

**City of Moorhead
City Council Meeting
Meeting Minutes
January 14, 2013 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 January 14, 2013, 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:	Heidi Durand	Present
2nd Ward Council Member:	Mark Altenburg	Present
Mayor:	Mark Voxland	Present (left at 6:58 p.m.)
3rd Ward Council Member:	Mike Hulett	Present
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Steve Gehrtz	Present

City Council Meeting

1. [Call to Order and Roll Call](#)
2. Presentation of Colors: Boy Scout Troop 637
3. Pledge of Allegiance
4. Invocation: Pastor Rachel Simonson
5. [Mayor's State of the City Address](#)
6. [Approve Minutes](#)

Motion to Approve made by Nancy Otto and seconded by Heidi Durand
Motion to Approve 6. Approve Minutes

Motion Passed: Resolution 2013-0114-1
For: 8 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

- A. [December 10, 2012 \(City Council\)](#)
7. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

Minutes: No one wished to be heard.
8. Agenda Amendments
9. [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 to Approve made by Luther Stueland and seconded by Nancy Otto

Motion to Approve 9. Consent Agenda

Motion Passed

For: 8 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Minutes: The following items were removed from Consent:

Item #11: Consider Actions Relating to Pavement Repairs/Rehabilitation – Moorhead Municipal Airport

Item #21: Award Bid for Centennial Ball Park Irrigation Improvements

Item #26: Resolution to Approve 2013 Annual Meeting Business Items

10. [Mayor and Council Appointments](#)

Motion to Approve made by Steve Gehrtz and seconded by Brenda Elmer

Motion to Approve 10. Mayor and Council Appointments

Motion Passed: Resolution 2013-0114-2

For: 8 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Minutes: Mayor Voxland read the list of appointments to various City committees.

[Community Services Department](#)

11. [Consider Actions Relating to Pavement Repairs/Rehabilitation - Moorhead Municipal Airport](#)

A. [Resolution to Approve Professional/Engineering Services Agreement - Ulteig Engineers](#)

B. [Resolution to Approve Grant Agreement - State of Minnesota](#)

Minutes: The City Council expressed concern regarding whether the airport would be revenue neutral in 2013. City Manager Redlinger said he would prepare a report by the next Council meeting.

Motion to Table made by Luther Stueland and seconded by Mark Altenburg
For: 6 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer
Against: 2 - Mike Hulett, Steve Gehrtz

12. [*Resolution to Approve 2013 Tax Increment Interfund Loan](#)
Resolution 2013-0114-A

13. [*Resolution Considering Minor Changes to MATBUS Route 8](#)

Resolution 2013-0114-B

14. [Resolution to Authorize Stipulation Agreement with MLA Properties for Actions regarding the Demolition of 602 and 608 8th Street South and 603 9th Street South](#)

Motion to Approve made by Mark Altenburg and seconded by Brenda Elmer

Motion to Approve 14. Resolution to Authorize Stipulation Agreement with MLA Properties for Actions regarding the Demolition of 602 and 608 8th Street South and 603 9th Street South

Motion Passed: Resolution 2013-0114-3

For: 7 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer,

Abstain: 1 - Steve Gehrtz

Minutes: City Manager Michael Redlinger explained that the neighborhood approves of this action and that the work is secured by a Letter of Credit. An agreement will also be executed to ensure performance.

Neighborhood Services Manager Lisa Vatnsdal stated that demolition would begin February 15th and that environmental remediation is being completed now.

Engineering - Wastewater Treatment

15. [*Resolution to Approve Stormwater Pollution Prevention Service Agreement with River Keepers](#)

Resolution 2013-0114-C

16. [*Resolution to Approve Amendment No. 1 to the Cultural Resources Programmatic Agreement with the US Army Corps of Engineers, the North Dakota State Historic Preservation Officer, and the Minnesota State Historic Preservation Officer for the Fargo-Moorhead Metro Flood Risk Management Project](#)

Resolution 2013-0114-D

17. [*Resolution to Order & Receive Report, Order & Approve Plans & Specifications, Authorize Advertisement for Bids and Call for Public Hearing for Horizon Shores 6th Addition Street & Underground Utility Improvements. Eng. No. 13-A6-2](#)

- A. [*Resolution to Order Report](#)

Resolution 2013-0114-E

- B. [*Resolution to Receive Report, Order Plans & Specifications and Call for a Public Hearing](#)

