



**City of Moorhead  
City Council Meeting  
Meeting Minutes  
February 10, 2014 at 5:30 PM  
City Hall Council Chambers**

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Pursuant to due call and notice thereof, a regular meeting of the City Council Meeting was held in the City Hall Council Chambers, on February 10, 2014, at 5:30 PM.

**Roll call of the members was made as follows:**

1st Ward Council Member:	Mari Dailey	Present
1st Ward Council Member:	Nancy Otto	Present
2nd Ward Council Member:	Jim Haney	Present
2nd Ward Council Member:	Heidi Durand	Present
Mayor:	Del Rae Williams	Present
3rd Ward Council Member:	Mike Hulett	Present
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Steve Gehrtz	Present
4th Ward Council Member:	Chuck Hendrickson	Present

**City Council Meeting**

1. [Call to Order and Roll Call](#)
2. [Pledge of Allegiance](#)
3. [Approve Minutes](#)

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto  
**Motion to Approve Minutes**

Motion Passed  
For: 8

- A. [January 27, 2014 City Council Meeting](#)
4. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

Minutes: Matt Torgerson, resident, spoke in support of the final mill and overlay project for Shepherd Meadows.

- A. [Presentation/Update - Jim Gartin, Greater Fargo Moorhead Economic Development Corporation](#)

Minutes: Jim Gartin and Mark Vaux provided a brief update on the Greater Fargo Moorhead Economic Development Corporation (GFMEDC).

B. [Pyromaniacs E-Cig & Hookah Inc. - Derek Bitar](#)

Minutes: Derek Bitar, owner of Pyromaniacs E-Cig & Hookah Inc., provided a letter to the Mayor and City Council in regards to the denial of his Cigarette/Tobacco License.

5. [Agenda Amendments](#)

Motion to Approve made by Mike Hulett and seconded by Mari Dailey

**Motion to Approve Agenda Amendments**

Motion Passed

For: 8

Minutes: John Shockley, City Attorney, suggested moving the tobacco license appeal matter up on the agenda after Consent Agenda approval (see discussion on Pyromaniacs tobacco license appeal under New Business).

Michelle French, City Clerk, suggested adding a resolution to approve the Mayor and Council appointments on the Consent Agenda.

6. [Consent Agenda](#)

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

Motion to Approve made by Steve Gehrtz and seconded by Nancy Otto

**Motion to Approve the Consent Agenda as Amended**

Motion Passed

For: 8

Minutes: Item numbers 8, 10, and 12 were removed from the consent agenda.

7. [Mayor and Council Appointments](#)

A. Resolution to Approve the Mayor and Council Committee Appointments

**Resolution 2014-0210-A**

**[Planning and Neighborhood Services Department](#)**

8. [Consider Land Leases at the Moorhead Municipal Airport](#)

Minutes: Kristie Leshovsky, City Planner, provided a brief overview of the proposed land leases.

A. [Resolution to Approve Land Lease at the Moorhead Municipal Airport with K. Dahl](#)

Motion to Approve made by Mike Hulett and seconded by Nancy Otto

**Motion to Approve Resolution to Approve Land Lease at the Moorhead Municipal Airport with K. Dahl**

Motion Passed **Resolution 2014-0210-1**

For: 8

- B. [Resolution to Approve Land Lease at the Moorhead Municipal Airport with M. Fletcher](#)

Motion Passed **Resolution 2014-0210-2**

For: 8

9. [Resolution to Approve Amendment to Preferred Fixed Based Operator Agreement - Moorhead Municipal Airport](#)

### **Engineering Department**

10. [Resolution to Approve Actions for the Final Bituminous Overlay Project in Various Subdivisions. Eng. No. 14-A2-1](#)

Minutes: Michael Redlinger, City Manager, and Tom Trowbridge, Assistant City Engineer, provided a brief summary of the final bituminous overlay project.

Scott Carey, developer, suggested continuing with final overlays for the Tessa Terrace subdivision.

