

**City of Moorhead
City Council Meeting
Meeting Minutes
August 09, 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 August 09, 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. [Recognitions - Presentations](#)

A. [Recognition of Lisa Vatsdal "Minnesota Women in City Government Leadership Award"](#)

Minutes: Mayor Voxland presented Lisa Vatsdal with a proclamation recognizing "Lisa Vatsdal Appreciation Day" in honor of her 2010 League of Minnesota Cities, Minnesota Women in City Government Leadership Award.

B. [AFL-CIO Union Members and A.W. Bowman Days](#)

Minutes: A.W. Bowman and representatives from the Minnesota AFL-CIO were not present to receive their proclamation.

C. [Family Healthcare Center Day](#)

Minutes: Mayor Voxland presented a proclamation recognizing "Family Healthcare Center Day."

3. [Approve Minutes](#)

A. [July 26, 2010 \(City Council Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Brenda Elmer
Approve Minutes of July 26, 2010 (City Council Meeting)
Motion Passed by unanimous vote

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

Minutes: Mel Kvein, Moorhead resident living on 8th Avenue North, stated his dissatisfaction with the quality of work on the curbing installation along 8th Avenue North.

Michael Redlinger, City Manager, stated that this concern will be reviewed by the Engineering Department and a report will be provided to the Mayor and Council Members.

5. [Agenda Amendments](#)

Minutes: The following agenda item was removed:

- #14 – Resolution to Award Bid for the 34th St/I-94 Interchange Project, Phase 2 (Intersection & Traffic Signal Improvements). Eng. No. 04-2-1B

It was requested that the Mayor and City Council address the following agenda item at the conclusion of Mayor and Council Reports:

- #19 – Resolution Accepting Offer on Sale of \$12,135,000 Taxable G.O. Improvement Bonds, Series 2010A (Build America Bonds) and \$1,410,000 G.O. Tax Increment Refunding Bonds 2010B

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

Approve Agenda Amendments

Motion Passed by unanimous vote

6. Consent Agenda

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

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

- #7A – Resolution to Approve Issuance of an Off-Sale Intoxicating Liquor License - Kjerbeersten, LLC (DBA 99 Bottles - 924 Main Avenue, Moorhead)
- #7B – Resolution to Approve Issuance of an On-Sale / Sunday Intoxicating Liquor License - W & P of Moorhead, LLC (DBA Buffalo Wild Wings - 2201 1st Avenue North, Moorhead)
- #17 – Award Bid for Centennial Generating Station Construction (10MW Generating Station Project)
- #20A – Resolution to Approve City Compensation and Benefits Policy 3.01 Revision
- #20B – Resolution to Approve Budget Adjustment - Flood 2010 Employee Overtime Compensation
- #21 – Decertify Brookdale Mall Tax Increment District

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Approve Consent Agenda
Motion Passed by unanimous vote

7. [Approve Licenses - Permits](#)

A. [Resolution to Approve Issuance of an Off-Sale Intoxicating Liquor License - Kjerbeersten, LLC \(DBA 99 Bottles - 924 Main Avenue, Moorhead\)](#)

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Resolution to Approve Issuance of an Off-Sale Intoxicating Liquor License - Kjerbeersten, LLC (DBA 99 Bottles - 924 Main Avenue, Moorhead)
Motion Passed: **Resolution 2010-0809-1**
For: 8; Against: 0

B. [Resolution to Approve Issuance of an On-Sale / Sunday Intoxicating Liquor License - W & P of Moorhead, LLC \(DBA Buffalo Wild Wings - 2201 1st Avenue North, Moorhead\)](#)

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg
Resolution to Approve Issuance of an On-Sale / Sunday Intoxicating Liquor License - W & P of Moorhead, LLC (DBA Buffalo Wild Wings - 2201 1st Avenue North, Moorhead)
Motion Passed: **Resolution 2010-0809-2**
For: 8; Against: 0

C. [*Liquor Licenses](#)
Resolution 2010-0809-A

D. [*Business Licenses](#)
Resolution 2010-0809-B

E. [*Permits](#)
Resolution 2010-0809-C

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

Minutes: Council Member Altenburg announced that the Park Advisory Board will hold a public meeting to discuss the possible relocation of the Log Cabin and possible Woodlawn Park improvements on August 10, 2010.

