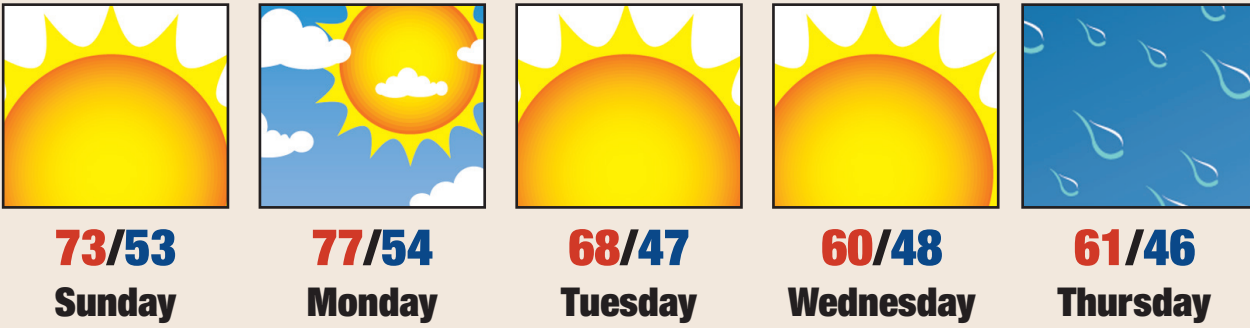


Fergus Falls five-day weather forecast



Tomorrow's almanac

Sunrise:	7:22 a.m.
Sunset:	7:06 p.m.
Wind:	S 17 mph
Humidity:	53%
UV Index:	4 Mod.
Avg. High:	63
Avg. Low:	41
Record High:	80/2000
Record Low:	26/1972



FRIDAY LOTTERIES:

Daily 3:
4-2-4

Northstar Cash:
12-23-26-27-28

Gopher 5:
08-20-22-33-43

Traveler information and road conditions may be found at 511mn.org or by calling 511

OBITUARY

William Bates

William H. Bates, 85, of Erhard, died Tuesday, Sept. 24, 2013, at Broen Home in Fergus Falls. He was born Jan. 26, 1928, in Moorhead, the son of James and



Bates

Florence (Chatwood) Bates. He was the longtime owner of Fargo Bumper Exchange and continued to be employed there for many years after selling his interest in the company. Family services are planned at a later date. Olson Funeral Home in Fergus Falls is in charge of arrangements.

Condolences: www.olsonfuneralhome.com

DEATH NOTICES

Walter Roske

Walter Roske, 97, of Hoffman, died Friday, Sept. 27, 2013, at Good Samaritan Society in Hoffman. Funeral services will be at 11 Monday, at Zion Lutheran Church in Hoffman, with the Rev. Donald Wagner officiating. Burial will be in Zion Cemetery in Hoffman. Visitation will be Sunday from 4 to 7 p.m. Sunday, at Erickson-Smith Funeral Home in Hoffman, and one hour prior to service at the church.

Condolences: www.EricksonSmithFH.com

Jessie Langemo

Jessie Langemo, 99, of New York Mills, formerly of Deer Creek, died Friday, Sept. 27, 2013, at the Elder's Home in New York Mills. Arrangements are pending with Karvonen and Son Funeral Home in New York Mills.

Condolences: karvonenfuneralhome.com

Gladys Salomonson

Gladys Salomonson, 88 of Battle Lake died Saturday, September 28, 2013 at the Battle Lake Good Samaritan Center. Funeral arrangements are pending with Glende-Nilson Funeral Home in Battle Lake.