Motion to Approve made by Steve Gehrtz and seconded by Heidi Durand

**Motion to Proceed with the Overlays for Tessa Terrace, Gooseberry Park and Various Repairs with the Road Extension at Shepherds Meadow as an Added Alternate.**

Motion Passed

For: 8

- A. [\\*Resolution to Order Report](#)  
**Resolution 2014-0210-3**
- B. [\\*Resolution to Receive Report, Order Plans & Specifications and Call for Public Hearing](#)  
**Resolution 2014-0210-4**
- C. [\\*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids](#)  
**Resolution 2014-0210-5**

### **Police Department**

11. [\\*Resolution to Enter into a Grant Agreement with the Minnesota Department of Public Safety, Office of Justice Programs for Receipt of Youth Intervention Program Funds](#)  
**Resolution 2014-0210-C**

### **Administration**

12. [First Reading of Ordinance No. 2014-02: An Ordinance to Amend and Reenact Section 1-5-3 of the Moorhead Municipal Code Relating to Mayor and Council Elected in Even Numbered Years.](#)

Motion to Approve made by Heidi Durand and seconded by Jim Haney

**Motion to Approve First Reading of Ordinance No. 2014-02: An Ordinance to**

**Amend and Reenact Section 1-5-3 of the Moorhead Municipal Code Relating to Mayor and Council Elected in Even Numbered Years.**

Motion Passed

For: 6; Against: 2 - Nancy Otto, Steve Gehrtz

13. [Mayor and Council Reports](#)

Minutes: Nancy Otto announced that a Diversion Authority meeting will be held on February 13, 2014.

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

Minutes: Michael Redlinger, City Manager, discussed upcoming events and provided a brief update on rail safety.

- A. [\\*Resolution to Approve Collective Bargaining Agreement Between the City of Moorhead and American Federation of State, County, and Municipal Employees \(AFSCME\) Council 65, Local 1450](#)  
**Resolution 2014-0210-D**

15. [Executive Session - Labor Negotiations](#)

Motion to Approve made by Nancy Otto and seconded by Brenda Elmer  
**Motion to Move Into Executive Session - Labor Negotiations**

Motion Passed

For: 8

Minutes: Michael Redlinger, City Manager, provided a brief recap of the Executive Session.

Motion to Approve made by Brenda Elmer and seconded by Heidi Durand  
**Motion to Approve a Resolution to Approve Collective Bargaining Agreement Between the City of Moorhead and International Association of Firefighters (IAFF) Local 1323**

Motion Passed **Resolution 2014-0210-6**

For: 8

16. [New Business](#)

- A. Pyromaniacs E-Cig and Hookah, Inc.

Minutes: The City Council next took up consideration of Mr. Derek Bitar's appeal of his denial of his tobacco license renewal. Mr. Bitar's attorney was not personally present, but submitted a letter dated February 6, 2014, to the members of the Moorhead City Council on Mr. Bitar's behalf. Mr. Bitar, declined to provide any testimony on his behalf and his only comment was that the Moorhead Police department was harassing him. The Moorhead Police Department and Chief of Police offered extensive testimony regarding police calls to Mr. Bitar's business and activities involving loud music,

suspected sales to minors and neighborhood disturbances related to Mr. Bitar's business. Mr. Bitar did not offer any testimony or evidence to contradict the Police Department's statements. The City Attorney briefed the City Council on the procedure and the City Council discussed the matter.

Motion to Approve made by Mike Hulett and seconded by Nancy Otto  
**Motion to Deny the Cigarette/Tobacco Renewal License for Pyromaniacs E-Cig and Hookah, Inc.**

**The City Attorney handed out draft Findings of Fact and Conclusion denying Mr. Bitar's appeal. The City Council considered the findings and conclusion and incorporated the same into their motion.**

Motion Passed  
For: 7; Against: 1 - Jim Haney

Meeting adjourned at 7:33 pm

APPROVED BY:



Del Rae Williams  
Mayor

ATTEST:



Michelle French  
City Clerk

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

*Respectfully submitted by:*  
*Michelle French, City Clerk*