they are platted, they would be separated. The public hearing closed at 5:36 pm. Fish offered [Resolution #144-2024](#) ordering the plans and specifications for PI 7224, the Scenic Drive sanitary sewer infrastructure project, which was seconded by Rufer and was adopted.

### **PI 8231, Scenic Drive Watermain Extension Project**

Public Improvement 8231 is the construction of a 12" water main extension project on Scenic Drive from Pebble Shores Drive to Pebble Hills Drive. The total project cost is \$235,900 with deferred special assessments not to exceed 7% over 15 years. A public hearing was held and as no one appeared, the public hearing closed at 5:40 pm. Fish offered [Resolution #145-2024](#) ordering the plans and specifications for PI 8231, the Scenic Drive water main extension project, which was seconded by Hicks and was adopted.

### **Consent Agenda**

The following items were approved under [Resolution #146-2024](#) by Hicks: A motion approving the following licenses: [3.2% OnSale Malt Liquor, Wine with Strong Beer Authorization](#) for Abroad Companies, dba HOT DISH; [Mechanical John Suko Sheetmetal](#); [Paving/Sidewalk Skjeret Concrete](#); [Demo/Hauler of Building Waste Landmark Drainage LLC](#). [Resolution #147-2024](#) authorizing the Fergus Falls Public Library to apply for a Library Science Technology Act grant in the amount of \$14,469.50. Motion appointing Siri Thorstad to the HRA board for a five-year term. [Resolution #148-2024](#) accepting a \$7,500 donation from the American Kennel Club for the purchase and training of a police K9 dog. Motion appointing Al Kremeier to the Port Authority and Scott Rachels to the WCI EDD Board. [Resolution #149-2024](#) authorizing staff to enter into an agreement with Munibit as the city's website provider. [Resolution #150-2024](#) authorizing the submission of a letter of commitment to support Springboard for the Arts new Artists-in-Residency Program, the Falls Community Arts Exchange. [Resolution #151-2024](#) accepting the project plans and specifications and authorizing the advertising of bids for CP 5961, the Junius Avenue reconstruction project. [Resolution #152-2024](#) accepting the State and Federal Grant Amendment #1 to MnDOT Agreement No. 1035254 for PI

9346, the airport taxi lane relocation project. **Resolution #153-2024** accepting the plans and specifications and authorizing the advertising of bids for PI 5373, the Shoreview Drive street improvement project. The resolution was seconded by Rachels and was adopted.

Hicks asked the July 15, 2024, council minutes to be removed from the consent agenda and invited Laurie Mullen to the podium who shared her opinion on the accuracy of the Charter Commission's agenda, minutes and process regarding the council vacancy. Mayor Schierer reminded her the matter at hand was the City Council minutes, not the Charter Commission minutes. A motion and second were made by Rufer and Rachels to approve the July 15, 2024, City Council minutes and the July 31, 2024, Committee of the Whole minutes and the motion carried.

### **Sculpture Walk**

Kvamme offered **Resolution #154-2024** authorizing the city to act as the fiscal host for the sculpture walk and the Public Arts Commission to annually present their proposed sculpture selections for approval by the City Council, which was seconded by Rachels and was adopted.

### **Ordinance 58, Eighth Series**

Mike Donoho commended the council for their work on this ordinance as it presents a reasonable compromise to a polarizing topic. He questioned the B-5 zoning and staff confirmed the city does not have a B-5 zone and this designation has been earmarked for correction in future code updates. Jacob Buettner had questions about the city's need to respond to cannabis applicants within 30 days and how that will work with interim and conditional use permits. It was clarified businesses that need an interim or conditional use permit should begin that process prior to applying for a state cannabis license as these permit processes take time to follow the city's process. The local zoning ordinance ensures cannabis sales are allowed in the correct zone. Kris Stach also thanked the council for their work and felt our city is further ahead than many other communities. Ordinance 58, Eighth Series, Cannabis Zoning was adopted by a roll call vote.

### **Ordinance 59, Eighth Series**

Jacob Buettner asked why the hours of 9 am-9 pm were chosen. The police department recommended staggering the closing of a cannabis retailer and the liquor stores, so officers can be in the vicinity during store closing activities. Hicks suggested a waste disposal is included in the cannabis registration form. Kris Stach said waste issues would be handled at the county or state level. Ordinance 59, Eighth Series, Cannabis Registration was introduced by Rufer and was declared to have its first reading.

### **Resolution of Accounts**

Kvamme offered a resolution authorizing the payments and claims in the amount of \$2,617,112.62, which was all claims other than a \$1,395.00 invoice paid to Indigo Signworks, his employer. The resolution was seconded by Fish and was adopted. Kremeier offered a resolution authorizing the payment and claim in the amount of \$1,395.00 to Indigo Signworks, which was seconded by Rachels and was adopted with Kvamme abstaining.

### **Open Forum Response from July 15**

At the July 15 council meeting Cecelie Cookman asked a series of questions at the open forum regarding the city's proposed sale of the Pebble Lake Golf Course. Mayor Schierer read each of the nine questions and responses.

### **Council Vacancy**

At the July 31 Committee of the Whole meeting, it was suggested council take formal action to appoint the candidate receiving the most votes at the November 5 election in Ward Three at the November 18 council meeting to fill the rest of the unexpired term. The City Attorney advised the correct time to take this action after the canvassing has been completed and confirmation was made the winning candidate provided the necessary and complete finance reports. He recommended not making a resolution without naming a specific person. Kremeier felt taking this action now would save time later this year to fill the vacant ward three council seat. Mayor Schierer felt as a candidate, that person would likely want to have their name associated with the resolution appointing them to the position. A motion and second were made by Kremeier and Rachels inviting the ward three candidate receiving the most votes after canvassing and certifying the election to the November 18, 2024, meeting to be seated and fill the remaining unexpired term and the motion carried.

### **Reconsideration of Property Tax Rebate at 701 Damika Drive**

On July 1 Job voted against a property tax rebate for 701 Damika Drive and has reconsidered her position on the vote. She said the tax rebate was overlooked, and the value of the home would have met the city's program threshold, and it should be considered. Kremeier felt the property owners deserved an apology for receiving notice this item was on the July 1 agenda. Hicks said he spoke to staff who have put a new system in place to ensure this does not happen again. Job offered **Resolution #155-2024** approving a property tax rebate for 701 Damika Drive, which was seconded by Rufer and was adopted.

The council adjourned to a closed meeting at 6:20 pm to consider a potential real estate transaction as allowed under MN Statute D.05.

*Lynne Olson*