Resolution 2013-0114-F

- C. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids](#)

Resolution 2013-0114-G

18. [*Resolution to Receive Petitions, Order & Receive Report, Order & Approve Plans & Specifications and Authorize Advertisement for Bids for Prairie Meadows 4th Addition Street & Underground Utility Improvements. Eng. No. 13-A6-3](#)

- A. [*Resolution to Receive Petitions & Order Report](#)

Resolution 2013-0114-H

- B. [*Resolution to Receive Report and Order Plans & Specifications](#)
Resolution 2013-0114-I
 - C. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids](#)
Resolution 2013-0114-J
19. [*Resolution to Receive Petitions, Approve Special Assessment Agreement, Approve Plans & Specifications and Authorize Advertisement for Bids for Johnson Farms 3rd Addition Underground Utility Improvements. Eng. No. 12-A6-3](#)
- A. [*Resolution to Receive Petitions](#)
Resolution 2013-0114-K
 - B. [*Resolution to Approve Special Assessment Agreement](#)
Resolution 2013-0114-L
 - C. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids](#)
Resolution 2013-0114-M
20. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the I-94/Rivershore Dr Underpass Street Reconstruction Project. Eng. No. 10-A2-3B](#)
Resolution 2013-0114-N

Operations Department

21. [Award Bid for Centennial Ball Park Irrigation Improvements](#)

Motion to Approve made by Nancy Otto and seconded by Heidi Durand

Motion to Approve 21. *Award Bid for Centennial Ball Park Irrigation Improvements

Motion Passed: Resolution 2013-0114-4

For: 8 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Minutes: City Manager Redlinger explained that the infrastructure will be a new installation and that the project will save money over the long term. Using water from American Crystal Sugar will provide two benefits - a more stable source of water and no water will come from the Buffalo Aquifer.

Police Department

22. [*Resolution to Approve Funding Contribution to College Alcohol Enforcement Project](#)
Resolution 2013-0114-O
23. [*Resolution to Approve Budget Adjustment for Costs Associated with "Every 15 Minutes Program"](#)
Resolution 2013-0114-P

Moorhead Public Service

24. [*Rescind Award of Bid Items #4, #5, and #7, and Award Bid Items #4, #5, and #7 to the Next Lowest Qualified Bidder for 2013 Electrical Materials](#)
Resolution 2013-0114-Q

Administration

25. *Approve Licenses - Permits
- A. [*Resolution to Approve Licenses – Permits](#)
Resolution 2013-0114-R
26. [Resolution to Approve 2013 Annual Meeting Business Items](#)
- Motion to Approve made by Mark Altenburg and seconded by Luther Stueland
Motion to Approve 26. *Resolution to Approve 2013 Annual Meeting Business Items
- Motion Passed: Resolution 2013-0114-5
For: 8 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz
- Minutes: At a question from Council, City Manager Michael Redlinger explained that the State has regulations regarding qualifications for an official newspaper.
27. [*Resolution to Authorize Execution of LMCIT Liability Coverage Waiver Form \(Statutory Tort Liability Limits\)](#)
Resolution 2013-0114-S
28. [*Resolution to Approve LELS Local 69 Post Retirement Health Care Savings Plan Amendment](#)
Resolution 2013-0114-T
29. [*Resolution to Approve First Reading of Ordinance No. 2013-01: An Ordinance to Amend and Reenact Section 5-2 of the Moorhead Municipal Code Relating to Title 5: Motor Vehicles and Traffic](#)
Resolution 2013-0114-U
30. [Consider Actions Relating to Trollwood and Adjacent City-Owned Property](#)

Motion to Approve made by Mike Hulett and seconded by Nancy Otto
Motion to Approve 30. Consider Actions Relating to Trollwood and Adjacent City-Owned Property

Minutes: Mark Hintermeyer moved to go into Executive Session immediately, but Mayor Voxland suggested the Council wait until after the staff presentation.

City Manager Michael Redlinger discussed the original maps showing the Bluestem Contract for Deed area and said the Contract for Deed between the City and FutureBuilders/Bluestem will be cancelled. The City has reached an agreement with Fargo Public Schools (FPS) that allows the District to lease approximately 2/3 of the former Bluestem Contract for Deed property. The District will operate, maintain, and secure programming for the facility, and FPS will also agree to pay the approximately \$213,000 in special assessments.

