

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
April 12, 2010 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 April 12, 2010, 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. Recognitions - Presentations
  - A. [Proclamation: Earth Week, April 18-24, 2010](#)

Minutes: Mayor Voxland presented Lori Van Beek with a proclamation for Earth Week (April 18-24).
  - B. [Proclamation: Week of the Young Child, April 10-16, 2010](#)

Minutes: Mayor Voxland presented Barry Nelson, Metro Youth Partnership, with a proclamation for Week of the Young Child (April 10-16).
  - C. [Proclamation: High-Five Day, April 15, 2010](#)

Minutes: Mayor Voxland presented Shane Mercer with a Proclamation for High-Five Day (April 15).
3. [Approve Minutes](#)
  - A. [February 22, 2010](#)

Motion by Elmer, seconded by Wray Williams to **Approve the Minutes of February 22, 2010**  
Motion Passed: **Resolution #2010-0412-1**  
*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*
4. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

Minutes: Mike Hokenson, 307 South 4<sup>th</sup> Street, Moorhead, asked how the City will fund the removal of the log cabin near Woodlawn Park. Michael Redlinger, City Manager stated that City staff will provide information regarding log

cabin removal to Mr. Hokenson as well as members of the Council.

5. [Agenda Amendments](#)

Minutes: Redlinger asked for the removal of Agenda Item #15, "Resolution to Approve Plans & Specifications and Advertisement for Bids for the 34th St./I-94 Interchange Project, Phase 2 (Street & Traffic Signal Improvements) Eng. No. 04-2-1B", as Mn/DOT authorization is necessary to move forward with the item. He stated this item will be postponed until the April 26, 2010 Council meeting.

Motion by Otto, seconded by Wray Williams to **Approve Agenda as amended**  
*Motion Passed by unanimous vote*

6. [Consent Agenda](#)

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

Minutes: Council Member Stueland asked that items #12 and #13 be removed from the Consent Agenda. Council Member Altenburg asked that item #14 be removed. Council Member Hintermeyer asked that item #20 be removed.

Motion by Stueland, seconded by Otto to **Approve Consent Agenda as amended**  
Motion to Approve Consent Agenda  
*Motion Passed: Resolution #2010-0412 (A-J)*  
*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

7. [\\*Approve Licenses - Permits](#)

- A. [\\*New License Applications](#)  
**Resolution #2010-0412-A**
- B. [\\*License Renewals](#)  
**Resolution #2010-0412-B**
- C. [\\*Fire Prevention Licenses](#)  
**Resolution #2010-0412-C**
- D. [\\*Permits](#)  
**Resolution #2010-0412-D**

8. [Mayor and Council Appointments](#) - Reports

- A. [Appointment to Board of Equalization](#)

Motion by Altenburg, seconded by Wray Williams to **Approve Appointment to Board of Equalization**  
*Motion Passed: Resolution #2010-0412-2*  
*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

- B. Mayor and Council Reports

Minutes: Council Member Hintermeyer stated that he met with the Director of FM Builders Exchange after issues were raised with the City's bidding process. The organization has concerns with equal opportunity to submit bids. Hintermeyer stated that he and two other members of the Council plan to

meet with City staff regarding this issue. Council Member Stueland added that the purpose of this meeting is to better understand the current bidding process before considering review of City policy. Council Member Elmer stated that she is concerned with the costs necessary to participate in each bid.

Brian Neugebauer, City Attorney, stated that the City's current bidding process is open and complies to Minnesota State Statutes.

Redlinger suggested that this topic be brought forward for consideration at a future Committee of the Whole meeting by the entire Mayor and City Council. This will allow City staff to provide the elected body with comprehensive information and background on the current policy.

Mayor Voxland stated that he would like the matter postponed until a future Committee of the Whole meeting.

9. [Public Hearing to Consider the Adoption of Special Assessments for Boulevard Trees](#)

Motion by Otto, seconded by Wray Williams to **Open Public Hearing to Consider the Adoption of Special Assessments for Boulevard Trees**

*Motion Passed by unanimous vote*

Minutes: Chad Martin, Operations Director, stated that these special assessments would be for the installment of boulevard trees in a new Moorhead development. He stated that approximately six tree varieties will be planted.

