

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
May 14, 2012 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 May 14, 2012, 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	Absent
2nd Ward Council Member:	Mark Altenburg	Present
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
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. [Presentation on Church Sheltering Project \(John Roberts, Churches United for the Homeless\)](#)

Minutes: John Roberts, Churches United for the Homeless, provided a presentation on the success of the winter "Overflow Sheltering Program."

3. Approve Minutes

A. [April 23, 2012 \(City Council Meeting\)](#)

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

**Motion to Approve Minutes of April 23, 2012 (City Council Meeting)**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

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

Minutes: No citizens addressed the Mayor and Council.

5. [Agenda Amendments](#)

Minutes: City staff noted that the following item would need to be removed from the agenda.

- #15 – Resolution to Award Bid for the Reconstruction of 20th St from 6th to 12th Ave S. Eng. No. 12-A2-2

6. [Consent Agenda](#)

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

Minutes: The following items were removed from the consent agenda:

- #13 – Resolution to Award Bid for Bus Shelter Rehabilitation and Installations Project Eng. No. 10-13-1
- #14 – Resolutions to Approve Plans & Specifications, Authorize Advertisement for Bids, and Approve Amended Agreement with BNSF for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.
- #22 – Actions to Authorize the City of Moorhead to Issue an On-Sale Intoxicating Liquor License to the Governing Body of the Bluestem Center for the Arts

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

**Motion to Approve Consent Agenda as amended**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

7. Mayor and Council Appointments

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

**Community Services Department**

8. [Resolution to Approve House Moving Permit \(3045/3053 41st Ave Court S\)](#)

Minutes: Kristie Leshovsky, City Planner, provided a summary of the house moving permit request.

Matt Torgerson, Moorhead resident, addressed the Mayor and Council regarding his interest in relocating a home into Shepherd Meadows 1st Addition.

Gust Johanson, Shepherd Meadows developer, addressed the Mayor and Council to request that a permit not be allowed for the home as it is not compatible with the subdivision.

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

- Criteria for house moving permits are outlined in City Code.
- Developer agreements are covenants which are enforced privately and which operate independently from City Code requirements.
- House moving permits are specific to the applicant, home, and proposed moving plan. Permit approval would not be transferable.

- Applicants are not required to own the home proposed in the moving plan prior to receipt of the permit.
- Based on the criteria set by City Code, staff recommends the permit. Most likely the value of homes and lots in the subdivision would not be adversely affected in this situation.
- The Council would be required to specifically state the reasons for the denial if the house moving permit is not approved.
- The Council is not allowed to approve the permit contingent on an agreement between the homeowner and developer as the Council cannot impose conditions on a private covenant.

The Mayor and Council Members stated the following:

- Concern was noted in that the applicant may not meet all criteria for the permit.
- Concern was noted that the Council may not be able to adequately provide a legal finding for denial.
- Concern was noted that the developer has no intention of allowing the house within the development even if the Council approves the house moving permit.

Motion to Approve made by Luther Stueland and seconded by Mark Altenburg  
**Resolution to Approve House Moving Permit (3045/3053 41st Ave Court S)**  
 Motion Passed: **Resolution 2012-0514-1**  
 For: 4 - Luther Stueland, Nancy Otto, Mark Altenburg, Mike Hulett  
 Against: 3 - Brenda Elmer, Mark Hintermeyer, Steve Gehrtz  
 Absent: 1 - Heidi Durand

9. [Consider Actions Relating to Growth and Development as Recommended by the Home Builders Association of Fargo-Moorhead & City Working Group](#)

Minutes: Michael Redlinger, City Manager, provided an overview of City staff recommendations based on discussions between the Home Builders Association of Fargo-Moorhead (HBA) and a City Working Group to stimulate growth and development in Moorhead. City staff clarified the following in response to Mayor and Council questions:

- A new road classification is recommended – Local Collector. This classification would consist of two lanes and could include parking on two sides, one side, or no parking. Developers would be involved in determining street width. Careful consideration would be given when considering construction of a local collector street. At least 80' of right-of-way would be incorporated into all local collector streets. This would allow a lane to be added if necessary in the future.
- The City proposes a reduction in Engineering Fees, from 15% to 11% and a change to the financing term for streets and utilities for new construction projects from 20 to 25 years. These changes will be more consistent with the cities of Fargo and West Fargo and are still financially feasible.

- Changes are recommended in order to spur development and offer great flexibility for developers.
- Developers can select various options for sidewalk plans. City staff will provide further education on these choices during the platting process and include preferences in developer agreements brought forward to the Planning Commission and City Council.

