

**City of Moorhead
City Council Meeting
Meeting Minutes
September 13, 2010 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 September 13, 2010, 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. [Approve Minutes](#)

A. [June 21, 2010 \(Committee of the Whole\)](#)

B. [July 12, 2010 \(City Council Meeting\)](#)

Minutes: It was noted that the City Council voting results for item #21 – *Resolution to Approve First Reading of Ordinance 2010-07, An Ordinance to Create and Enact Section 4-4-19 of the Moorhead Municipal Code Relating to Social Host Liability* – should read, “For: 7; Against: 1 – Luther Stueland.”

C. [August 16, 2010 \(Adjourned Council Meeting\)](#)

D. [August 16, 2010 \(Committee of the Whole\)](#)

E. [August 23, 2010 \(Council Meeting\)](#)

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto
Approve the Minutes of June 21, 2010 (Committee of the Whole), July 12, 2010 (City Council Meeting) as amended, August 16, 2010 (Adjourned Council Meeting), August 16, 2010 (Committee of the Whole), and August 23, 2010 (Council Meeting).

Motion Passed by unanimous vote

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

Minutes: Joel Nix, resident of Village Green, noted his concern regarding the intersection of 30th Avenue and County Hwy 52. He stated that drivers are utilizing the right shoulder as a turning lane and he has witnessed several near accidents. He requested that a sign be posted for drivers.

Michael Redlinger, City Manager, stated that City staff would report the concern to representatives of Clay County who provides signage for Hwy 52. Bob Zimmerman, City Engineer, added that the projected completion date for a traffic signal at that intersection is slated for December 2010 as an element of the 34th St. interchange project at Interstate 94.

4. [Agenda Amendments](#)

Minutes: No agenda amendments were noted.

5. [Consent Agenda](#)

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

Minutes: The following items were removed from the Consent Agenda:

- #6B – Approve Permits
- #11 – Resolution to Approve 1st Avenue North Gateway Tax Increment Interfund Loan
- #17 – Resolution to Approve Modification to Various State Funded Border City Incentive Programs
- #18 – Resolution to Approve Donation of Land (1615 Main Ave S)

The following item was added to the Consent Agenda:

- #16 – Receive Report: "Going Home: A 10-Year Plan to End Long Term Homelessness in Fargo"

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

Approve Consent Agenda

Motion Passed by unanimous vote

6. [*Approve Licenses - Permits](#)

A. [*Approve Business Licenses](#)
Resolution 2010-0913-A

B. [Approve Permits](#)

Minutes: Council Member Hintermeyer noted that he would abstain from the vote regarding the Moorhead Rotary Club Raffle Permit due to his membership in the Moorhead Rotary Club.

Motion to Approve made by Luther Stueland and seconded by Brenda Elmer

Resolution to Approve Permits

Motion Passed: **Resolution 2010-0913-1**

Moorhead Rotary Club Raffle Permit – For: 7; Abstain: 1 – Mark Hintermeyer

All other permits – For: 8

7. Mayor and Council Reports - Appointments

Minutes: No reports were presented.

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

Minutes: Michael Redlinger, City Manager, stated that technical staff from the City of Fargo, City of Moorhead, Cass County, and Clay County along with staff from the U.S. Army Corps of Engineers (USACE) has determined that additional technical research is needed to assess upstream storage potential and other options to potentially minimize the downstream impacts of a North Dakota Diversion. The results are expected by early October and will be reported to the Metro Flood Study Work Group. The research results will help to further direct project development. Cost for this research will be \$100,000.

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

- The current cost-share ratio for study costs is 80% Fargo/other North Dakota sources and 20% Moorhead/other Minnesota sources. City staff has expressed the need for the current cost-share structure to be reassessed no later than January 2011.
- City staff will provide the Mayor and Council with a summary of all City of Moorhead contributions to the USACE Fargo-Moorhead Metropolitan Feasibility Study.

The Mayor and Council Members stated the following:

- Concern was noted regarding the current cost-share structure between Moorhead and Fargo. Due to projected benefit ratios it is believed that the City of Moorhead should be contributing 10% or less of costs associated with the Feasibility Study.
- Concern was noted regarding the consequences if the City Council does not pass a resolution to conduct the study and the impression it might give to neighboring communities concerned with downstream impacts.

