

**MINUTES OF THE MEETING OF THE CITY COUNCIL
OF THE CITY OF MOORHEAD, MINNESOTA
June 08, 2009**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly held in the Council Chambers, City Hall, June 08, 2009, at 5:30 PM.

The following were present for roll call:

1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Dan Bohmer	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	John Rowell	Present
3rd Ward Council Member:	Dan Hunt	Present
3rd Ward Council Member:	Lauri Winterfeldt	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/Introductions](#)
3. [Approve Minutes](#)
4. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

Minutes: No one wished to address the Council at this time. 5:30 PM

5. [Agenda Amendments](#)

Minutes: City Manager Redlinger commented on the revised resolutions distributed and recommended removal of items #15, 16, & 18, which are to be considered next Monday (June 15) at an adjourned meeting. 5:31 PM

Motion made to Approve made by John Rowell and seconded by Nancy Otto 5:32 PM

Motion to Amend Agenda by removing items 15, 16, and 18.

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

6. [Consent Agenda](#)

All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

Motion made to Approve made by Dan Hunt and seconded by 5:32 PM
Lauri Winterfeldt
Motion to Approve Consent Agenda

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

7. [*Approve Licenses - Bonds](#)
8. [Mayor and Council Reports - Appointments](#)

Minutes: There were no reports. 5:33 PM

- A. [Resolution to Approve Charter Commission Appointment \(1st Ward\)](#)

Motion made to Approve made by Nancy Otto and seconded 5:33 PM
by John Rowell

Motion to Approve Resolution to Approve Charter Commission Appointment
(1st Ward)

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Resolution #2009-602 5:29 PM

- B. [Resolution to Approve EDA Revolving Loan Fund Committee Appointment \(1st Ward\)](#)

Motion made to Approve made by Dan Bohmer and seconded 5:33 PM
by Lauri Winterfeldt

Motion to Approve Resolution to Approve EDA Revolving Loan Fund
Committee Appointment (1st Ward)

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Resolution #2009-603 5:29 PM

9. [Public Hearing to Consider 2009 CDBG Consolidated Annual Action Plan Amendment](#)

Motion made to Open Public Hearing made by Nancy Otto and 5:29 PM
seconded by Diane Wray Williams

Motion to Open Public Hearing to Consider 2009 CDBG Consolidated Annual
Action Plan Amendment

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Motion made to Close Public Hearing made by Nancy Otto and 5:29 PM
seconded by Diane Wray Williams

Motion to Close Public Hearing to Consider 2009 CDBG Consolidated Annual
Action Plan Amendment

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Lisa Vatnsdal, Neighborhood Services Manager, 6:06 PM
explained the purpose of the public hearing, which
is to receive public comment regarding a proposed
amendment to the 2009 CDBG Annual Action Plan.
She noted final action on the amendment will be
scheduled for Council consideration on June 22,
2009.

Specific matters triggering the amendment are as follows:

- The City of Moorhead is eligible for a supplemental grant of \$76,374 through the American Recovery and Reinvestment Act of 2009, which was allocated to the Gateway Gardens development at the May 26th Council meeting.
- The 2009 Action Plan included a Clearance activity of \$70,000 for the Gateway Gardens, 1817 1st Avenue North, which is now funded through the ARRA allocation. Initially, the City intended to fund clearance/demolition of the existing building on the site and is now funding property acquisition.
- Originally \$10,000 was approved for the Metro Youth Partnership project, but has been mutually cancelled by the Partnership and City of Moorhead, which was due to the degree of administration required for implementation of a small sub-grant of CDBG federal funds.
- \$189,618 was originally forecasted for program income, but has been reduced to \$140,000 based upon program income received to date.

No one else wished to speak regarding this hearing. The hearing was then closed.

Community Services Department

10. [*Resolution to Approve Lease Agreement for Utilization of City Lots](#)

Minutes: Resolution #2009-601-A

5:29 PM

Engineering - Wastewater Treatment

11. [Resolutions to Approve Flood Risk Management Studies/Activities](#)

Minutes: City Engineer Zimmerman reviewed the information contained in the agenda packet.

5:59 PM

- A. [Resolution to Approve Engineering Services Agreement with Houston Engineering Inc. for an Interim Flood Risk Management Activities](#)

Motion made to Approve made by John Rowell and seconded by Nancy Otto 6:00 PM

Motion to Approve resolutions regarding flood risk management studies/activities (Agenda Items 11-A - B and C)

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Resolution #2009-604-A

6:00 PM

- B. [Resolution to Approve Participation in Phase 2 of the USACE Fargo-Moorhead Metropolitan Feasibility Study](#)

Minutes: Resolution #2009-604-B 5:29 PM

- C. [Resolution to Approve Budget Adjustment for Flood Risk Management Studies/Activities](#)

Minutes: Resolution #2009-604-C 5:29 PM

12. [Resolutions to Award Quotes for Bituminous Pavement Repairs. Eng. Nos. 09-2-2, 09-2-3, and 09-2-4](#)

