

**City of Moorhead
City Council Meeting
Meeting Minutes
November 28, 2011 at 5:30 PM
City Hall Council Chambers**

Pursuant to due call and notice thereof, a regular meeting of the City Council Meeting was held in the City Hall Council Chambers, on November 28, 2011, at 5:30 PM.

Roll call of the members was made as follows:

1st Ward Council Member:	Luther Stueland	Present
1st Ward Council Member:	Nancy Otto	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	Mark Altenburg	Present
3rd Ward Council Member:	Dan Hunt	Present
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Present
Mayor:	Mark Voxland	Present

City Council Meeting

1. [Call to Order and Roll Call](#)

2. [Citizens Addressing the Council](#)

Minutes: Gerald Fish, Moorhead resident, encouraged the Mayor and Council to review a letter he previously provided regarding an incident with the Moorhead Police Department.

3. [Agenda Amendments](#)

Minutes: No agenda amendments were noted

4. [Consent Agenda](#)

All items listed with an asterisk (*) are enacted by one motion.

Motion to Approve made by Luther Stueland and seconded by Nancy Otto

Motion to Approve Consent Agenda

Motion Passed

For: 8

Minutes: The following agenda items were removed:

- #14 – Resolution Rejecting Proposals for Exterior Advertising Revenue on Mass Transit and Authorizing Staff to Continue Sales in-House Temporarily
- #15 – Resolution to Approve Biosolids Management Policy Statement
- #18 – Resolution to Authorize 2012 Legislative Services Agreements

with Fredrikson & Byron and Flaherty & Hood

5. Mayor and Council Appointments

Minutes: No appointments were presented by the Mayor and Council

6. [Mayor and Council Reports](#)

Minutes: Council Member Hintermeyer provided a report on a recent meeting of the Economic Development Authority.

Council Member Altenburg provided a report on a recent meeting of the Park Advisory Board.

Council Member Wray Williams provided a report on the Moorhead Library and an upcoming meeting being convened by Sanford Health on the topic of homelessness.

Council Member Elmer provided a report on a recent meeting of Metro Area Transit.

7. [Permanent Flood Protection Discussion/Update](#)

Minutes: Michael Redlinger, City Manager, reported that City staff continues to work on gaining right-of-entry access to properties to perform investigations related to the Fargo-Moorhead Diversion Project.

Public Hearings (5:45 p.m.)

8. [Conduct Public Hearing & Consider Various Actions for Flood Mitigation Projects \(Eng. Nos. 11-A13-2 & 11-A13-3\)](#)

Minutes: Public hearing opened at 5:44 p.m.

Bob Zimmerman, City Engineer, provided a report on the proposed projects related to flood mitigation and clarified the following:

- All flood mitigation projects have the goal of protecting to a river flood stage of 42.5 feet. Projects will be scheduled in stages.
- The estimated total cost of all projects is \$54M. Up to \$21M will be funded locally. Per statute the City must minimally assess at least 20% of this amount or \$4.2M. The remaining 80% of this amount will be paid through means which spread across the entire City.
- Further work and consideration are being conducted on a proposed assessment model. Assessments are estimated to range between \$200 and \$800 per property. The assessment model will be adopted by the City Council in October 2012, payable 2013, and can be paid over a 20 year period.
- The City has spent \$10.7M over the last three years in flood fight efforts. Most, but not all, of this expense has been reimbursed through FEMA or the State of Minnesota. There is a risk that a future

flood event would not meet the disaster declaration criteria and the City would be responsible for all expenses.

- The Fargo-Moorhead Diversion Project remains an important flood protection need for Moorhead in order to protect the City up to a 500-year flood event.
- Properties west of 20th Street share one sanitary sewer system and would be directly impacted at a 42.5 ft. flood stage. This common impact provides the rationale for the state's statutory requirement to show a "benefitting area" for the proposed projects.
- 2011 LiDAR data will assist in preparing possible assessment models based on elevation and/or geography

The following individuals addressed the Mayor and Council regarding the proposed flood projects and resulting assessment:

- Chuck Ulven, Moorhead resident
- Ray Ehlers, Moorhead resident
- Lloyd Gunderson, One Riverside Condo Association
- Corky Atchison, Moorhead resident
- Les Bakke, Moorhead resident
- Dustin Rogne, Moorhead resident

Public hearing closed at 6:22 p.m.

Motion to Approve made by Dan Hunt and seconded by Diane Wray Williams
Resolution to Receive the Preliminary Engineering Report and Order the Preparation of Plans

Motion Passed: Resolution #'s noted below

For: 7; Against: 1 - Luther Stueland

Minutes: It was noted that the City should encourage reuse of acquired properties where feasible.