Council Member Lemke announced that Moorhead Public Housing is considering a smoke free policy in all facilities and will vote next month on the topic. He also reported that there is an issue of parking availability at Sharp View, a public housing facility for residents 62 yrs and older, located at 920 5th Avenue South. The Public Housing Board will continue to work on addressing this issue.

Council Member Wray Williams reported that "Night to Unite" block club parties were well attended by Moorhead residents. She added that observant community residents were able to report illegal dumping of alleged concrete down the City's drainage system.

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

Minutes: Redlinger stated that the Metro Flood Study Work Group met on August 5, 2010. The group continues to discuss the Joint Powers Agreement and downstream impacts. The Minnesota Department of Natural Resources has submitted comments regarding the US Army Corps of Engineers (USACE) Draft Feasibility Study and Environmental Impact Statement. By law the USACE is required to respond to all comments received during the comment period.

Community Services Department

10. [Moorhead Municipal Airport Hangar/Taxiway Project](#)

A. [Resolution to Approve Professional Services Agreement with Ulteig Engineers for Engineering and Design](#)

Minutes: Kristie Leshovsky, City Planner, stated that the goal of constructing a new hangar is to leverage state and federal grant funds to construct the hangar which will create a new revenue source and thereby reduce the general fund contribution to the airport. At the request of the Mayor and Council Members Leshovsky stated that a list of the current lessees was provided in the agenda packet. City staff and the Airport Committee support this project.

Motion and Second to Approve were previously made at the 7/26/2010 meeting, but action was tabled for reconsideration

Resolution to Approve Professional Services Agreement with Ulteig Engineers for Engineering and Design

Motion Passed: **Resolution 2010-0809-5**

For: 7; Against: 1 - Luther Stueland

B. [Resolution to Authorize Grant Agreement with the MN Department of Transportation](#)

Motion and Second to Approve were previously made at the 7/26/2010 meeting, but action was tabled for reconsideration

Resolution to Authorize Grant Agreement with the MN Department of Transportation

Motion Passed: **Resolution 2010-0809-6**

For: 7; Against: 1 - Luther Stueland

11. [First Reading of Ordinance 2010-9: An Ordinance Amending Title 10 - Zoning and Title 3 - Public Health and Sanitation](#)

Minutes: Kristie Leshovsky, City Planner, provided a brief overview of the ordinance. At the Planning Commission meeting held on August 4, 2010, Commissioners discussed the recommendations made by staff and approved the language of the ordinance. Two Commissioners voted against this language.

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

- The State of Minnesota Building Code had a previous requirement for a four foot fence surrounding private pools. This requirement was later repealed due to the fact that many local jurisdictions had such diverse regulations regarding fencing and pools. Instead, the State of Minnesota requires a permit for private pools over 5,000 gallons and two feet in height.
- Public pools continue to have fencing requirements regulated by the State of Minnesota.
- A majority of above ground pools are over 5,000 gallons. Typical below ground pools are over 25,000 gallons.
- The five foot fence requirement for below ground pools was changed to provide more consistency between public and private pool regulations.
- There is not fencing requirements for areas of water near golf courses or retention ponds.
- Developments with restricted fencing covenants can comply with the ordinance by: Above ground pools - remove the ladder in time of non-use or provide a small gate around the stairs if there is a deck surrounding the pool. Below ground pools – cover up the pool with a hard, walkable cover when not in use.
- City staff and the Planning Commission proposed ordinance language changes primarily to protect the safety of young children.
- The ordinance is consistent with recommendations provided in the Consumer Protection Safety Report.
- There is varied pool fencing requirements between Insurance companies. The City did not attempt to address this as part of the ordinance.