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

**Approve a budget adjustment in the amount of \$10,000 to conduct additional technical research as needed to assess upstream storage potential and other options to potentially minimize downstream impacts of a North Dakota Diversion.
Motion Failed**

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

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt
Approve a budget adjustment in the amount of \$20,000 to conduct additional technical research as needed to assess upstream storage potential and other options to potentially minimize downstream impacts of a North Dakota Diversion.
Motion Failed

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

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer
Approve a budget adjustment in the amount of \$15,000 to conduct additional technical research as needed to assess upstream storage potential and other options to potentially minimize downstream impacts of a North Dakota Diversion
Motion Passed: **Resolution 2010-0913-2**

For: 6 – Luther Stueland, Nancy Otto, Diane Wray Williams, Dan Hunt, Brenda Elmer, Mark Hintermeyer; Against: 2 – Mark Altenburg, Greg Lemke

Public Hearings

9. [Public Hearing for Approval of Kjerbeersten LLC Property Tax Exemption](#)

Minutes: Public Hearing opened at 5:40 p.m.

Peter Doll, Development Services Manager, provided a brief overview of the property tax exemption.

The Mayor and Council Members stated the following:

- Concern was noted regarding the current policy for a one employee “retained or created” minimum outlined in the exemption schedule. It was suggested that a higher minimum should be considered by the Economic Development Authority (EDA) Board.

The following individual addressed the Mayor and Council regarding his opposition to the property tax exemption:

- Bernie Ness, Owner of Bernie’s Wines & Liquor, stated that he opposes the use of public funds to subsidize companies that compete with other retail businesses.

Public Hearing closed at 5:48 p.m.

A. [Resolution to Approve Property Tax Exemption for Kjerbeersten LLC](#)

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

- After the two years of tax exemption the property owner is expected to contribute \$9,200 per year to the City’s tax base.
- Demolition at the property has begun.

The Mayor and Council Members stated the following:

- Concern was noted regarding the fairness of this tax incentive to other local businesses.
- It was noted that adding new businesses to downtown Moorhead can create a benefit to all local area businesses.
- The building to be renovated is blighted and in much need of improvement.

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Resolution to Approve Property Tax Exemption for Kjerbeersten LLC
Motion Passed: **Resolution 2010-0913-3**
For: 7; Against: 1 – Luther Stueland

Community Services Department

10. [1st Avenue North Gateway Redevelopment - Hedgemasters](#)

Minutes: Peter Doll, Development Services Manager, provided a brief overview of the 1st Avenue North Gateway Redevelopment plans at Hedgemasters.

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

- The Hedgemasters property is adjacent to Aggregate Industries, purchased earlier by the City of Moorhead. By assembling the two parcels they can be sold as one larger property to a future redeveloper.
- The Aggregate and Hedgemasters properties will require significant mitigation due to environmental impacts. The City is in the best position to leverage funds and appropriately address these impacts.
- Hedgemasters plans to move their business outside City limits.
- There is not currently a prospective buyer for redevelopment of the area. The City will issue a Request for Proposal process to attract potential buyers.

The Mayor and Council Members stated the following:

- Concern was noted regarding the use of taxpayer dollars for the purchase of this property and the fairness of City resources directed at one area of the City and not equally distributed to all areas.
- Most private developers are unwilling or unable to address environmental contamination.
- The large parcel will be attractive for redevelopment.

Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto
Resolution to Approve Purchase of Hedgemasters
Motion Passed: (see resolution numbers below)
For: 7; Against: 1 – Luther Stueland

- A. [Resolution to Approve Purchase of Hedgemasters](#)
Resolution 2010-0913-4
- B. [Resolution to Approve Environmental and Geotechnical Testing, Oversight, and Demolition for Hedgemasters](#)
Resolution 2010-0913-5
11. [Resolution to Approve 1st Avenue North Gateway Tax Increment Interfund Loan](#)
- Minutes: Concern was noted regarding the fairness of this policy.
- Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Resolution to Approve 1st Avenue North Gateway Tax Increment Interfund Loan
Motion Passed: **Resolution 2010-0913-6**
For: 7; Against: 1 – Luther Stueland
12. [*Resolution to Authorize Advertisement and Distribution of Halliday Motel Request for Proposals for Residential Development \(1520 4th Ave S\)](#)
Resolution 2010-0913-B
13. [*Set Public Hearing to Consider Adoption of Proposed Assessments for Various Projects](#)
Resolution 2010-0913-C
14. [Resolution of Support - FM Metro COG Complete Streets Policy Statement](#)

Minutes: Kristie Leshovsky, City Planner, provided a brief description of the *Complete Streets* Policy Statement.

City staff and a representative of the Metro Council of Area Governments (Metro COG) clarified the following in response to Mayor and Council questions:

- The *Complete Streets* Policy asks Cities to consider incorporating multiple modes of transportation in the long-range planning and development of streets.
- The policy recommendations are not mandatory. All improvement projects are determined by the City Council on a case-by-case basis.
- Federal and State government entities may formulate policies and/or standards that require cities to comply with *Complete Streets* recommendations when utilizing Municipal State Aid funding.
- City staff will provide information regarding the *Complete Streets* policy to the Home Builder's Association.

The Mayor and Council Members stated the following:

- Concern was noted regarding the fact that the elements of the policy do not appear new and many of the policy recommendations have already been incorporated into Moorhead projects.

- Concern was noted regarding the possibility that by supporting the policy the City may be accepting additional costs.
- Concern was noted regarding the potential restriction of vehicle transportation.
- *Complete Streets* is a noteworthy program intended to improve the life and health of community residents.

Motion to Amend made by Luther Stueland and seconded by Mark Hintermeyer

Amend Resolution to “receive report”

Motion Failed

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

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Resolution of Support - FM Metro COG Complete Streets Policy Statement

Motion Passed: **Resolution 2010-0913-7**

For: 6; Against: 2 - Luther Stueland, Mark Hintermeyer

15. [*Approve Standard Lease Agreement between the City of Moorhead and the Nordic Culture Clubs for Office Space at the Hjemkomst Center](#)
Resolution 2010-0913-D
16. [*Receive Report: "Going Home: A 10-Year Plan to End Long Term Homelessness in Fargo"](#)
Resolution 2010-0913-E
17. [Resolution to Approve Modification to Various State Funded Border City Incentive Programs](#)

Minutes: A comment was shared regarding support for the Border City Incentive Program.

Motion to Approve made by Luther Stueland and seconded by Nancy Otto

Resolution to Approve Modification to Various State Funded Border City Incentive Programs

Motion Passed: **Resolution 2010-0913-8**

For: 8

18. [Resolution to Approve Donation of Land \(1615 Main Avenue S\)](#)

Minutes: Concern was noted on the accumulation of City property to maintain.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Resolution to Approve Donation of Land (1615 Main Avenue S)

Motion Passed: **Resolution 2010-0913-9**

For: 7; Against: 1 - Luther Stueland

Engineering - Wastewater Treatment

19. [*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](#)
Resolution 2010-0913-F
- B. [*Resolution to Schedule Public Hearing \(10/11/10\) Concerning Proposed Assessments for Various Projects](#)
Resolution 2010-0913-G
- 20. [*Resolution to Award Bid for Storm Lift Station #4 Improvements. Eng. No. 10-5-2](#)
Resolution 2010-0913-H
- 21. [*Resolution to Approve Change Order #1 for the Final Bituminous Overlay Project. Eng. No. 10-A2-1](#)
Resolution 2010-0913-I
- 22. [*Resolution to Approve Revised Bid Award for the Gooseberry Park Shelter Improvements. Eng. No. 09-A13-2H](#)
Resolution 2010-0913-J

Operations Department

- 23. [*Resolution to Consider a Budget Adjustment to Fund the Rourke Museum Roof Replacement Project](#)
Resolution 2010-0913-K