- [Resolution to Receive the Preliminary Engineering Report and Order the Preparation of Plans](#)
Resolution 2011-1128-1
- [Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids](#)
Resolution 2011-1128-2
- [Resolution to Order Improvements and Declare Intent to Assess](#)
Resolution 2011-1128-3
- [Resolution to Authorize Actions Associated with Property Acquisitions](#)
Resolution 2011-1128-4
- [Resolution to Approve Engineering Services Agreement for Geotechnical Services](#)
Resolution 2011-1128-5

9. [Conduct Public Hearing to Consider Fare Increase for MATBUS Fixed Route and MAT Paratransit Service](#)

Minutes: Public hearing opened at 6:25 p.m.

Lori Van Beek, Transit Manager, provided a report on the fare increase and clarified the following:

- The fare increase was approved at the Fargo City Commission meeting.
- Agency rates are only applicable in Fargo and West Fargo.

No citizens addressed the Mayor and Council.

Public hearing closed at 6:35 p.m.

A. [Resolution Approving a Fare Increase for MATBUS Fixed Route and MAT Paratransit Service](#)

Minutes: It was noted that fare increases may cause undue hardship to those most unable to afford the cost.

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt
Resolution Approving a Fare Increase for MATBUS Fixed Route and MAT Paratransit Service

Motion Passed: **Resolution 2011-1128-6**

For: 7; Against: 1 - Mark Altenburg

10. [Conduct Public Hearing to Increase Fares on Metro Senior Ride](#)

Minutes: Public hearing opened at 6:39 p.m.

Lori Van Beek, Transit Manager, provided a report on the fare increase.

No citizens addressed the Mayor and Council.

Public hearing closed at 6:41 p.m.

A. [Resolution Approving a Fare Increase for Metro Senior Ride](#)

Minutes: It was noted that fare increases may cause undue hardship to those most unable to afford the cost.

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams
Resolution Approving a Fare Increase for Metro Senior Ride

Motion Passed: **Resolution 2011-1128-7**

For: 6; Against: 2 - Mark Altenburg, Greg Lemke

Community Services Department

11. [*Resolution Approving a Budget Adjustment to the 2011 Mass Transit Budget for Metro Senior Ride](#)

Resolution 2011-1128-A

12. [*Resolution Approving a Joint Powers Agreement with Valley Senior Ride and Dilworth for Operation of Metro Senior Ride in 2012](#)

Resolution 2011-1128-B

13. [*Resolution Approving a Joint Powers Agreement with Fargo for the Continuation of the Metro Area Transit Coordinating Board](#)

Resolution 2011-1128-C

14. [Resolution Rejecting Proposals for Exterior Advertising Revenue on Mass Transit and Authorizing Staff to Continue Sales in-House Temporarily](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Resolution Rejecting Proposals for Exterior Advertising Revenue on Mass Transit and Authorizing Staff to Continue Sales in-House Temporarily

Motion Passed: **Resolution 2011-1128-8**

For: 8

Engineering - Wastewater Treatment

15. [Resolution to Approve Biosolids Management Policy Statement](#)

Minutes: Bob Zimmerman, City Engineer, stated that City staff is preparing documentation and policies for a Biosolids Management Program (BMP) certification. This elite certification will allow the City to generate potential cost savings through increased reuse of biosolids.

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Resolution to Approve Biosolids Management Policy Statement

Motion Passed: **Resolution 2011-1128-9**

For: 8

Police Department

16. [Actions Related to Ordinance 2011-11: An Ordinance to Create and Enact Section 4-4-20 of the Moorhead Municipal Code Relating to Drug Paraphernalia](#)

Minutes: Chief David Ebinger, Moorhead Police Department, provided an overview of the ordinance. City staff clarified the following in response to Mayor and Council questions:

- If passed, the Moorhead Police Department intends to work toward voluntary compliance of the ordinance. Enforcement would only be used as a last resort.
- The "Drug Paraphernalia Guidelines" outlined in Section D of the ordinance provides factors to the court to assist in determining whether an object is drug paraphernalia.
- The League of Minnesota Cities may attempt to address a drug paraphernalia State Statute legislatively.

