

**City of Moorhead
City Council Meeting
Meeting Minutes
October 10, 2011 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 October 10, 2011, 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](#)

Minutes: Mayor Voxland called the meeting to order

2. Recognitions - Presentations

A. [Recognition to City of Moorhead for the "Playful City USA" Designation](#)

Minutes: Rory Biel, Dakota Medical Foundation, presented Mayor Voxland with City of Moorhead's "Playful City USA" designation.

3. [Approve Minutes](#)

A. [June 20, 2011 \(Adjourned Council Meeting\)](#)

B. [June 20, 2011 \(Committee of the Whole\)](#)

C. [September 12, 2011 \(Council Meeting\)](#)

D. [September 19, 2011 \(Committee of the Whole\)](#)

E. [September 26, 2011 \(Council Meeting\)](#)

F. [October 3, 2011 \(Adjourned Council Meeting\)](#)

Minutes: Corrections were noted on the roll call of Council Members for the September 19, 2011 Committee of the Whole meeting.

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto
Approve Minutes of June 20, 2011 (Adjourned Council Meeting), June 20, 2011

(Committee of the Whole), September 12, 2011 (Council Meeting), September 19, 2011 (Committee of the Whole), September 26, 2011 (Council Meeting), and October 3, 2011 (Adjourned Council Meeting) as amended

Motion Passed

For: 8

4. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor and Council

5. Agenda Amendments

Minutes: No Agenda Amendments were noted.

6. [Consent Agenda](#)

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

Minutes: The following agenda item was removed:

- #17 – Resolutions to Order and Approve Engineer's Report, Order Preparation of Plans & Specifications, and Restrict Parking for Street Improvements on 50th Ave S from TH 75 to Bluestem Center for the Arts.

Motion to Approve made by Dan Hunt and seconded by Diane Wray Williams

Approve Consent Agenda as amended

Motion Passed

For: 8

7. Mayor and Council Appointments

Minutes: No appointments were presented by the Mayor and Council.

8. [Mayor and Council Reports](#)

Minutes: Council Member Wray Williams announced that a "Homeless Connect" event will take place on October 11 at the Fargo dome.

Council Member Elmer provided a brief report on the latest meeting of the Clay County Joint Powers Committee.

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

Minutes: Bob Zimmerman, City Engineer, provided a brief summary of the flood mitigation research and background compiled by City staff in response to City Council inquiries on October 3, 2011. Staff recommends approval of the Base Project and Projects A-C as it is the one that most effectively manages future flood and financial risk to the City of Moorhead. An alternate financing option could extend the term of the G.O. Improvement bond to 25 years.

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

- By approving the I-94 Flood & Drainage Improvement Project, the City committed to provide a \$4M match for the \$16.5M in Flood Damage Reduction (FDR) grant funding allocated through the Department of Natural Resources (DNR).
- City staff has proceeded with flood mitigation improvements within the Base Project at the direction of the Mayor and Council. The timeline and notice for these improvements has been fully disclosed.
- It is not possible to suspend work on all City infrastructure projects. City staff would need to determine what has already been committed.
- There is a timeline for expenditure of DNR grant funds. To gain full access to available funds, adherence to timing requirements must occur.
- The option to complete the Base Project and Project A includes backyard mitigation in Project A only. Most backyard mitigation opportunities are in Project F.
- The DNR may not be favorable toward reducing funding for property acquisitions and prioritizing funds toward backyard flood mitigation projects.
- Senior citizens or retired and disabled persons can request a special assessment deferral. Deferral requests do not completely eliminate the requirement to pay the special assessment. The bond principal and interest accumulation to date becomes payable at the sale of the property.
- Any property acquisitions for Base Project and Project A-C could be accomplished by spring 2012. The structures would be allowed to flood and demolition would follow. Structures could also be relocated if feasible.
- The assessment hearing for a flood mitigation plan would take place in 2012 and be payable in 2013.
- In a phased flood mitigation plan, all assessments would be added together and the City may not receive current low interest rates.
- For the special assessment, the average homeowner would pay approximately \$44 the first year and a reduced annual amount thereafter. A homeowner would pay an approximate total of \$650 if payments are made over the full assessment period.
- According to State Statutes, the resolution to order the improvement for any flood mitigation plan requires an affirmative vote of four-fifths of all members of the Council (7 votes).

