

**City of Moorhead
City Council Meeting
Meeting Minutes
March 21, 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 March 21, 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. [Approve Minutes](#)

A. [March 10, 2011 \(Special City Council Meeting\)](#)

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

Approve Minutes of March 10, 2011 (Special City Council Meeting)

Motion Passed by unanimous vote

3. [Citizens Addressing the Council](#)

Minutes: Ken Lucier, Moorhead resident, addressed the Mayor and Council regarding his previous request for a report on special assessment interest rate charges and practices in other cities. Michael Redlinger, City Manager, stated that that the Finance Department has been assisting in the conduct of the City's financial audit and processing financial documentation related to flood preparations. A report will be prepared and distributed to the Mayor and Council as soon as possible.

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:

- #10 – Resolution to Authorize Professional Services Contract with Maxfield Research Inc for Housing Study and Market Analysis
- #13 – Consider Bid Award for Partial Reroof of Public Works Facility and Budget Adjustment for Portion of City Hall Roof

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Approve Consent Agenda

Motion Passed by unanimous vote

6. [Mayor and Council Appointments](#)

A. [Resolution to Approve Appointment to Charter Commission \(Mayor\)](#)

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

Resolution to Approve Appointment to Charter Commission (Mayor)

Motion Passed: **Resolution 2011-0321-1**

For: 8

B. [Resolution to Approve Appointment of Moorhead Public Service Commissioner to Economic Development Authority](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Resolution to Approve Appointment of Moorhead Public Service Commissioner to Economic Development Authority

Motion Passed: **Resolution 2011-0321-2**

For: 8

7. [Mayor and Council Reports](#)

Minutes: Council Member Altenburg thanked volunteers and City staff for their work at Moorhead's palletizing site.

Council Member Wray Williams provided an update on the Moorhead Library.

Council Member Elmer provided an update on recent activities of the Metro Area Transit Board.

Council Member Lemke provided an update on the Metro Council of Governments and National League of Cities.

Mayor Voxland provided an update of his meetings with members of the Congressional Delegation and Federal Highway Administration (FHWA) staff in Washington D.C. to discuss Moorhead's efforts to reopen the SE Main Avenue/Interstate 94 ramp interchange. Materials provided to the congressional delegation and FHWA will be distributed to Council Members.

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

A. Flood 2011 Update

Minutes: Redlinger provided the following updates:

- A National Weather Service Forecast is expected later this week.
- Sandbag deployment to protect private property will be contingent on weather conditions. City staff will continue to monitor the situation on a daily basis.
- The U.S. Army Corps of Engineers will provide assistance with four temporary flood contingency measures. The City will complete two additional contingency measures which will coincide with projects for future permanent flood mitigation projects. The projects may begin later this week, contingent on weather conditions.
- Ground surveys may occur on private property, also contingent on weather conditions.
- An updated schedule for daily News Conferences will be provided to the media.
- Residents are still encouraged to submit a Neighborhood Coordination Plan to the City which will be provided to Zone Leaders.
- Moorhead Public Service (MPS) constructed a clay levee to protect the Moorhead Power Plant last week. MPS was also recently awarded a \$2.7 million FEMA Pre-Disaster Mitigation Grant for flood improvements to its River Pump Station.
- The City has produced 1.5 million sandbags bags for pre-event deployment. An additional 250,000 sandbags will be made once deployment begins.

Community Services Department

9. [Authorize Professional Services Agreement for Neighborhood Parking Analysis near MSUM, Concordia College, and Eventide](#)

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

- Boundaries of the parking study encompass a large area surrounding Minnesota State University Moorhead (MSUM), Concordia, and Eventide. Neighborhood residents, staff, and students surrounding these areas will be surveyed.
- A variety of survey methods will be employed to solicit feedback.
- The goal of the study is to provide a comprehensive analysis of the area and to supply information for future policy decisions.
- A study of this nature has not been completed in the last 15-20 years.
- The consultant plans to provide initial data gathering this spring and prior to completion of the 2011 school schedule. If completed, fall data gathering may not be necessary and will save on analysis costs.

The Mayor and Council Members stated the following:

- There was a request that the study consider commercial bus traffic

on some Avenues not built for that purpose.

- The analysis could provide better understanding of the interaction between City bus transportation services and parking needs.
- It is preferred that the report be used to develop specific planning strategies and recommendations.
- The City should also consider comparison models from comparable cities.
- Analysis could provide strategies to implement a “complete streets” transportation plan.
- Some differentiation in requirements could be considered between homeowners and rental property owners.

Council Member Greg Lemke noted that he would be abstaining from the Council's vote on this matter due to his designation as the point of contact for this project as part of his employment with MSUM.

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto
Authorize Professional Services Agreement for Neighborhood Parking Analysis near MSUM, Concordia College, and Eventide

Motion Passed: **Resolution 2011-0321-3**

For: 6; Against: 1 - Luther Stueland; Abstain: 1 – Greg Lemke

10. [Resolution to Authorize Professional Services Contract with Maxfield Research Inc for Housing Study and Market Analysis](#)

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

- The analysis will assist in understanding market dynamics, identifying impediments to growth, and provide strategies for future development and marketing.