The Mayor and Council Members stated the following:

- Concern was noted about the City's intention to regulate safety on private property and constructing an ordinance that is more burdensome than current Minnesota law.
- The ordinance will provide for added community safety.

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg
First Reading of Ordinance 2010-9: An Ordinance Amending Title 10 - Zoning and Title 3 - Public Health and Sanitation
Motion Passed: **Resolution 2010-0809-7**
For: 6; Against: 2 - Luther Stueland, Mark Hintermeyer

12. [*Authorize Terms of CDBG Assistance & Bids for Demolition and Environmental Remediation – 211 6th Avenue South](#)

- A. [*Authorize Terms of CDBG Assistance at 211 6th Avenue South](#)
Resolution 2010-0809-D
- B. [*Authorize Environmental Remediation Contract at 211 6th Avenue South](#)
Resolution 2010-0809-E
- C. [*Authorize Demolition Contract at 211 6th Avenue South](#)
Resolution 2010-0809-F

Engineering - Wastewater Treatment

13. [Resolution to Authorize Proceeding with Bidding Process - Renovation of Gooseberry Park Shelter](#)

Minutes: Michael Redlinger, City Manager, provided a brief overview of the Mayor and Council discussion at the July 26, 2010 City Council meeting to consider proceeding with the Option 4 renovation of the Gooseberry Park shelter.

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

- The new structure will remain at the same height but will be a more “floodable” structure to better withstand flood events.
- It is not feasible to move the structure completely out of the flood plain at the Gooseberry Park location.
- Option 4 will allow for the upgraded bathrooms that will meet ADA requirements.
- Facility rental fee rates will be adjusted following new construction. It is anticipated that revenue received will increase significantly.
- The current reserve balance of the Capital Improvement Fund is ample. City staff will provide the precise fund balance to the Mayor and Council as soon as possible.
- The open air structure does not require an indoor sprinkler system.

The Mayor and Council Members stated the following:

- An upgraded Gooseberry Park shelter is a good investment in the community, particularly with the availability of flood mitigation funds.
- ADA accessibility is important at the park location.
- Concern was noted on the source of Capital Improvement Project funds to finance the shelter. It is preferred that capital improvement projects be funded through voluntary donations.
- Concern was noted regarding the roof design. City staff will ask the architect to consider roof designs that will provide more protection from the elements but still provide proper ventilation and lighting.

- Further discussion is necessary on the current utility transfer policy.

Motion to Amend resolution by Dan Hunt and Seconded by Diane Wray Williams.

Amend Resolution to Replace Option 3 with Option 4

Motion Passed

For: 7; Against: 1 - Luther Stueland

Motion and Second to Approve were previously made at the 7/26/2010 meeting, but action was tabled for reconsideration

Resolution to Authorize Proceeding with Bidding Process - Renovation of Gooseberry Park Shelter

Motion Passed: **Resolution 2010-0809-8**

For: 7; Against: 1 - Luther Stueland

14. REMOVED

15. [*Resolution to Approve Request of BNSF Railway Company to Close the 3rd St Roadway and Trail, and Utilize City Property for Construction of the 3rd St Railroad Bridge Improvements.](#)
Resolution 2010-0809-G

Operations

16. [Resolution to Award Bid for Rourke Art Gallery Museum Roof Replacement](#)

Minutes: Richard Moorhead, The IMAGE Group, provided a brief overview of the roof replacement project and the materials currently planned for construction.