The Mayor and Council Members stated the following:

- Concern was noted on recent expenditures of funds for flood mitigation improvements within the Base Project and whether these expenditures comply with City Charter requirements.
- It is recommended that a cap of \$23.3M be awarded for flood mitigation projects. It is preferred that funding be prioritized for

property acquisitions and backyard mitigation projects for the Base Project and Project A and that planned City infrastructure projects are withdrawn unless they are already committed.

- Investment in flood mitigation projects appears to be cost effective and a benefit for the entire community.
- Concern was noted that any proposed flood mitigation plan which does not include necessary City infrastructure projects may not meet State Statutory requirements for a special assessment.
- To finance the proposed project, Moorhead residents will be paying various fees in addition to special assessments.
- Fees, in addition to special assessments, will allow the City to spread flood mitigation financing costs to all residents, not just property owners.

Staff was directed to evaluate whether an option to approve the Base Project, Project A, and all committed City infrastructure projects up to \$23.3M meets State Statutory requirements for a special assessment and whether Project B-C could be further assessed at a later time.

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt
Approve Base Project, Project A, and all Committed City Infrastructure Projects up to \$23.3M

Motion to Table made by Nancy Otto and seconded by Diane Wray Williams

Motion to Table to October 24, 2011

Motion to Table Passed

For: 5 - Luther Stueland, Nancy Otto, Diane Wray Williams, Mark Altenburg, Mark Voxland

Against: 4 - Dan Hunt, Brenda Elmer, Mark Hintermeyer, Greg Lemke

Public Hearings

10. [Community Development Block Grant Amendment - Receive Comments on Request for Financial Assistance for FM Emergency Food Pantry](#)

Minutes: Public hearing opened at 7:29 p.m.

Lisa Vatnsdal, Neighborhood Services Manager, provided a brief overview of the Community Development Block Grant (CDBG) amendment and clarified the following in response to Mayor and Council questions:

- At the October 24, 2011 City Council meeting the Mayor and City Council will conduct a public hearing on the 2012 CDBG Action Plan. Funding for capital improvements at Moorhead food pantries will be proposed as part of this plan.
- The City of Fargo could be asked to contribute additional CDBG funds to City of Moorhead organizations.

The following individuals addressed the Mayor and Council regarding their support for financial assistance to the FM Emergency Food Pantry:

- Gyda Anderson, Emergency Food Pantry

- Wayne Hankel, Emergency Food Pantry
- Bill Beautler, Dorothy Day House
- Barbara Sipson, Moorhead resident

It was noted that Dorothy Day House is conducting long-range planning regarding their facility and parking needs.

The Mayor and Council Members stated the following:

- It was recommended that City staff reach out to other entities that could benefit from CDBG grant funds.
- It was recommended that City staff provide additional public education on the Single Family Home Rehabilitation Program.

Public Hearing closed at 8:10 p.m.

Community Services Department

11. [*Consider Actions Related to Johnson Farms Third Addition](#)
 - A. [*Resolution to Approve Preliminary and Final Plat](#)
Resolution 2011-1010-A
 - B. [*Approve First Reading of Ordinance No. 2011-15 - An Ordinance to Rezone Johnson Farms Third Addition from RLD-3 \(Residential Low Density-3\) and RMD-1 \(Residential Medium Density-1\) to RMD-2 \(Residential Medium Density-2\)](#)
Ordinance 2011-15
 - C. [*Resolution to Approve Developer's Agreement](#)
Resolution 2011-1010-B
12. [*Resolution to Approve Grant Agreement with Mn/DOT for Maintenance and Operations Expenses - Moorhead Municipal Airport](#)
Resolution 2011-1010-C
13. [*Resolution to Amend 92-250-F: Framework of Moorhead Economic Development Loan Fund Local Advisory Board](#)
Resolution 2011-1010-D

Engineering - Wastewater Treatment

14. [Resolutions to Order & Receive Engineer's Report, Order Preparation of Plans & Specifications and Restrict Parking for Street Improvements on 20th St from 6th to 12th Ave S. Eng. No. 12-A2-2](#)
 - A. [Resolution to Order & Receive Engineer's Report and Order Preparation of Plans & Specifications](#)
Resolution 2011-1010-1

B. [Resolution to Restrict Parking](#)
No Resolution Passed

Minutes: Bob Zimmerman, City Engineer, provided an overview of each of the street improvement options. City staff recommends Alternative 2 (median/two through lanes) for construction based on all evaluation criteria. It was noted that seven affirmative votes of the Council are required in order to finance the project with special assessments.