Mike Hokanson, 307 South 4<sup>th</sup> Street, Moorhead, asked about the removal of large Ash trees at Woodlawn Park. City staff stated that removal of these trees is not currently scheduled.

Martin added that the City has been replacing Ash trees which are severely stressed or structurally cracked. Potentially infected trees should be reported to the City so they can be inspected by the Minnesota Department of Agriculture and removed if necessary.

Motion by Otto, seconded by Stueland to **Close Public Hearing to Consider the Adoption of Special Assessments for Boulevard Trees**

*Motion Passed by unanimous vote*

Motion by Wray Williams, seconded by Nancy Otto to Approve **Resolution to Adopt Special Assessments for Boulevard Trees**

*Motion Passed: Resolution #2010-0412-3*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

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

Minutes: Redlinger stated that Agenda Items A-E involve sandbag removal from private property. He confirmed that this practice is consistent with the City of Fargo and that it will likely be reimbursed by FEMA (Federal Emergency Management Agency). He added that Agenda Item F is related to erosion control in the public right-of-way.

Council Member Stueland asked for clarification on why the sandbag removal items were divided into five separate resolutions. Redlinger stated

that the separation allows for more accessibility to those bidding and created similar sized areas for the project scope.

Council Member Lemke indicated his concern with setting a precedent for sandbag removal from private property in any future flood events.

Council Member Elmer asked whether the City has attempted to organize a volunteer effort for sandbag removal. Redlinger stated that this has proven to be a challenge in the past.

Mayor Voxland stated that he would like the Council to discuss at a future Committee of the Whole meeting items related to the City's role and responsibility to private property owners in a flood emergency.

A. [Resolution to Approve Removal of Sandbag Levees \(12th Ave S to 28th Ave N\) Eng. No. 10-13-7](#)

Motion by Hintermeyer, seconded by Otto to **Approve Resolution to Approve Removal of Sandbag Levees (12th Ave S to 28th Ave N) Eng. No. 10-13-7**

*Motion Passed: Resolution #2010-0412-4*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

B. [Resolution to Approve Removal of Sandbag Levees \(22nd to 12th Ave S\) Eng. No. 10-13-8](#)

Motion by Hintermeyer, seconded by Otto to **Approve Resolution to Approve Removal of Sandbag Levees (22nd to 12th Ave S) Eng. No. 10-13-8**

*Motion Passed: Resolution #2010-0412-5*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

C. [Resolution to Approve Removal of Sandbag Levees \(I-94 to 22nd Ave S\) Eng. No. 10-13-9](#)

Motion by Hintermeyer, seconded by Otto to **Approve Resolution to Approve Removal of Sandbag Levees (I-94 to 22nd Ave S) Eng. No. 10-13-9**

*Motion Passed: Resolution #2010-0412-6*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

D. [Resolution to Approve Removal of Sandbag Levees \(37th to 32nd Ave S\) Eng. No. 10-13-10](#)

Motion by Hintermeyer, seconded by Otto to **Approve Resolution to Approve Removal of Sandbag Levees (37th to 32nd Ave S) Eng. No. 10-13-10**

*Motion Passed: Resolution #2010-0412-7*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

E. [Resolution to Approve Removal of Sandbag Levees \(46th to 37th Ave S\) Eng. No. 10-13-11](#)

Motion by Hintermeyer, seconded by Otto to **Approve Resolution to Approve Removal of Sandbag Levees (46th to 37th Ave S) Eng. No. 10-13-11**

*Motion Passed: Resolution #2010-0412-8*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

F. [Resolution to Authorize Solicitation and Award of Quotes for the Installation of Erosion Control Measures. Eng. No. 10-13-12](#)

**Motion by Hintermeyer, seconded by Otto to Approve Resolution to Authorize Solicitation and Award of Quotes for the Installation of Erosion Control Measures. Eng. No. 10-13-12**

**Motion Passed: Resolution #2010-0412-9**

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

Minutes: Council Member Altenburg voiced his concern about the press being excluded from the most recent meeting to discuss the Metro Flood Study Work Group agenda.