Motion made to Approve made by John Rowell and seconded 6:08 PM
by Lauri Winterfeldt

Motion to Approve Resolutions to Award Quotes for Bituminous Pavement Repairs. Eng. Nos. 09-2-2, 09-2-3, and 09-2-4 (Agenda Items 12-A - B and C)
Passed For: 8; Against: 0; Abstain: 0; Absent: 0

- A. [Resolution to Award Quote for Bituminous Pavement Repairs from Moorhead Country Club Area to 10th Ave N. Eng. No. 09-2-2](#)

Minutes: Resolution #2009-605-A 5:29 PM

- B. [Resolution to Award Quote for Bituminous Pavement Repairs from 1st Ave N to 12th Ave S. Eng. No. 09-2-3](#)

Minutes: Resolution #2009-605-B 5:29 PM

- C. [Resolution to Award Quote for Bituminous Pavement Repairs from 12th to 40th Ave S. Eng. No. 09-2-4](#)

Minutes: Resolution #2009-605-C 5:29 PM

13. [Resolution to Award Quotes for South & North of I-94 Public Right-of-Way Turf Restoration. Eng. No. 09-13-5 & 09-13-6](#)

Motion made to Approve made by John Rowell and seconded 6:13 PM
by Lauri Winterfeldt

Motion to Approve the Resolutions to Award Quotes for South & North of I-94 Public Right-of-Way Turf Restoration. Eng. No. 09-13-5 & 09-13-6 (Agenda Items 13-A and B)

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

- A. [Resolution to Award Quote for South of I-94 Public Right-of-Way Turf Restoration Due to the 2009 Flood Event. Eng. No. 09-13-5](#)

Minutes: Resolution #2009-606-A 5:29 PM

- B. [Resolution to Award Quote for North of I-94 Public Right-of-Way Turf Restoration Due to the 2009 Flood Event. Eng. No. 09-13-6](#)

Minutes: Resolution #2009-606-B

5:29 PM

14. [Resolutions to Approve Actions Related to the 1st Ave N Improvements. Eng. No. 08-A2-2](#)

Minutes: Bob Zimmerman, City Engineer, reported on the proposed project, which was identified in the 2008-2012 and 2009-2013 Pavement Management and Transportation Capital Improvement Plans. The proposed financing for the project utilizes General Obligation Street Reconstruction Bonds. This financing mechanism has been recognized annually in each Pavement Management and Transportation Capital Improvement Plan adopted by the Mayor and Council. Due to legal limitations, he noted it is not a feasible or sustainable tool for all street rehabilitation/reconstruction projects. However, it has been identified as a viable tool for select minor arterial/collector streets (e.g. downtown areas with a high density of minor arterial/collector streets and relatively small benefiting areas) and feels it is, therefore, consistent with adopted City policy.

6:26 PM

The total estimated cost of the project, including fees but excluding watermain replacement costs, is preliminarily estimated at \$3.2M. The project will be financed through the PIR Fund with a portion of the project cost assessed to the benefiting properties. The cost for watermain replacement has not yet been determined, but will be funded by MPS. Zimmerman noted the abutting property owners have indicated their support for funding option 2. Under this option, the street improvements (\$1.8M) will be financed with General Obligation Street Reconstruction Bonds. Debt service on these bonds will be paid by the City with no special assessments. The enhancements (\$1.4M) will be financed with General Obligation Improvement Bonds with \$400,000 (29%) of this cost assessed to the benefiting area. The balance of the enhancement costs (\$1.0M) will be paid as a City share.

Council Member Hintermeyer expressed concern regarding the process for this project. He noted the request tonight is to authorize the expenditure of funds for engineering services, and then hold a public hearing on July 27th. He feels this sends conflicting "signals" to the public as they should have the opportunity to comment regarding the

project before funds are expended.

Another area of concern mentioned by Council Member Hintermeyer is the utilization of the General Obligation Street Reconstruction Bonds. He feels, as a Council, they have not discussed such to establish policy as to when this funding mechanism is appropriate. To demonstrate his position, Council Member Hintermeyer pointed out the approved funding for the 20th Street project. He questioned why benefitting property owners of the 4th Ward will be assessed for this street improvement project recognizing 1st Ward residents would not be assessed for the 1st Avenue North street improvement costs.

City Engineer Zimmerman provided an explanation regarding the proposed funding for this project and how it differs from the 20th Street project. He pointed out the 1st Avenue North project consists of street improvements and enhancements, for which the benefitting property owners would be assessed 20%.