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

- Parking spaces along the west side of 20th St. S between 12th Ave. and 8th Ave. remain as part of the project. The City Council could elect to remove these parking spaces.
- A snow emergency route is designated along 20th St. S.
- With proper care trees will adequately grow within the median. Trees are included in the cost of the project.
- Medians would not present an operational issue for snow removal.
- It is recommended that the current west curb line be maintained for use in future expansion to a four-lane roadway.
- The primary purpose of medians is to act as a safety device for traffic calming and accident prevention.
- The largest special assessment for the project would derive from Minnesota State University Moorhead who has provided a letter to the City stating support for the medians.
- The Level of Service analyses used to evaluate each alternative is based on the characteristics of the road to be designed and is a good indicator in terms of accident reduction.

The Mayor and Council Members stated the following:

- Concern was noted regarding parking along the 1000 block of 20th St.
- The following points were noted regarding elimination of medians:
 - Additional landscaping does not appear necessary
 - Cross traffic does not appear to be an issue
 - Ongoing median maintenance costs could be expensive.
- The following points were noted regarding retention of medians:
 - The overall project life cycle cost appears to be lower
 - Medians are proven to provide additional safety
 - Medians are supported by the biggest special assessment contributor to the project.

Motion to Amend made by Diane Wray Williams and seconded by Nancy Otto
Amend Resolution #14.B – Resolution to Restrict Parking – to remove all on street parking at all times along 20th St. S from 6th Ave. S to 12th Ave. S
Amendment Approved

For: 5 – Nancy Otto, Diane Wray Williams, Mark Altenburg, Brenda Elmer, Greg Lemke
Against: 3 – Luther Stueland, Dan Hunt, Mark Hintermeyer

Motion to Amend made by Luther Stueland and seconded by Nancy Otto
Amend Resolution #14.A – Resolution to Order & Receive Engineer’s Report and Order Preparation of Plans & Specifications – to approve Alternative 1 for construction

Amendment Failed

For: 4 – Luther Stueland, Nancy Otto, Brenda Elmer, Mark Hintermeyer
Against: 4 – Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke
Abstain: 1 – Mark Voxland

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Motion to Approve Resolutions to Order & Receive Engineer’s Report, Order Preparation of Plans & Specifications and Restrict Parking for Street Improvements on 20th St from 6th to 12th Ave S. Eng. No. 12-A2-2 as amended
Motion Failed

For: 4 – Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke
Against: 5 – Luther Stueland, Nancy Otto, Brenda Elmer, Mark Hintermeyer, Mark Voxland

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Resolution #14.A – Resolution to Order & Receive Engineer’s Report and Order Preparation of Plans & Specifications – Construction of Alternative 1

Motion Passed: **Resolution 2011-1010-1**

For: 7; Against: 1 –Greg Lemke

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Resolution #14.B – Resolution to Restrict Parking – to remove all on street parking at all times along 20th St. S from 6th Ave. S to 12th Ave. S
Motion Failed

For: 4 – Nancy Otto, Diane Wray Williams, Mark Altenburg, Brenda Elmer; Against: 5 – Greg Lemke, Luther Stueland, Dan Hunt, Mark Hintermeyer, Mark Voxland

15. [*Resolution to Approve Change Order #6 for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B](#)
Resolution 2011-1010-F

16. [*Resolution to Request a Speed Study on SE Main Ave from 12th Ave S to Interstate 94](#)
Resolution 2011-1010-G

17. [Resolutions to Order and Approve Engineer's Report, Order Preparation of Plans & Specifications, and Restrict Parking for Street Improvements on 50th Ave S from TH 75 to Bluestem Center for the Arts.](#)

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

- A cost-share is proposed for the project between Buffalo Red River Watershed District (BRRWD), MN Department of Transportation, Clay County, and City of Moorhead.
- There are no City special assessments proposed because special assessments were used to fund a previous paving project along 50th Ave S. Instead, Moorhead will utilize Federal, MN State Aid and local

funds for the City's cost-share

- The proposed levee along 50th Ave S is part of the "Base Project" for future flood mitigation infrastructure.
- The estimated cost is not anticipated to exceed \$1M.