Redlinger stated that this meeting involved staff members and the Co-Chairs of the Metro Flood Work Group, Clay County Commissioner Kevin Campbell and Fargo City Commissioner Tim Mahoney. He added that it is past practice for the Co-chairs to assist in the development of future Metro Flood Study Work Group agendas. He was unaware that Cass County Commission Chairman, Darrell Vanyo was attending the meeting.

Neugebauer stated that there was no violation of either North Dakota or Minnesota Open Meeting Laws. The City of Moorhead did nothing to say that the meeting was closed. City staff attended the meeting only.

Redlinger stated that the role of City staff is to provide technical resources and support to the Mayor and Council and suggested that the Moorhead City Council representatives to the Metro Flood Study Work Group verbalize their concerns regarding agenda development to the Co-chairs.

Several Council Members commented on the importance of transparency with citizens regarding Permanent Flood Protection matters.

Council Member Otto stated that any member of the Metro Flood Work Group can request agenda items.

Redlinger stated that attorneys represented all of the elected bodies have met extensively to discuss potential frameworks for a Joint Powers Agreement. He added that the next goal of the Metro Flood Study Work Group is to discuss meeting frequency.

Council Member Lemke asked for clarification regarding compensation for Management staff during the 2010 flood event.

Redlinger stated that the compensation policy was recently modified to reflect accurate FEMA policy requirements to pay overtime for all Management staff during the occurring payroll in a disaster emergency. Union employees are paid time-and-a-half rates, while Management is paid at straight time rates.

Redlinger stated that flood hours were substantially reduced in comparison to the 2009 flood event.

Redlinger added that Management positions have seen wage freezes in 2009 and 2010 and no step increases since 2005, with the exception of Police and Fire.

Council Member Lemke suggested discussion of Management

compensation at an upcoming Committee of the Whole meeting.

### Community Services Department

11. [\\*Resolution to Approve House Moving Permit \(3007 41st Ave S\) - Unanimous Planning Commission Recommendation](#)  
**Resolution #2010-0412-E**
12. [Resolution to Approve Farmland Leases](#)

Minutes: Council Member Stueland asked for clarification on the importance of the City owning this group of lots.

Gary Bock, Community Services Real Estate Development Specialist, clarified that the Draft Resolution to Approve Farmland Leases should read 616.26 Tillable Acres and \$54,623 for the Annual Lease.

Bock provided the Mayor and Council with a memo detailing City owned tracts of land leased to various farm operators. The land value is approximately \$6,000 per acre. All of the tracts are used for crop production purposes. A three year lease is used for proper crop rotation. All leases include a clause allowing the City to interrupt the lease for sale of the land.

Scott Hutchins, Community Services Director, explained that the City has assembled this land for future economic development. The City of Moorhead also owns other scattered sites throughout the City.

Redlinger added that the land at issue has limitations and/or restrictions for development due to the proximity to the airport and Federal Aviation Administration (FAA) regulations.

Council Member Altenburg suggested the Council consider a Committee of the Whole topic that would look at the long-range plan for all City Owned properties.

Motion by Mark Altenburg, seconded by Nancy Otto to **Approve Resolution to Approve Farmland Leases**

*Motion Passed: Resolution #2010-0412-10*

*For: 7 - Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

*Against: 1 - Stueland*

13. [Resolution to Approve Richards Farmland Lease](#)

Motion by Wray Williams, seconded by Lemke to **Approve Resolution to Approve Richards Farmland Lease**

*Motion Passed: Resolution #2010-0412-11*

*For: 7 - Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

*Against: 1 - Stueland*

### Engineering - Wastewater Treatment

14. [Resolution to Approve an Agreement with The BNSF Railway Company for Crossing Surface Installation on 1st Ave N. Eng. No. 08-A2-2](#)

Minutes: Council Member Altenburg wanted to publicly announce that the City will save over \$40,000 on the construction of this project.

