

**MINUTES OF THE MEETING OF THE CITY COUNCIL  
OF THE CITY OF MOORHEAD, MINNESOTA  
August 24, 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, August 24, 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](#)
  - A. [Introduction - James Schulz, Engineering](#)

**Minutes:** Bob Zimmerman, City Engineer, introduced Jim Schulz, who recently commenced employment with the City of Moorhead as Senior Engineer. **5:31 PM**

3. [Approve Minutes of July 27 and August 10, 2009](#)

**Motion made to Approve** made by Nancy Otto and seconded by Diane Wray Williams **5:31 PM**  
**Motion to Approve Minutes of July 27 and August 10, 2009**  
**Passed For: 8; Against: 0; Abstain: 0; Absent: 0**

4. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

**Minutes:** No one wished to speak at this time. **5:32 PM**

5. [Agenda Amendments](#)

**Minutes:** There were no agenda amendments; however, Michael Redlinger, City Manager, referenced the information distributed to the Mayor and Council concerning the bid tabulation and award recommendation for item #16 (bid award for street and underground utility improvements in Horizon Shores 7th Addition, Eng. No. 09-A6-3). **5:33 PM**

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 Diane Wray Williams and seconded by Nancy Otto 5:33 PM**

**Motion to Approve Consent Agenda**

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

**Minutes: The following items were removed from the consent agenda: 5:33 PM**

- #14 - Resolution to award bids for the TH 75 / 40th Avenue pedestrian underpass project, Eng. No. 09-2-1;

- #15 - Resolution to award bid for pavement reconstruction along 20th Street South, Eng. No. 09-A2-3; and

- #19 - Resolutions regarding the FM Metropolitan Traffic Operations Action Plan.

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

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

**Minutes: Council Member Hintermeyer provided a brief report regarding the issues (tax levy and budget) discussed today at the Moorhead Economic Development Authority (EDA) meeting today. 5:34 PM**

9. [Public Hearing to Consider the Comprehensive Flood Risk Reduction and Property Acquisition Project. Eng. Nos. 09-A5-1, 09-A5-2, 09-A6-2 & 09-A13-2](#)

**Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams 5:55 PM**

**Motion to Open the Public Hearing to Consider the Comprehensive Flood Risk Reduction and Property Acquisition Project. Eng. Nos. 09-A5-1, 09-A5-2, 09-A6-2 & 09-A13-2**

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

**Minutes: Michael Redlinger, City Manager, reported that during the record 2009 flood, numerous temporary protective measures were implemented to prevent flood damage to public infrastructure and private property. Following this event, staff identified various permanent infrastructure improvements that would eliminate and/or significantly reduce the time and reliance on outside resources needed to provide temporary flood protection. However, it was noted these improvements will not provide comprehensive flood risk reduction, but are 6:12 PM**

important to bridge the gap between existing conditions and a potential metro-wide flood risk reduction project, which, if constructed, could be a decade or more into the future.

Bob Zimmerman, City Engineer, reviewed the proposed improvement projects. He added this 'project' also includes acquisition of flood-prone properties. Since the list was submitted to Council, another 26 property owners have expressed their desire to participate in the voluntary acquisition program.

Zimmerman reported, on July 13, 2009, the Mayor and Council approved the Comprehensive Flood Risk Reduction and Property Acquisition Program including a Phase 1 Flood Damage Reduction (FDR) grant agreement with the Department of Natural Resources (DNR) and an associated financing plan. As part of this program, the City will need to provide local matching funds in order to access State funding available through the DNR agreement. It is anticipated that a portion of the local funds will be financed through the use of special assessments to the benefiting properties. Because these projects will be partially financed through the use of special assessments, the City must follow the Minnesota Statutes Annotated, Chapter 429 (MSA 429) process governing the use of special assessments.