The following individuals addressed the Mayor and Council regarding their

support for the ordinance:

- Gina Nolte, Clay County Public Health
- Shiela Kapan, Drug & Alcohol Counselor
- Mara Solberg, Fargo resident
- Teresa Norwig, Moorhead resident

The following individuals addressed the Mayor and Council regarding their opposition to the ordinance:

- Bjorn Kvernstven, Moorhead resident
- Tom Tepley, Discontent
- Jack McCavish, Fargo Resident
- John Hallman Moorhead resident

The Mayor and Council Members stated the following:

- It is preferred that smoke shops be regulated through zoning ordinances.
- It is preferred that drug prevention efforts be addressed in another way.
- It does not appear that any of the items identified as drug paraphernalia in the ordinance has any legitimate uses for tobacco.
- The proposed ordinance would make it more difficult for individuals to purchase items intended for drug use.

A. [Resolution to Approve Second Reading of Ordinance 2011-11](#)

Motion and second to approve were previously made at the November 14, 2011 City Council meeting; however action was tabled for reconsideration

Resolution to Approve Second Reading of Ordinance 2011-11

Motion Passed: **Ordinance 2011-11**

For: 5 - Nancy Otto, Dan Hunt, Brenda Elmer, Brenda Elmer, Mark Hintermeyer, Mark Hintermeyer, Greg Lemke

Against: 3 - Luther Stueland, Diane Wray Williams, Mark Altenburg

B. [Resolution to Approve Title and Summary of Ordinance 2011-11](#)

Motion to Approve made by Nancy Otto and seconded by Dan Hunt

Resolution to Approve Title and Summary of Ordinance 2011-11

Motion Failed

For: 4 - Nancy Otto, Diane Wray Williams, Dan Hunt, Brenda Elmer, Brenda Elmer, Greg Lemke

Against: 4 - Luther Stueland, Diane Wray Williams, Mark Altenburg, Mark Hintermeyer

Minutes: It was noted that seven votes of the Council are required to pass publication of an ordinance Title and Summary. Without approval the full text of the ordinance is required for publication which will incur a markedly higher cost

to the City.

Motion to Reconsider made by Mark Hintermeyer and seconded by Nancy Otto
Resolution to Approve Title and Summary of Ordinance 2011-11
Motion Passed: **Resolution 2011-1128-10**
For: 8

Administration

17. [Approve Licenses - Permits](#)

A. [Resolution to Approve Licenses - Permits](#)

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams
Resolution to Approve Licenses - Permits
Motion Passed: **Resolution 2011-1128-11**
For: 8

18. [Resolution to Authorize 2012 Legislative Services Agreements with Fredrikson & Byron and Flaherty & Hood](#)

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto
Resolution to Authorize 2012 Legislative Services Agreements with Fredrikson & Byron and Flaherty & Hood
Motion Passed: **Resolution 2011-1128-12**
For: 7; Against: 1 - Luther Stueland

Minutes: City staff clarified the following in response to Mayor and Council questions:

- It is a unanimous recommendation of the Economic Development Authority to retain proposed legislative services due to the need for flood mitigation funds and to preserve and enhance the disparity reduction credit program.
- Costs for the legislative agreement were held flat at 2011 rates.
- City staff cannot solely perform all of the services needed to advocate for the City's legislative interests.

The Mayor and Council Members stated the following:

- It was noted that this may be an appropriate spending measure to eliminate in light of the economy.
- The legislative agreements are divided into two separate contracts to garner diverse political interests.
- It was noted that it would be impossible for City staff to capture all opportunities at the State Capital due to geographical constraints and budgetary limitations.

19. [City Manager Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, reminded the Mayor and Council of an

upcoming Metro COG public input meeting.

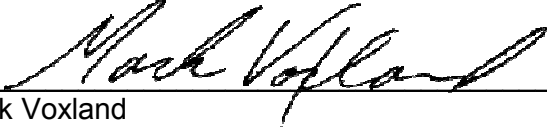
There is a significant amount of environmental and planning work that would need to be accomplished prior to becoming a viable candidate for TIGER grant consideration to construct an 11th Street underpass. Estimated cost is \$2M to complete such design work. It was noted that multi-region projects are more likely for consideration.

City staff awaits Council direction regarding City Attorney services. A cost matrix will be provided to the Mayor and Council in light of revised cost estimates from one of the proposers.

Meeting Adjourned to December 5, 2011.

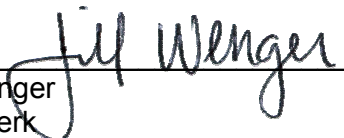
Meeting Adjourned at 8:20 p.m.

APPROVED BY:



Mark Voxland
Mayor
City Clerk

ATTEST:



Jill Wenger
City Clerk

The proceedings of this meeting are digitally recorded and are available for public review.

Respectfully submitted by:
Jill Wenger, City Clerk