The Mayor and Council Members stated the following:

- Concern was noted related to street widths on Local Collector streets with limited or no parking. It was recommended that City staff be cautious when approving this particular street type.
- It was noted that it may be in the City's best interest to encourage new development projects to be privately financed.
- It was noted that it is preferred that developers be provided options for sidewalk plans and not be required to go through any type of additional waiver procedure.

During the discussion Council Member Hintermeyer moved to amend Ordinance 2012-10 to remove language regarding waiver requirements for sidewalks which was seconded by Council Member Gehrtz. Amendment Passed; however, during discussion of the final resolution Council Member Hintermeyer made a motion to strike the amendment which was seconded by Council Member Altenburg. Motion passed.

Motion to Approve made by Brenda Elmer and seconded by Mark Hintermeyer  
**Resolution to Approve Special Assessment Policy Revision**  
 Motion Passed  
 For: 7; Absent: 1 - Heidi Durand

- A. [Resolution to Approve Special Assessment Policy Revision](#)  
**Resolution 2012-0514-2**
  - B. [Resolution to Approve First Reading of Ordinance No. 2012-09: 2012 Fee Schedule](#)  
**Ordinance 2012-09**
  - C. [Resolution to Approve First Reading of Ordinance No. 2012-10: Title 11 – Subdivisions](#)  
**Ordinance 2012-10**
10. [\\*Resolution to Approve Conditional Use Permit to Allow for Self-Service Storage Units \(3220 8th Street South\)](#)  
**Resolution 2012-0514-A**
  11. [\\*Resolution to Approve Minor Subdivision \(Parkview Dr. and 28th St. S.\)](#)  
**Resolution 2012-0514-B**
  12. [\\*Resolution to Approve Terms and Conditions for Airport Improvement Program \(AIP\) Grants](#)  
**Resolution 2012-0514-C**

13. [Resolution to Award Bid for Bus Shelter Rehabilitation and Installations Project Eng. No. 10-13-1](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Resolution to Award Bid for Bus Shelter Rehabilitation and Installations Project Eng. No. 10-13-1**

Motion Passed: **Resolution 2012-0514-3**

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

#### **Engineering - Wastewater Treatment**

14. [Resolutions to Approve Plans & Specifications, Authorize Advertisement for Bids, and Approve Amended Agreement with BNSF for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.](#)

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

- Financing for this project does not include a special assessment. Implementing a special assessment at the present time would likely jeopardize the opportunity to build the project in 2012 and the City may lose Federal funds dedicated toward the project cost.
- Several revisions to the project design were made. Retaining wall and excavation costs were significantly lowered by reducing the culvert height to 8 feet.
- Any cost overruns to the project would be a local expense.

Motion to Approve made by Mike Hulett and seconded by Steve Gehrtz  
**Resolutions to Approve Plans & Specifications, Authorize Advertisement for Bids, and Approve Amended Agreement with BNSF for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.**

Motion Passed: Resolution #'s noted below

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

- A. [Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids](#)  
**Resolution 2012-0514-4**

- B. [Resolution to Approve Amended Agreement with BNSF](#)  
**Resolution 2012-0514-5**

15. REMOVED

16. [\\*Resolution to Approve an Amendment to the Engineering Services Agreement with Ulteig Engineers for the Hjemkomst Center Flood Mitigation Project. Eng. No. 09-A13-2G](#)  
**Resolution 2012-0514-D**

17. [\\*Resolution to Award Bid for the Project A Flood Mitigation Project. Eng. No. 11-A13-3A](#)  
**Resolution 2012-0514-E**

## Fire Department

18. [\\*Resolution to Accept Grant Award for FY 2011 Assistance to Firefighters Grant - Operations and Safety Program and Approve Budget Adjustment for Grant Match](#)  
**Resolution 2012-0514-F**

## Police Department

19. [\\*Resolution to Approve the Agreement for Services between the Moorhead Police Department and CBC Innovis](#)  
**Resolution 2012-0514-G**

## Moorhead Public Service

20. [\\*Award Bid for Construction of the 115kV Transmission Line](#)  
**Resolution 2012-0514-H**
21. [\\*Award Bid for 2012 Intake and Pump Station Improvement Project](#)  
**Resolution 2012-0514-I**

## Administration

22. [Actions to Authorize the City of Moorhead to Issue an On-Sale Intoxicating Liquor License to the Governing Body of the Bluestem Center for the Arts](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted regarding current discussions between Bluestem Center for the Arts and Fargo Public Schools.
- It is hoped that the venue will be utilized as a regional cultural center beyond the Trollwood Performing Arts School.

Michael Redlinger, City Manager, noted that City staff recently participated in a meeting with staff of Fargo Public Schools. Negotiations between Bluestem Center for the Arts and Fargo Public Schools are ongoing. City staff can provide information and updates on issues of interest related to Bluestem to the Mayor and Council as requested.