Zimmerman indicated the \$38,800,000 Comprehensive Flood Risk Reduction and Property Acquisition Project is proposed to be funded with \$1,500,00 in Federal Hazard Mitigation Grant Program (HMGP) funds (application pending), \$29,145,000 in DNR FDR grant funds, and \$8,155,000 in local funds. The City will finance its share of the improvements (\$8,155,000) using a General Obligation Improvement Bond, which requires the use of special assessments for at least 20% of the amount of the bond. Debt service on the bond amount will be paid through a combination of special assessments, stormwater service charges, and general property tax levy.

Zimmerman highlighted specific improvements and the estimated costs for such. Most of these improvements are intended to prevent flooding and backup in the storm and sanitary sewer systems and are being constructed to the 500-year flood

stage (43.5 ft). The benefiting area has been defined to include all properties directly affected by surface flooding and/or indirectly affected by storm and/or sanitary sewer backup for a 500-year flood event, which area generally includes all properties west of 20th Street. Zimmerman noted, at the request of the Council, staff prepared an alternative financing plan that minimizes the use of special assessments and maximizes the use of stormwater service charges. He explained the differences between the two alternatives (proposed plan would be an estimated assessment of \$450 per residence, and the projected assessment for the alternative plan is \$162). Notices mailed reflected the proposed maximum assessment.

Four public informational/outreach meetings (July 15, July 20, July 21, and July 22) were held to inform the public on a variety of current flood-related activities. Zimmerman noted approximately 550 residents attended the meetings. He distributed a written summary of the comments received to date.

Zimmerman conveyed, at the conclusion of the hearing, staff is requesting that Council adopt a resolution to order the improvements, which action requires seven affirmative votes.

**Minutes:** The following citizens spoke as it relates to this public hearing.

**7:27 PM**

1. James Van Raden, 525 Caddy Avenue, inquired as to how this project will be paid for. He referenced comments made by Council in that the whole City will benefit. Mr. Van Raden related he personally spent \$10,000 after the 1997 flood and received no financial assistance for it. He contends the City will be assessing him for this project as a commercial property, which is higher than residential. Mr. Van Raden asked if there is way to address his particular situation.

Mayor Voxland announced the Engineering staff is available to meet with individuals who have specific questions regarding their property. Brian Neugebauer, City Attorney, clarified no assessments will be levied tonight and that such will probably occur next year. Mr. Van Raden was encouraged to visit with the Engineering staff.

2. Fred Wright, 2316 South 6th Street, thanked the City for coming up a significant amount of funding from other sources. However, as it relates to the City's share, the question is what the 'fair share' is. Mr. Wright supports alternative #2, which places some of the costs on the monthly storm water utility charge. He pointed out Fargo's local share will be covered via local sales tax. City Attorney Neugebauer replied the State of Minnesota does not allow cities to have a sales tax. In closing, Mr. Wright encouraged spreading the costs over the entire city.

3. Cindy Antonson, 1112 18-1/2 Street North, urged Council to consider alternative #2 as she too supports spreading the costs over the entire City and contemplated the possibility of having staff review the relevant data to have this project paid by the entire City.

4. Pete Marinucci, 823 20th Street North, expressed concern regarding benefit and the proposed assessment area. He asked questions regarding the assessment area and the benefits received from such a project. He feels the greatest risk property owners face at a level of 43.5 ft. is sanitary sewer failure, which causes water to back up in the basements. Mr. Marinucci questions whether some of the proposed projects will directly benefit the properties to be assessed. He expressed his opposition to the home buyouts. Mr. Marinucci feels the City should re-examine the whole situation as he feels there are a significant number of flaws with the proposal.

5. Gary Peterson, 4508 12th Avenue South, pointed out the estimated assessment for his business (J.C. Chumley's) is eight times that of a residential assessment. He feels flood protection measures do affect the entire City and the assessments for such a project should be looked at city-wide.

6. Ken Lucier, 1222 North 19th Street, expressed concern about the special assessment aspect for the flood mitigation project. He questions why the cost is not spread across the entire City. He inquired as to the specific benefit to his property. Perhaps the City should re-examine the proposed assessment district.