The City Council will consider the facility budget and ensure that it is appropriate, which means revenues exceed expenditures, and that operation of the facility

complies with original State of Minnesota grant agreements. The City Manager recommends approval of the Trollwood Performing Arts School budget.

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

- There is no threat of litigation brought by FPS against the City at this time.
- Discussion of student tuition costs and naming rights will be brought before the Council at another time.

Mark Hintermeyer moved, seconded by Mark Altenburg, to go into Executive Session to address the threat of litigation by FPS; motion passed with Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz voting yes, and Luther Stueland and Mike Hulett voting no.

The City Council went into Executive Session at 6:25 p.m. and returned to the Council Chambers at 6:58 p.m. Mayor Voxland left the meeting at 6:58 p.m. and Mayor Pro Tem Nancy Otto assumed leadership of the meeting, and discussion of Bluestem issues resumed.

Mark Hintermeyer moved that City Attorney John Shockley respond to the threat of litigation from FPS, seconded by Mark Altenburg; motion passed with Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, and Steve Gehrtz voting yes, and Luther Stueland and Mike Hulett voting no.

City staff clarified that this action would not negate consideration of the other items on the agenda, such as the approval of the Trollwood Performing Arts School 2013 Budget.

A. [Resolution to Approve Trollwood Performing Arts School 2013 Operating Budget](#)

Motion to Approve made by Mike Hulett and seconded by Luther Stueland

Motion to Approve A. Resolution to Approve Trollwood Performing Arts School 2013 Operating Budget

Motion Passed: Resolution 2013-0114-6

For: 8 - Luther Stueland, Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Minutes: Council requested that funds for emergencies be included in the next year's budget.

B. [Resolution to Approve Land Lease with Fargo Public Schools](#)

Motion to Approve made by Mike Hulett and seconded by Steve Gehrtz

Motion to Approve B. Resolution to Approve Land Lease with Fargo Public Schools

Minutes: Council expressed the following concern:

- While the information on this item stated that five votes are needed to pass the item, the City Charter states that if there is liability, it takes six votes to pass an item. If there is a chance of litigation, it was felt that constituted a liability, so it would take six votes to approve the lease.

City staff clarified the following in response Council questions:

- A lease needs only five votes to pass. The City Charter states that liability has to be something concrete, but the threat of litigation is just a possibility.

If the Council is not comfortable with the lease language, it could be removed.

- The \$5.5M State of Minnesota investment that requires access to the facility by regional arts groups is only for the 17 acres upon which the amphitheater sits, and not for the land covered under the proposed lease for former Bluestem Contract for Deed property.
- Access to the agricultural land by the City for flood mitigation projects is assured.

City Council suggested that this item be tabled until the changes in the language are finalized. Those changes include clarifying the issue of liability and the voting requirement as well as unequal tuition rates for Moorhead and Fargo students participating in the TPAS program.

Mark Altenburg moved to table this item, seconded by Mark Hintermeyer; motion approved with Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mike Hulett, and Mark Hintermeyer voting yes, and Luther Stueland and Steve Gehrtz voting no.

C. [Resolution to Approve Agricultural Lease with Sunnybrook Partnership](#)

Motion to Approve made by Mark Hintermeyer and seconded by Mark Altenburg
Motion to Approve C. Resolution to Approve Agricultural Lease with Sunnybrook Partnership

Motion Passed: Resolution 2013-0114-7

For: 7 - Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Against: 1 – Luther Stueland

31. [Mayor and Council Reports](#)

Minutes: Mark Altenburg reminded the Council of the Intergovernmental Retreat on January 25th.

Brenda Elmer mentioned the River Corridor Study public meeting coming up the next day, January 15th at the Hjemkomst Center.

Nancy Otto reported on the Flood Diversion Board of Authority stating the Minnesota DNR would provide an update on the Environmental Impact Statement and that the Memorandum of Understanding with Oxbow was not yet finalized. The \$16M invested so far has been covered by the Fargo and Cass County sales taxes.

32. City Manager Reports - Updates

33. Executive Session (If needed)

34. New Business

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

The meeting was adjourned at 8:20 p.m.

APPROVED BY:

ATTEST:

Mark Voxland
Mayor

Becky Jahnke
Deputy City Clerk

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

*Respectfully submitted by:
Becky Jahnke, Deputy City Clerk*