Motion to Approve made by Brenda Elmer and seconded by Mark Hintermeyer  
**Actions to Authorize the City of Moorhead to Issue an On-Sale Intoxicating Liquor License to the Governing Body of the Bluestem Center for the Arts**

Motion Passed: Resolution #'s noted below

For: 7; Absent: 1 - Heidi Durand

- A. [Resolution to Accept and Approve Section 9 of the 2012 Liquor Omnibus Bill Amending Minnesota Statutes 340A.315 \(Special Legislation\)](#)  
**Resolution 2012-0514-6**
- B. [Resolution to Approve Second Reading of Ordinance No. 2012-08: An Ordinance to Create and Enact Section 2-3-3M of the Moorhead Municipal Code Relating to Licenses Required, Classifications](#)  
**Ordinance 2012-08**

23. [\\*Resolution to Approve LELS Local 69 Post Retirement Health Care Savings Plan Amendment](#)  
**Resolution 2012-0514-J**

24. \*Approve Licenses - Permits

- A. [\\*Resolution to Approve Licenses – Permits](#)  
**Resolution 2012-0514-K**

25. [Mayor and Council Reports](#)

Minutes: Council Member Hintermeyer highlighted Moorhead's recent "Bike Night" event and the Council's participation on a Development Tour.

Council Member Otto thanked Kristie Ulrich from Moorhead Center Mall for her assistance in organizing the "Bike Night" event and those Council Members that volunteered.

Council Member Hulett reported that he has been participating in meeting with a local group that is hoping to retain the Air National Guard Unit in Fargo. Mayor Voxland requested that Hulett report to the Council on the group's ongoing efforts.

Council Member Altenburg reported that M|State will name a new President. Altenburg also reported that the Moorhead Human Rights Commission recently had its first joint meeting with the Fargo Human Rights Commission.

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

Minutes: Michael Redlinger, City Manager, reported that late this afternoon the Governor vetoed the Omnibus Tax Bill which contained a Border City appropriation.

Redlinger also reported that the City of Moorhead will incorporate expanded office hours for development services (building codes, engineering, and neighborhood services) during peak construction season.

- A. [Revised Boulevard Tree Policy Discussion](#)

Minutes: Michael Redlinger, City Manager, provided a handout that described boulevard tree policies in the cities of Fargo, West Fargo and Dilworth and clarified the following in response to Mayor and Council questions:

- Based on all factors, the new development boulevard tree policy is proposed as the most cost effective and fair approach.
- City staff recommends a budget adjustment from the Forestry Fund to install proposed 2012 front and side lot boulevard trees for Evergreen Meadows 1<sup>st</sup> Addition, Tessa Terrace 1<sup>st</sup> Addition, and Mallard Creek 3<sup>rd</sup> Addition.
- The policy would result in a \$0.28 fee increase on all utility bills to expand the Forestry Fund.

The Mayor and Council stated the following:

- Concern was noted regarding the spread of boulevard tree costs across the entire City.

It was noted that City staff will review the Forestry Fund fee during the City's annual fee review process to ensure that the Forestry Fund fee is commensurate to the service.

Motion to Approve made by Mark Hintermeyer and seconded by Mike Hulett  
**Resolution to Approve Revised Boulevard Tree Installation Policy for New Development**

Motion to Amend made by Brenda Elmer and seconded by Mark Hintermeyer  
**Amend Resolution to add that the City will provide for additional tree replacement along flood mitigation project boulevard areas where feasible**

Amendment Passed

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

Motion Passed: **Resolution 2012-0514-7**

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

27. Executive Session

Minutes: No executive session was necessary.

28. [New Business](#)

Minutes: Michael Redlinger, City Manager, stated that administration staffing strategies, options, and budget will be discussed at the May 21 Committee of the Whole meeting as part of the Council's ongoing strategic planning dialogue.

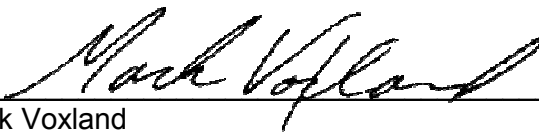
Motion to Approve made by Mark Hintermeyer and seconded by Mike Hulett  
**Move that it is the sense of the Council that an Assistant City Manager should be hired immediately and be funded from the savings as a result of the termination of the Federal Legislative contract**

**Motion Passed**

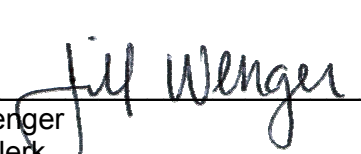
For: 7; Absent: 1 - Heidi Durand

Meeting adjourned at 8:34 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*