Police Department

- 24. [*Resolution to Approve Funding for Purchase of Lexipol](#)
Resolution 2010-0913-L
- 25. [*Resolution to Approve Funding Contribution to College Alcohol Enforcement Project](#)
Resolution 2010-0913-M

City Attorney Reports

- 26. [*Resolution Providing for the Competitive Sale of Taxable Public Utility Revenue Bonds, Series 2010C \(Build America Bonds-Direct Pay\)](#)
Resolution 2010-0913-N

City Manager Reports

- 27. [Adopt Proposed 2010 Tax Levy Payable 2011 and Proposed 2011 Budget](#)

Minutes: Redlinger stated that Minnesota State Statute requires municipalities to comply with Truth-In-Taxation legislation in the adoption of preliminary Tax Levies, Budgets, and the announcement of a Public meeting by September 15, 2010. Redlinger read aloud the following statement, as required by State law:

"A meeting for public input will be held on December 6, 2010 at 6:00 p.m. in the City Hall Council Chamber for discussion of the 2010 Tax Levy and 2011

Budget. Final adoption of the 2010 Tax Levy and 2011 Budget will be at the City Council meeting on December 13, 2010 at the same location. Citizens may contact the City Finance Department at 299-5311 or by mail at P.O. Box 779 Moorhead, MN 56560 with questions on the Tax Levy or 2011 Budget.”

A. [Resolution to Approve Proposed 2010 EDA Tax Levy Payable 2011](#)

Minutes: Scott Hutchins, Community Services Director, stated that the EDA Board is apprised of the current proposed levy. He added that the final levy may be adjusted following information received from the West Central Initiative.

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

Resolution to Approve Proposed 2010 EDA Tax Levy Payable 2011

Motion Passed: **Resolution 2010-0913-10**

For: 7; Against: 1 - Luther Stueland

B. [Resolution to Adopt Proposed 2011 EDA Budget](#)

Minutes: Concern was noted on the City's plans to purchase land for the 1st Avenue Redevelopment Project.

Motion to Approve made by Diane Wray Williams and seconded by Brenda Elmer

Resolution to Adopt Proposed 2011 EDA Budget

Motion Passed: **Resolution 2010-0913-11**

For: 7; Against: 1 - Luther Stueland

C. [Resolution to Approve Proposed 2010 City Tax Levy Payable 2011](#)

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

- The current proposed budget is preliminary and there may be changes and adjustments before the end of the year; however the proposed levy will not be adjusted above the current level
- Fuel pricing has been an area of volatility. The City of Moorhead incorporates a conservative budgeting assumption in this area.
- At upcoming Committee of the Whole Meetings, the Mayor and City Council will receive Departmental Reports and also review 2011 Community Partnership funding.
- Additional requests for budget information or clarification will be provided at the Council's request.

The Mayor and Council Members stated the following:

- Concern was noted regarding the rationale for the City's fuel budget allocation.
- It was noted that the pain of the recession should be considered as the City Council considers the final tax levy for residents.

- The unallotment of Local Government Aid has been difficult for the City of Moorhead. The City has made some drastic cuts and held City staff wages to balance the budget and a commitment not to increase the tax levy in 2011.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Resolution to Approve Proposed 2010 City Tax Levy Payable 2011

Motion Passed: **Resolution 2010-0913-12**

For: 7; Against: 1 - Luther Stueland

D. [Resolution to Adopt Proposed 2011 City Budget](#)

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

Resolution to Adopt Proposed 2011 City Budget

Motion Passed: **Resolution 2010-0913-13**

For: 7; Against: 1 - Luther Stueland

28. [*Ordinance to Amend and Reenact Section 2-2B-6 of the Moorhead City Code Relating to Gambling Site Manager](#)

Resolution 2010-0913-O

29. [Reports - Updates](#)

Minutes: Redlinger stated that labor negotiation sessions are scheduled.

It was announced that road work in Village Green will be completed within a few days.

30. Executive Session (If needed)

Minutes: No Executive Session necessary.

31. New Business


Minutes: No new business reported.

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

Meeting adjourned at 7:43 p.m.

APPROVED BY:

ATTEST:



Mark Voxland, Mayor



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