Farm trailers exempt

Question: Hello. I appreciate your weekly newspaper column and find it quite informative. I'm hoping you can provide some clarification for me. As I understand it, livestock trailers don't need to be licensed if they are solely used for active farming purposes (hauling cattle to pasture). Is this correct? How about a livestock trailer used for 4-H, purely leisure purposes?
Answer: As far as trailer registration, this is what Minnesota

State Statute says: "168.012 Vehicles exempt from tax or license fees. Subdivision 2a. Small farm trailer. Farm trailers with a gross weight of less than 10,000 pounds, drawn by a passenger automobile or farm truck and used exclusively for transporting agricultural products from farm to farm and to and from



Grabow
Ask a Trooper

the usual marketplace of the owner, shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the provisions of this chapter." A reminder of rear lighting and reflectors are still required along with the proper hooks (hitch, safety chain/cable, etc.)

If you have any questions concerning traffic related laws or issues in Minnesota, send your questions to Trip. Jesse Grabow, Minnesota State Patrol at 1000 Highway 10 West, Detroit Lakes, MN 56501-2205. (You can follow him on Twitter @MSPPIO_NW or reach him at, jesse.grabow@state.mn.us).

OBITUARY

Richard Kvam

Richard Merel Kvam, 80, of Vergas died Friday, Sept. 27, 2013, after a 15-year journey with cancer, at his home surrounded by family, special friends, and under the care of Lakeland Hospice.



Kvam

Richard was born Feb. 27, 1933, in Circle, Mont., the son of Moses and Elizabeth (Powell) Kvam. The family moved to Holmes City in 1935, and later moved to Maine Township. He was baptized and confirmed as an adult at St. Paul Lutheran

Church, East Friberg.

He served in the army from 1953-1955. He lived in Maine Township until he was married to Dorene Rocholl in 1959, and moved to Friberg Township. In 1962, he purchased his first truck to haul milk, a career which continued until 1995. From 1990 to 1995, he also owned and operated gravel trucks. After his retirement he enjoyed helping his neighbors with farming. Richard enjoyed dancing, playing cards, fishing, and working in the woods. He was a member of the VFW Post 7702 and treasured being a color guard for the funerals of fellow veterans. He is survived by his wife, Dorene; a daughter, Rhonda (Donovan) Jorgenson of

Henning; sons, Merel, AKA "MAK" (Judy) of Vergas and Florida and Darrin (Jennifer) of Mora. Grandchildren, Carly, Abigail, Sarah, and Ellianna Kvam, John (Jessica) Jorgenson of Henning and son Jordan; Melissa (Dale) Current of Vermdale and their children Gracie and Tanner, Alexis (Jason) Sadlemeyer of Long Prairie and their children Chrisob and Zachariah, Samantha and Devan; and Patsy (Clayton) Anderson of Herman, and their daughter, Cailynn; special buddies, Samantha and Shelby Meyer; brothers, John (June) of Fergus Falls and David (Grace) of Marionette, Wis.; numerous nieces and nephews; and his in-laws, Ruth Miller, Herman Rocholl, Lois (David) Bauman, Carl (Renae) Ro-

choll, and Diane (Douglas) Thorson; and all of his special friends. He was preceded in death by his parents; and brother-in-law, Daniel Rocholl. In lieu of flowers, memorials are preferred to Lakeland Hospice or the American Cancer Society. Visitation: Tuesday from 4 to 7 p.m., with a prayer service at 7 p.m., at the church, and one hour prior to the service. Service: 11 a.m. Wednesday, at St. Paul's Lutheran Church, Vergas; Lunch will be served at the Vergas Event Center following the service. Burial: Silent Vale Cemetery, Main Township. Funeral Home: Furey Funeral Home, Vergas.

Condolences: www.fureyfh.com

Closed: City may still need to go into closed sessions on RTC purchase

From Page 1

decisions whether to reelect you or not," Hicks said. "When it's held behind closed doors, they really can't go by anything."



Nycklemoe

The meetings for the RTC parcels A and B were closed on the following dates: April 15, for pending legal action; May 6, for active litigation; June 3, to discuss a redevelopment amendment proposal (though it was not listed on the agenda); July 15, for Jeff Schlossman property default; and Aug. 19, to discuss the amended development agreement for parcels A and B.