Motion by Lemke, seconded by Otto to **Approve Resolution to Approve an Agreement with The BNSF Railway Company for Crossing Surface Installation on 1st Ave N. Eng. No. 08-A2-2**

*Motion Passed: Resolution #2010-0412-12*

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

15. [\\*Resolution to Approve Plans & Specifications and Advertisement for Bids for the 34th St./I-94 Interchange Project, Phase 2 \(Street & Traffic Signal Improvements\) Eng. No. 04-2-1B](#)

**Resolution #2010-0412-F**

16. [\\*Resolution to Reschedule Public Hearing Dates](#)

**Resolution #2010-0412-G**

### Operations Department

17. [\\*Order & Receive Engineer's Report and Call for Public Hearing: Installation of Boulevard Trees in Allyson Parkway 4th Addition](#)

**Resolution #2010-0412-H**

18. [\\*Resolution to Renew Agreement with Minnesota Department of Public Safety](#)

**Resolution #2010-0412-I**

### Moorhead Public Service

19. [\\*Award Bid for 2010 Street and Lawn Repairs](#)

**Resolution #2010-0412-J**

20. [Award Bid for Furnishing Diesel Generator Sets and Associated Equipment \(10MW Generating Station Project\)](#)

Minutes: Bill Schwandt, Moorhead Public Service (MPS), stated that he would like to remove the phrase "contingent upon approval of an air quality permit by the Minnesota Pollution Control Agency" from the current resolution before the Council. Removal is requested because this language is already included in the contract. This Generation Station Project would provide backup power in a natural disaster. Missouri River Energy Services (MRES) will pay about two-thirds of the cost for the project. Bids were 10% below the Engineers' estimate. The Council's approval is contingent upon award of the bid by the Public Service Commission at its meeting on April 13 2010.

Schwandt clarified the following for the Mayor and Council:

- The current generator is at the end of its useful life and MRES is no longer interested in leasing the current generator.
- The generator will provide about one-seventh of the City's power in an emergency.
- The resolution will allow for the manufacturing of the generator. A building to house the generator will be considered at a later time.
- MPS would like to change the generator's location for better distribution of power to the East and South. The generator would be housed in a small, compact building made just for this purpose.

- Moorhead City Council authorizes MPS expenditures.
- Funding comes from users.

Council Members discussed their concern about approving the resolution prior to MPS Commission formally awarding the bids.

Motion by Hintermeyer, seconded by Hunt to **Amend Resolution to remove the phrase, "contingent upon approval of an air quality permit by the Minnesota Pollution Control Agency."**

***Motion to Amend Passed***

*For: 8 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*

Motion by Hintermeyer, seconded by Stueland to **Table Resolution to Award Bid for Furnishing Diesel Generator Sets and Associated Equipment (10MW Generating Station Project) until the April 19, 2010 City Council Meeting**

***Motion to Table Passed***

*For: 7 - Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke*  
*Against: 1 - Otto*

### City Manager Reports

21. Reports - Updates

Minutes: Redlinger requested that Council enter into Executive Session to discuss labor negotiations.

Motion by Otto, seconded by Elmer to **Enter into Executive Session**

*Motion Passed by unanimous vote*

22. Executive Session - Labor Negotiations

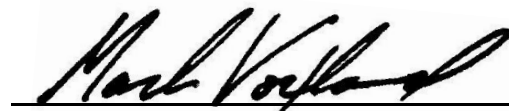
23. New Business

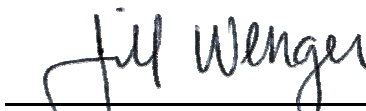
24. Citizens Addressing the Council (continued, if necessary)

This meeting was adjourned until 5:30 p.m. on Monday, April 19, 2010.

APPROVED BY:

ATTEST:

  
\_\_\_\_\_  
Mark Voxland, Mayor

  
\_\_\_\_\_  
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*