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

- The IMAGE Group and City staff prefers the copper roof material for this project due to its sustainability and long-term value. It is also preferred visually for the structure, even in the case of hail damage.
- The current roof is failing due to installation problem. The IMAGE Group will oversee the new roof reconstruction project to ensure quality installation.
- There is not a guarantee that the Rourke will pay above and beyond the minimum required amount outlined in the current lease.
- If approved, City staff plans to outline in writing the details of the project, its timeline, and payment schedule to the Rourke.
- The City will require that the Rourke provide a formal request to make any building improvements beyond the current lease agreement.
- The current resolution is not tied to an extended lease agreement.

The Mayor and Council Members stated the following:

- Concern was noted regarding the absence of Rourke Art Gallery Museum Board and staff representation during roof replacement discussions.
- The City is responsible to care for City-owned structures and the roof replacement is necessary.

Motion and Second to Approve were previously made at the 7/26/2010 meeting, but action was tabled for reconsideration

Resolution to Award Bid for Rourke Art Gallery Museum Roof Replacement

Motion Passed: **Resolution 2010-0809-9**

For: 7; Against: 1 – Luther Stueland

Moorhead Public Service

17. [Award Bid for Centennial Generating Station Construction \(10MW Generating Station Project\)](#)

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

- The City Attorney evaluates any technical problems with bidding procedures on a case-by-case basis.
- The City is required to award the bid to the lowest bidder with a legally conforming bid.
- The bidding process requires submission of certain documentation, particularly with state and federal contracts. The intention is to ensure the bidder has a full package of plans and wholly comprehends all of the work in the contract.
- Current bidding procedures are in place to ensure that no bidders receive an unfair advantage.
- A bid tabulation error was discovered in the spreadsheet provided to the Mayor and Council Members. The actual T.F. Powers Construction bid is \$1,981,263.
- The Moorhead Public Service Commission has recommended approval of the bid award to T.F. Powers Construction Company who has agreed to honor their original intended bid of \$1,775,000.

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

Award Bid for Centennial Generating Station Construction (10MW Generating Station Project)

Motion Passed: **Resolution 2010-0809-10**

For: 8; Against: 0

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

Accept Change Order from T.F. Powers to reduce the initial bid amount to \$1,775,000 with no change in the contract

Motion Passed: **Resolution 2010-0809-11**

For: 8; Against: 0

18. [*Approve Change Order No. 1 with Aevenia, Inc. for Extension of Feeder #15](#)
Resolution 2010-0809-H

City Attorney Reports

19. [Resolution Accepting Offer on Sale of \\$12,135,000 Taxable G.O. Improvement Bonds, Series 2010A \(Build America Bonds\) and \\$1,410,000 G.O. Tax Increment Refunding Bonds 2010B](#)

Minutes: Dave MacGillivray, Springsted Inc. distributed bid tabulations to the Mayor and Council Members and provided a report regarding the bond sale:

- G.O. Improvement Bonds fund the annual improvement program and are repaid by a combination of special assessments, water utility revenues, and property taxes. Comparative bids were received. Build America Bonds, which are based on interest rates, prevailed in this sale. This has a number of benefits for the City including lower interest rate charges on special assessments and tax levies apportioned for repayment will be reduced each year between now and 2032. Taken together this is a significant reduction.
- G.O. Refunding Bonds help to reduce future interest costs and are repaid by tax increment financing revenue. Bids were significantly below projected levels. The savings in interest costs over the remaining term of the issue is about \$244,000 net of all costs or 12%.

MacGillivray reported the following regarding the City's credit rating:

- Moody's Investors Service, a credit rating agency, has awarded the City of Moorhead a Credit rating of Aa3. Four primary factors affect credit ratings: management, socio-economics, financial operations, and debt level. Moody's published a report that specifically describes the rationale behind their rating.