7. Luther Stueland, 3209 4th Avenue North, conveyed his concern is that people are divided by the special assessment notices. In choosing to mitigate risk to his property, he chose to live away from the Red River. However, he feels alternative #2 will be asking him to pay more for this project through the monthly storm water utility charges. Mr. Stueland reflected on the City's current reserve balance and inquired as to the possible utilization of the undedicated reserve funds. He encouraged Council to look at these excess reserves to fund such a project.

8. Cal Singleton, 2611 Rivershore Drive, inquired about the home buy-out program and whether there is opportunity for him to add his property to this list. City Manager Redlinger replied this list will remain open.

9. Paul Grinde, 2219 19th Street South, feels one of the problems is with the use of a parcel number. Based on value, his units will be assessed four times as much as a larger development with only one parcel number. Perhaps another method should be used instead of applying the assessment to parcel numbers. Mr. Grinde suggested looking at the number of units and/or property value. This matter will be reviewed by staff.

10. Rick Van Raden, 1701 11th Street North, conveyed most of his concerns have been raised tonight. He expressed his support for the second alternative.

Minutes: Council Member Wray Williams moved, seconded 7:31 PM  
by Council Member Otto, to close the public  
hearing, which motion passed by unanimous vote.

A. [Resolution to Order the Improvements for the Comprehensive Flood Risk Reduction and Property Acquisition Project. Eng. Nos. 09-A5-1, 09-A5-2, 09-A6-2 & 09-A13-2](#)

Motion made to Approve made by John Rowell and seconded 7:32 PM  
by Dan Hunt

Motion to Order the Improvements for the Comprehensive Flood Risk  
Reduction and Property Acquisition Project. Eng. Nos. 09-A5-1, 09-A5-2, 09-  
A6-2 & 09-A13-2

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

Minutes: Council Member Otto moved, seconded by Council 8:04 PM  
Member Wray Williams to amend the resolution to

specify a maximum per household assessment.  
However, following additional comments regarding  
such, Council Members Otto and Wray Williams  
withdrew their motion to amend.

Minutes: Resolution #2009-855 5:27 PM

- B. [Resolution to Award Bids for Flood Control Lift Station Improvements.  
Eng. No. 09-A5-1B&C](#)

Motion made to Approve made by John Rowell and seconded 8:04 PM  
by Diane Wray Williams

Motion to Award Bids for Flood Control Lift Station Improvements. Eng. No.  
09-A5-1B&C

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

Minutes: Resolution #2009-856 5:27 PM

### Community Services Department

10. [\\*Consider Actions Relative to Prairie Meadows Second Addition \(Unanimous  
Planning Commission Recommendation\)](#)

- A. [\\*Ordinance 2009-9 - An Ordinance to Rezone Prairie Meadows Second  
Addition from TZ, Transitional, to RLD-3, Residential Low Density - 3 -  
1st Consideration](#)

- B. [\\*Resolution to Approve Preliminary Plat \(Unanimous Planning  
Commission Recommendation\)](#)

Minutes: Resolution #2009-850-A 5:27 PM

11. [\\*Resolution to Approve Amendment to the Final Plat of Community Crossings  
Addition \(Unanimous Planning Commission Recommendation\)](#)

Minutes: Resolution #2009-850-B 5:27 PM

12. [\\*Resolution to Authorize Amendment #1 to the Existing Agreement between  
the City and PEER Engineering for Additional Environmental Remediation  
\(Abatement and Decontamination of Interior\) of the Power Plant](#)

- A. [\\*Resolution to Authorize Amendment #1 to PEER Engineering Contract  
for Remediation of MPS Power Plant](#)

Minutes: Resolution #2009-850-C 5:27 PM

### Engineering - Wastewater Treatment

13. [\\*Resolutions to Call for a Hearing for Various Special Assessment Projects](#)

- A. [\\*Resolution to Declare Costs to be Assessed and Ordering Preparation  
of Proposed Assessments](#)

Minutes: Resolution #2009-850-D 5:27 PM

- B. [\\*Resolution to Schedule Public Hearing \(9/28/09\) Concerning Proposed Assessments for Various Projects](#)