The council approved an amendment to the development agreement for the parcels Aug. 19 during an open session. Schlossman had asked for an extension to the original agreement; he was in default of the agreement at the end of March.

A lawsuit had not been filed yet, but the city was in the process of pursuing legal action, according to City Administrator Mark Sievert.

"That's not pending litigation," said Mark Anfinson, Minnesota Newspaper Association attorney. "Pending means that it's already been started. A public body cannot close a meeting to discuss an action yet to be taken. They can't close a meeting to discuss that issue even if litigation is very likely."

These particular meetings were closed to allow the council to have a discussion with attorneys to discuss its legal options, according to City Attorney Rolf Nycklemoe.

"It's really kind of centered around what's called the attorney-client privilege," Nycklemoe said. "You're allowed to have private conversations when it comes to litigation and other matters that may be gearing up for litigation."

It's just like any other person who is entitled to have private conversations with their attorney, he said,

because "you don't want to tip your legal analysis."

Anfinson disagrees. The attorney-client privilege is much narrower for government officials doing official business than it is for private individuals, he said.

While Hicks understands that some of the "nitty gritty" legal issues need to be discussed in a closed meeting under the attorney-client privilege, he believes more of the general conversations could have been in front of the public.

"I think we had too many closed meetings about Jeff Schlossman," Hicks said. "We spent a lot of time on it. I think there should've been more debate in council chambers rather than behind closed doors so that people got a sense of where the city council stood on the issue."

The Minnesota Open Meeting Law permits closed meetings based on a limited attorney-client privilege. According to the law, in order to close a meeting under the attorney-client privilege exception, the governing body must give a particularized statement describing the subject to be discussed. A general statement that the meeting is being closed to discuss pending or threatened litigation is not sufficient, the law (13d.05 subdivision 3b) says.

"The possibility of legal action is just not adequate under the open meeting law," Anfinson said. "That's just not enough."

Minutes for these closed meetings will not be released to the public, Nycklemoe said, since they are protected under the attorney-client privilege.

Choosing a developer in a closed meeting

The RTC also came up in a closed session June 12, during a lengthy special meeting focused on RTC redevelopment and proposals from two developers.

Historic Properties (which later formed His-



Sievert

toric Kirkbride, LLC) was chosen following more than two hours of discussions, proposals, public comment and questions — and a 23-minute closed meeting which was not listed on the special meeting agenda. While it's not illegal to enter into a closed session that isn't listed on the agenda, "it's probably prudent that they would've had it on the agenda," Sievert said.

In the June 12 special meeting, the council went to a closed session to consider the sale of property. Members discussed the pluses and minuses of the proposals and reached a consensus to choose Historic Properties, said RTC adviser Kent Mattson, when the council returned to an open session.

The council passed a resolution (6-0), with council members Anthony Hicks and Randy Synstelien absent) to work with Historic Properties as the developer of the RTC.

The council is authorized to go into a closed session to discuss and evaluate offers regarding purchases of real estate, Nycklemoe said.

"It really had to close the session for the purpose of having a discussion amongst themselves as to which offer may be the offer that it should accept," he said. "Ultimately, it is a sale of the real estate. They're buying the real estate, and they're going to develop it."

According to Minnesota Open Meeting Law, a meeting may be closed to discuss certain issues relating to government property sales or purchases. It can close to develop or consider offers or counteroffers for the purchase or sale of real or personal property, the law (13d.05 subdivision 3c) says.

The boundaries of this law are a bit fuzzy, Anfinson said. In comparing two different offers, you're going to end up with one developer in the end.

"Trying to pin down that there was a violation of the law in that context is pretty hard to do," he said.

Minutes of the June 12 closed session will become available to the public once the property is transferred,

Nycklemoe said.