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt
Approve Resolutions to Order and Approve Engineer's Report, Order Preparation of Plans & Specifications, and Restrict Parking for Street Improvements on 50th Ave S from TH 75 to Bluestem Center for the Arts

Motion Passed: Resolution #'s noted below

For: 8

- A. [Resolution to Order and Approve Engineer's Report and Order Preparation of Plans & Specifications](#) for Street Improvements on 50th Ave S from TH 75 to Bluestem Center for the Arts
Resolution 2011-1010-2
 - B. [Resolution to Restrict Parking](#) for Street Improvements on 50th Ave S from TH 75 to Bluestem Center for the Arts
Resolution 2011-1010-3
18. [*Resolution to Approve Change Orders #1 & #2 for the Phase 4 Levee & Sluice Gates Flood Mitigation Project. Eng. No. 09-A5-2B](#)
Resolution 2011-1010-H

Fire Department

19. [*Resolution to Enter Into Hazardous Materials Team Contract with the State of Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management](#)
Resolution 2011-1010-I

Operations Department

20. [*Resolution to Approve Contract with Pactiv Corporation to Purchase Recycled Newsprint](#)
Resolution 2011-1010-J

Administration

21. [*Resolution to Approve Slate of Election Judges and Schedule Special Council Meeting to Canvass Election Returns for the 2011 City General Election](#)
Resolution 2011-1010-K
22. [*Approve Licenses - Permits](#)
- A. [*Resolution to Approve On-Sale / Sunday Liquor License for JLBMD, Inc. \(DBA: JL Beers\)](#)
Resolution 2011-1010-L
 - B. [*Resolution to Approve Licenses – Permits](#)
Resolution 2011-1010-M

23. [Discussion: Moorhead Center Mall Fountain Demolition/Renovation \(Council Member Otto\)](#)

Minutes: Council Member Otto provided a brief report on a recent request from the Moorhead Center Mall to demolish the current fountain and convert the space to a seating area. According to the agreement between the Mall condominium association and the City of Moorhead, the City is responsible for making repairs and renovation to the fountain and fountain area, and providing tables and chairs around the fountain area.

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

- The City has a balance of \$460,000 in Capital Improvement fund reserves.
- City staff recently met with Moorhead Center Mall representatives. Any renovation project would not occur until early 2012.
- It was noted that the City and Moorhead Center Mall share responsibilities for building maintenance, garbage, and snow removal for the City Hall/Moorhead Center Mall building and property.

The Mayor and Council Members stated the following:

- Demolition and renovation of the fountain area would serve to attract businesses and customers to the Moorhead Center Mall.
- It may be beneficial to encourage the Moorhead Center Mall to provide a “playland area.”

City staff was directed to inquire as to the time all entrances to the Moorhead Center Mall are locked.

Motion to Approve made by Nancy Otto and seconded by Mark Hintermeyer
Resolution to solicit quotes for Moorhead Center Mall Fountain Demolition/Renovation

Motion Passed: **Resolution 2011-1010-4**

For: 7; Against: 1 - Luther Stueland

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

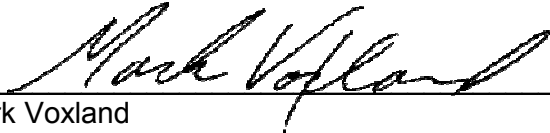
Minutes: Michael Redlinger, City Manager, stated that he is conducting meetings to speak to employees about budget and flood-related topics.

An Oakport Annexation Committee meeting was recently conducted. The Mayor and City Council will receive future updates regarding Oakport Annexation planning.

This meeting was adjourned to October 17, 2011.

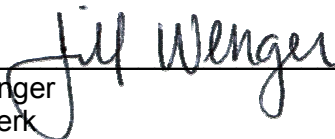
Meeting adjourned at 9:23 p.m.

APPROVED BY:



Mark Voxland
Mayor

ATTEST:



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