Minutes: Resolution #2009-850-E 5:27 PM

14. [\\*Resolution to Award Bids for the TH 75 \(8th St\)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1](#)

Motion made to Approve made by John Rowell and seconded 5:35 PM  
by Mark Hintermeyer

Motion to Award Bids for the TH 75 (8th St)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1

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

Minutes: Resolution #2009-851 5:27 PM

15. [\\*Resolution to Award Bid for Pavement Reconstruction along 20th St \(12th to 24th Ave S\). Eng. No. 09-A2-3](#)

Motion made to Approve made by John Rowell and seconded 5:36 PM  
by Lauri Winterfeldt

Motion to Award Bid for Pavement Reconstruction along 20th St (12th to 24th Ave S). Eng. No. 09-A2-3

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

Minutes: Resolution #2009-852 5:27 PM

16. [\\*Resolution to Award Bids for Street and Underground Utility Improvements in Horizon Shores 7th Addition. Eng. No. 09-A6-3](#)

Minutes: Resolution #2009-850-F 5:27 PM

17. [Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for M B Johnson Regional Park, Phase 1 Improvements. Eng. No. 09-13-1](#)

Motion made to Approve made by Nancy Otto and seconded 5:54 PM  
by Diane Wray Williams

Motion to Approve Plans & Specifications and Authorize Advertisement for Bids for M B Johnson Regional Park, Phase 1 Improvements. Eng. No. 09-13-1

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

Minutes: Resolution #2009-854 5:27 PM

18. [\\*Resolution to Receive Donation from Water Structures Unlimited](#)

Minutes: Resolution #2009-850-G 5:27 PM

19. [\\*Resolutions to Support the FM Metropolitan Traffic Operations Action Plan and a Grant Application for the Consolidation of Multi-jurisdictional Traffic Signal Operations & Maintenance](#)

Motion made to Approve made by John Rowell and seconded 5:40 PM  
by Dan Hunt



**Motion to Support the FM Metropolitan Traffic Operations Action Plan and a Grant Application for the Consolidation of Multi-jurisdictional Traffic Signal Operations & Maintenance**

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

- A. [\\*Resolution to Approve FM Traffic Operations Action Plan](#)

Minutes: Resolution #2009-853-A 5:27 PM

- B. [\\*Resolution of Support for TIGER Grant Request](#)

Minutes: Resolution #2009-853-B 5:27 PM

**Fire Department**

20. [\\*Resolution Authorizing Donation of Used Self-Contained Breathing Apparatus \(SCBA\) Air Compressor](#)

Minutes: Resolution #2009-850-H 5:27 PM

**Operations Department**

21. [\\*Consider Resolution to Allow Purchase of Materials Conveyor](#)

Minutes: Resolution #2009-850-I 5:27 PM

**Police Department**

22. [\\*Resolution to Approve Gambling Exempt Permit - Moorhead Country Club \(Raffle on 9/19/09\)](#)

Minutes: Resolution #2009-850-J 5:27 PM

23. [\\*Resolution to Approve Funding Contribution to Moorhead Together Alcohol Enforcement Project](#)

Minutes: Resolution #2009-850-K 5:27 PM

24. [\\*Resolution to Authorize Agreement for Edward Byrnes JAG Formula Grant](#)

Minutes: Resolution #2009-850-L 5:27 PM

**Moorhead Public Service**

25. No Items Scheduled

**City Attorney Reports**

26. No Items Scheduled

**City Manager Reports**

27. [\\*Resolution to Approve Budget Adjustment - County Legal Services](#)

**Minutes: Resolution #2009-850-M**

**5:27 PM**

28. [Reports - Updates](#)
  - A. Budget Updates
  - B. Other
29. [Executive Session to Discuss Labor Negotiation Strategies](#)
30. Other Reports
31. New Business
32. [Citizens Addressing the Council \(continued, if necessary\)](#)

**Minutes: Meeting adjourned.**

**8:05 PM**

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