Motion to Approve made by Mark Hintermeyer and seconded by Luther Stueland
Resolution Accepting Offer on Sale of \$12,135,000 Taxable G.O. Improvement Bonds, Series 2010A (Build America Bonds) and \$1,410,000 G.O. Tax Increment Refunding Bonds 2010B

Motion Passed: **Resolution 2010-0809-3 & Resolution 2010-0809-4**

For: 8; Against: 0

City Manager Reports

20. [Resolutions to Approve City Employee Compensation and Benefits Policy Revision and Budget Adjustment for Flood 2010 Employee Overtime](#)

Minutes: Michael Redlinger, City Manager, provided a brief overview of the Mayor and Council Member's request to bring these resolutions forward for consideration.

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

- Exempt staff compensation in an emergency flood event is most comparable to the City of Fargo.
- The resolution is a FEMA compliant policy.

The Mayor and Council Members stated the following:

- Concern was noted regarding the revision of the current compensation policy mid-year.
- There are inconsistencies between exempt employee compensation between the Cities of Moorhead and Fargo.

A. [Resolution to Approve City Compensation and Benefits Policy 3.01 Revision](#)

Motion and Second to Approve were previously made at the 7/26/2010 meeting, but action was tabled for reconsideration

Resolutions to Approve City Employee Compensation and Benefits Policy 3.01 Revision

Motion Passed: **Resolution 2010-0809-12**

For: 7; Against: 1 – Luther Stueland

B. [Resolution to Approve Budget Adjustment - Flood 2010 Employee Overtime Compensation](#)

Motion and Second to Approve were previously made at the 7/26/2010 meeting, but action was tabled for reconsideration

Resolutions to Approve Budget Adjustment - Flood 2010 Employee Overtime Compensation

Motion Passed: **Resolution 2010-0809-13**

For: 7; Against: 1 – Luther Stueland

21. [Decertify Brookdale Mall Tax Increment District](#)

Minutes: Harlyn Ault, Finance Director, reported that the Brookdale Mall Tax increment District was created in 1997 as a redevelopment district. The district is being decertified early. This decertification will enhance the overall tax base.

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

Decertify Brookdale Mall Tax Increment District

Motion Passed: **Resolution 2010-0809-14**

For: 8; Against: 0 - (None)

22. [*Resolution to Approve Amended Slate of Election Judges for the 2010 Primary and General Election](#)

Resolution 2010-0809-1

23. [Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, reported that Moorhead and Fargo received a lease agreement extension request from The Bridge Company for the toll bridge between the two cities. The request asks for a ten year

extension. If the contract is not extended the City would acquire the bridge as scheduled in the existing agreement.

The Mayor and Council Members stated the following:

- Concern was noted regarding the toll bridge, its affect on Moorhead residents, and the development in North Moorhead. City staff will thoroughly review the current lease agreement and extension request. The matter will be brought forward for discussion at a future City Council meeting.
- Concern was noted regarding the number and volume of tornado warning sirens in the city. City staff is discussing protocols with the Red River Regional Dispatch Center and is considering ways to sophisticate the system to sound sirens only where appropriate.

24. Executive Session (If needed)

25. New Business

26. [Citizens Addressing the Council \(continued, if necessary\)](#)

Minutes: Darren Dreessen, Moorhead resident, noted concerns regarding overload trucks along city streets and the inset of manhole covers. He also stated that he has been disheartened by responses from Engineering Department staff regarding these issues.

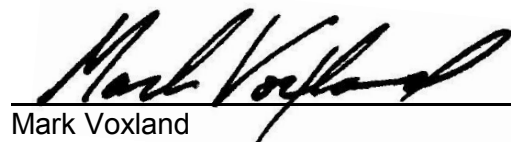
Michael Redlinger, City Manager stated that a report will be provided to the Mayor and Council Members outlining the City's quality assurance process for public improvement projects.

This meeting was adjourned to August 16, 2010.

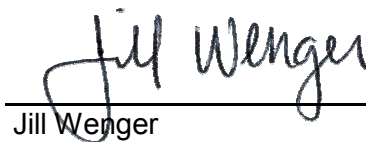
Meeting adjourned at 8:33 p.m.

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