Motion made to Approve made by John Rowell and seconded by Nancy Otto 6:26 PM

Motion to Approve Resolutions Related to the 1st Ave N Improvements. Eng. No. 08-A2-2 (Agenda Items 14-A - B and C)

Passed For: 0; Against: 0; Abstain: 0; Absent: 0

Minutes: City Engineer Zimmerman recommended, following Council discussion, that option one be undertaken. 7:35 PM

Council Member Rowell moved, seconded by Council Member Hunt, to amend the appropriate resolution(s) to reflect option 1, which motion to amend passed with the following voting aye: Council Members Rowell, Hunt, Winterfeldt, Hintermeyer, Mayor Voxland; and the following voting no: Council Members Otto, Bohmer, Wray Williams, Lemke.

Minutes: Following additional comments made, Council Member Hintermeyer moved, seconded by Council Member Rowell to table Resolutions 2009-607-A, 2009-607-B, and 2009-607-C, which motion passed by unanimous vote. 7:46 PM

Council Member Lemke was excused at 7:46 p.m.

- A. [Resolution to Order the Report, Receive the Report, and Order the Preparation of Plans and Specifications for the 1st Ave N Improvements.](#)

[Eng. No. 08-A2-2](#)

**Minutes: Resolution #2009-607-A (Amended to Option 1) - 5:29 PM
TABLED**

- B. [Resolution to Approve Engineering Services Agreement with SRF Consulting Group for the 1st Ave N Improvements. Eng. No. 08-A2-2](#)

**Minutes: Resolution #2009-607-B (Amended to Option 1) - 5:29 PM
TABLED**

- C. [Resolution to Call for a Public Hearing on the 2009-2013 Pavement Management & Transportation Capital Improvement Plan](#)

Minutes: Resolution #2009-607-C - TABLED 5:29 PM

15. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the Reconstruction of 20th St from 12th to 24th Ave S. Eng. No. 09-A2-3](#)

Minutes: Item removed from agenda/consideration. 5:29 PM

16. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the TH 75 \(8th St\)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1](#)

Minutes: Item removed from agenda/consideration. 5:29 PM

17. [*Resolution to Approve Change Orders #1 & #2 for the Sanitary Sewer Extension at 1901 1st Ave N \(Churches United\). Eng. No. 08-A6-1](#)

Minutes: Resolution #2009-601-B 5:29 PM

18. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the Center Avenue Bridge Rehabilitation Project. Eng. No. 09-13-3](#)

Minutes: Item removed from agenda/consideration. 5:29 PM

Fire Department

19. No Items Scheduled

Operations Department

20. No Items Scheduled

Police Department

21. [*Resolution to Approve Liquor License Renewals for 2009-2010](#)

Minutes: Resolution #2009-601-C 5:29 PM

Moorhead Public Service

22. [*Resolution to Approve Relinquishment Easement and Termination for the Old 69kV Transmission Line](#)

Minutes: Resolution #2009-601-D 5:29 PM

City Attorney Reports

23. No Items Scheduled

City Manager Reports

24. [*Resolution to Decertify Maple Court Tax Increment District](#)

Minutes: Resolution #2009-601-E 5:29 PM

25. [Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, referred to and commented on the information prepared by the Red River Basin Commission concerning the Red River Flood - 2009. 7:49 PM

A. Federal - State Legislative - Budgetary Issues: Updates-Action

B. Other

26. [Executive Session \(Recess Meeting to Discuss Litigation\)](#)

Motion made to Enter Recess made by Lauri Winterfeldt and seconded by John Rowell 7:52 PM

Executive Session (Recess Meeting to Discuss Litigation)

Passed For: 7; Against: 0; Abstain: 0; Absent: 1

Minutes: The meeting reconvened at 7:58 p.m. 7:52 PM

- A. [Ordinance No. 2009-5 - An Ordinance to Amend and Reenact Section 10-23-5 of the Moorhead City Code Relating to Hours of Operation of Adult Establishments - 1st Consideration](#)

Motion made to Approve made by Mark Hintermeyer and seconded by John Rowell 7:53 PM

Motion to Approve 1st consideration of Ordinance No. 2009-5 - An Ordinance to Amend and Reenact Section 10-23-5 of the Moorhead City Code Relating to Hours of Operation of Adult Establishments

Passed For: 7; Against: 0; Abstain: 0; Absent: 1

27. [Other Reports](#)

Minutes: Brian Neugebauer, City Attorney, summarized the actions requested of Council regarding the issues discussed during executive session. 7:54 PM

Motion made to Approve made by Mark Hintermeyer and seconded by John Rowell 5:29 PM

Motion to Approve resolutions as recommended by the City Attorney following the executive session (Tessa Terrace agreement - #2009-608-A and Huff & Puff case dismissal agreement - #2009-608-B).

Passed For: 7; Against: 0; Abstain: 0; Absent: 1

28. New Business

29. [Citizens Addressing the Council \(continued, if necessary\)](#)

**Minutes: Meeting adjourned at 8:01 p.m. to 5:30 p.m. on 7:55 PM
June 15, 2009.**

The proceedings of this meeting are digitally recorded and said electronic file is available for public review.

APPROVED:

MARK VOXLAND, Mayor

ATTEST:

KAYE BUCHHOLZ, City Clerk