"Oh, I'm sure that people like (media members) that have been following the RTC issue, they would've loved to have been in that closed meeting and heard all of that," Sievert said. "No doubt."

"I think you can appreciate whether it's, say, regarding litigation, or sale or purchase of property, or labor negotiations, is that if you had to discuss that all in public, you're just tipping your hand."

Still, the law has boundaries, Anfinson said, and you have to follow it whether it's convenient or not.

"If you can't stand the heat, get out of the kitchen," he said.

Council member opinions mixed

Randy Synstelien said he knows that there are only a handful of reasons in which the council is allowed to close a meeting. Like Sievert, he's concerned about giving the other party the upper hand in negotiations.



Synstelien



Rachels

"One of the reasons why we would close for the negotiations is to basically make sure that the public or taxpayers are getting their best bang for their buck," Synstelien said.

The Schlossman property discussion needed to happen behind closed doors because it was "legal stuff," said council member Scott Rachels. It was financial information that's not public knowledge that was discussed at the June 12 closed meeting, Rachels said.

"I think the majority of the council members expressed their opinions of, 'here was my position on why I selected this particular developer,'" Sievert said.

Nycklemoe agreed, say-

ing the council discussed in the open session what they liked about certain aspects of the offers.

However, only three council members spoke following the closed meeting. The comments did not provide reasons why they chose one developer over the other but instead thanked them, noted that this step was a positive for the city, and they were excited to move forward.

"I think at this point in time, it's the best choice for getting this thing redeveloped," said council member Jay Cichosz on June 12.

City attorney, administrator comfortable with closing meetings

Hicks, though absent from the special meeting, didn't think it would hurt the public for the council members to give their points of view on the developers. He doesn't take issue with the decision that was made, it's just the process that is in question.

"It's picking A over B," Hicks said. "That debate could've been done in a more public arena."

For the most part, the information the city has regarding the RTC redevelopment is the same information members of the public have, Nycklemoe said.

Both Nycklemoe and Sievert said they feel comfortable that these closed meetings were properly executed.

"First, it's does (the council) have the legal authority to close the meeting, and then it's up to them to do that," Sievert said. "You can imagine, any time you can sit down and have some discussions behind closed doors, that discussion is probably going to be a whole lot different than it is outside in front of the public."

The discussions during these meetings led to some important decisions, Nycklemoe said.

"It's good public policy to close meetings to have these types of discussions so that matters can be discussed that center directly on the issue," he said.

More closed meetings?

The city council might not be done with closed meetings in regard to the RTC redevelopment project. As Historic Kirkbride continues to work on the nuts and bolts of the project, the developers will need to come back and share that information with the council at some point, Sievert said. Some of that will be private data that the city will need to limit access to.

"I'm sure there's going to be some meetings where the council is going to have a closed session on that because that's going to be in regard to the negotiations for the sale of the property, or a continuation of what we've been doing so far," Sievert said.

The city is usually pretty careful about closing meetings, he added.

Sometimes, it's newer council members that will ask if a meeting may be closed for a situation that comes up which might be a little uncomfortable discussing in public.

"And if we can't legally close the meeting, we say no," Sievert said.

Gene Schmidt, of Friends of the Kirkbride, regularly attends city council meetings and thinks there are too many closed sessions, especially about the RTC.

"I think the normal discussion on it should be public," Schmidt said. "We have no idea what's said in there. They need more transparency, not less."

It seems as though Hicks would be in favor of that. He'd like to give residents a chance to see the workings of the council process.

"Ultimately, we're elected by the people," Hicks said. "Ultimately, we're answerable to the people."

From a legal perspective, it's essentially impossible to determine if a meeting is legal or not if you're not allowed to sit in and hear what is actually discussed, Anfinson said.

"You always would hope that public officials would try to the maximum extent possible to deliberate issues in public meetings," he said.

So, the council may continue to have closed meetings. Sometimes the law is just too vague to determine if they are legal or not.