The Mayor and Council Members stated the following:

- Concern was noted regarding the cost of the study. It is preferred that efforts are made to address current policies and laws that hinder development in the City.
- The study was recommended by the Economic Development Authority.
- Information from the study will assist in understanding demographic changes and how the City can promote development that meets the needs of the community.
- The study may identify strategies that have been successful in Moorhead.
- It was suggested that the study seek out information on the impact of single family homes being converted into rental properties.
- Strategies for multifamily dwellings paired with public transit along the City's primary corridors may be identified.
- There are significant differences in Minnesota and North Dakota laws

that impact the housing market. It would be beneficial to educate citizens and state legislators regarding these differences.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Resolution to Authorize Professional Services Contract with Maxfield Research Inc for Housing Study and Market Analysis

Motion Passed: **Resolution 2011-0321-4**

For: 7; Against: 1 - Luther Stueland

11. [Roers Construction LLC Request to Reduce Non-Permitted Work Investigation Penalty Fee](#)

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

- City staff recommends an investigative fee equal to the permit fee with a maximum penalty of \$5,000 to remain consistent with neighboring communities.
- If the City Council desires to adjust the penalty fee, an amendment to the 2011 Fee Schedule by ordinance would be required.

Motion to Approve made by Mark Hintermeyer and seconded by Dan Hunt
Resolution to amend the City's investigation fee on the 2011 Fee Schedule to a penalty equal to the permit fee up to a maximum charge of \$5,000 whenever work is started without a permit

Motion Passed: **Resolution 2011-0321-5**

For: 7; Against: 1 - Luther Stueland

Engineering - Wastewater Treatment

12. [*Resolution of Intent to Participate in a Cooperative Construction Agreement with Mn/DOT for the 50th Ave S & TH 75 Roundabout](#)
Resolution 2011-0321-A

Operations Department

13. [Consider Bid Award for Partial Reroof of Public Works Facility and Budget Adjustment for Portion of City Hall Roof](#)

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

- The Public Works building roof replacement is incorporated into the City's Capital Improvement schedule. The roof is at the end of its useful life cycle.
- The City Hall roof repair was not previously anticipated.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Consider Bid Award for Partial Reroof of Public Works Facility and Budget Adjustment for Portion of City Hall Roof

Motion Passed: **Resolution 2011-0321-6**

For: 7; Against: 1 - Luther Stueland

Police Department

14. [Consider Actions Related to Protection of Permanent and Temporary Flood Control Measures](#)

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

- The ordinance would provide the City with authority to more adequately address any tampering with flood control devices.
- The City cannot mandatorily evacuate an area of the city; however, if residents choose to evacuate their homes due to a natural disaster this ordinance would allow authorized personnel to regulate the area until such time that residents can regain control over their property.
- Residents will be provided access to their homes throughout a flood event. Authorized personnel may request verification of residency.
- City Council members are considered City employees as defined in the ordinance.
- Unauthorized discharge into a sanitary sewer system is included in other parts of the City Code; however, this ordinance would provide an increased penalty during times of flooding.
- Sandbags continue to be City property even when they are placed on private property for purposes flood protection.
- Citizens require City approval prior to dismantling any temporary flood control measures.
- Authorized persons can provide escorted access near flood control measures to representatives of the media.
- Zone Leaders will direct all City resources provided during the flood event. Sandbags diverted to another area of the city or out of the city without Zone Leader approval would be in violation of the ordinance.
- Violation of the ordinance would be a misdemeanor and could incur a \$700 fine and up to 30 days in jail.

The Mayor and Council Members directed city staff to amend the ordinance as presented to state the following under C.2., *It shall be unlawful for any unauthorized person(s) to trespass upon any permanent or temporary earthen, clay or sandbag levee, flood wall, or other temporary flood control measure during a period of emergency declaration.*

City staff was directed to research whether current City Code allows authorized personnel to retain perimeter control over evacuated areas in other natural disasters.

Motion to Approve made by Brenda Elmer and seconded by Diane Wray Williams
Resolution to Approve Actions Related to Protection of Permanent and Temporary Flood Control Measures

Motion Passed: Resolution #'s noted below

For: 8

- A. [Resolution to Approve Preamble to Ordinance 2011-3](#)
Resolution 2011-0321-7

- B. [Resolution to Approve Second Reading of Ordinance 2011-3, An Ordinance to Create and Enact Section 4-4-19 of the Moorhead Municipal Code Relating to Protection of Permanent and Temporary Flood Control Measures](#)
Resolution 2011-0321-8

- C. [Resolution to Approve Title and Summary of Ordinance 2011-3](#)
Resolution 2011-0321-9

Administration

- 15. Approve Licenses - Permits
 - A. [*Resolution to Approve Licenses – Permits](#)
Resolution 2011-0321-B

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

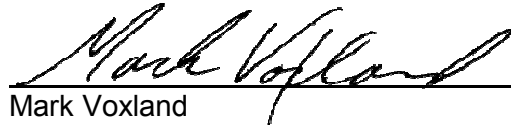
Minutes: City staff was directed to research the City Charter and Minnesota Statutes regarding special or emergency meetings of the City Council.

It was announced that recent results of the 2010 U.S. Census report that Moorhead is the 22nd largest city in Minnesota with a population of 38,065.

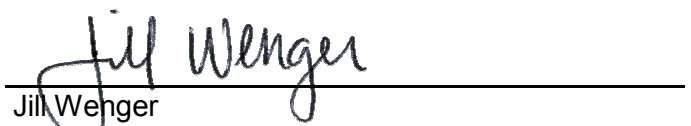
Meeting adjourned at 7:21 p.m.

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