

**MINUTES OF THE MEETING OF THE CITY COUNCIL
OF THE CITY OF MOORHEAD, MINNESOTA
September 28, 2009**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly held in the Council Chambers, City Hall, September 28, 2009, at 5:30 PM.

The following were present for roll call:

1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Dan Bohmer	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	John Rowell	Present
3rd Ward Council Member:	Dan Hunt	Present
3rd Ward Council Member:	Lauri Winterfeldt	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](#)
2. [Recognitions/Presentations/Introductions](#)
 - A. [Recognition - Russ Stabler, Fargo-Moorhead Chapter 941 Vietnam Veterans of America](#)

Minutes: Mayor Voxland presented a plaque to representatives from the Fargo-Moorhead Chapter #941 Vietnam Veterans of America in recognition of their assistance during the 2009 flood. **5:32 PM**

Mayor Voxland proclaimed September 28, 2009 as "Kaye Buchholz Appreciation Day" in recognition of her 30 years of City service.

- B. [Introductions/Administer Oath of Office - Moorhead Firefighters](#)

Minutes: Chief Hewitt introduced the following new firefighters: Erick Brager, Dale Hovis, John Schlafmann, & Thomas Zarak; and announced the promotion of Chad Stangeland to Lieutenant. Mayor Voxland administered the oath of office for each person. **5:54 PM**

3. [Approve Minutes of September 14, 2009](#)

Motion made to Approve made by Dan Hunt and seconded by Nancy Otto **5:55 PM**
Motion to Approve Minutes of September 14, 2009
Passed For: 8; Against: 0; Abstain: 0; Absent: 0

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

A. [Mark Chekola - Update on Power Plant Study Group](#)

Minutes: Mark Chekola, Power Plant Study Group, presented the 'stage two' report and recommendations regarding the next best use of the Power Plant site. Mr. Chekola detailed the Study Group's involvement to date as it relates to exploring 'first stage' recommendations and meeting with individuals from the arts community, performing arts community, a local architect, NDSU architecture students, staff from the Moorhead Public Schools, Concordia, and Minnesota State University Moorhead. He noted in addition to this, members received input from non-profit organizations, community organizations and contacts; however, no 'key player' or institution emerged that would be willing and able to coordinate detailed proposals. **6:12 PM**

Mr. Chekola stressed the City should not be in a rush to identify a future use, as he pointed out citizen input has made it clear they prefer continued public control of the site, preservation and reuse of the building. The Study Group feels the City should not seek proposals for private use of the site until earnest efforts to seek proposals for a public use have been exhausted. Mr. Chekola closed by stating members of the Study Group has expressed willingness to continue their volunteer service regarding this facility. If no public use is identified within two years, the members of the Power Plant Study Group would be interested in becoming involved in the process of determining possible site use.

5. [Agenda Amendments](#)

Minutes: There were no agenda amendments. **6:13 PM**

6. [Consent Agenda](#)

All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

Minutes: The following items were removed from the **6:14 PM**

consent agenda:

- #15 Resolution to Approve Engineering Services Agreement with SRF Consulting Group for 1st Ave N Improvements. Eng. No. 08-A2-2;
- #17 Resolution to Award Bid for the MB Johnson Regional Park Improvements. Eng. No. 09-13-1; and
- #26 Resolution to Authorize 2010 Legislative Services Agreements with Fredrikson and Byron and Flaherty and Hood.

Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto 6:14 PM

Motion to Approve Consent Agenda

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

7. [*Approve Licenses - Bonds](#)

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

Minutes: No reports were made. 6:14 PM

9. [ByteSpeed LLC: Public Hearing to Consider Application for Property Tax Incentives and Modify JOBZ Boundary](#)

Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams 6:15 PM

Motion to open ByteSpeed LLC: Public Hearing to Consider Application for Property Tax Incentives and Modify JOBZ Boundary

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Peter Doll, Development Services Manager, 6:18 PM

explained the purpose of the public hearing, which is to consider ByteSpeed's request for property tax incentive and a JOBZ boundary adjustment. ByteSpeed LLC is a growing primary sector technology company located in south Moorhead at 3131 24th Avenue South. In 2004 / 2005, the business was approved to receive JOBZ and Enterprise Zone incentives to construct a new facility and commit to the creation of eighteen new jobs. ByteSpeed has outgrown this facility, employing 35 full-time jobs and a number of part-time jobs during their busiest times. The proposal is to double their space by constructing a building that is a "mirror image" of the current facility and have committed to the creation of five new jobs per year for three years.

As a condition to participate in the JOBZ program, Doll reported ByteSpeed was required to locate in a designated Job Zone. However, in order to grant the property tax exemption, Doll noted it is necessary to modify the Job Zone boundaries,

which essentially reduces the Job Zone area to the space occupied by the current building. This will require subdividing the property in order to provide the State with a parcel ID number and a new Job Zone map.

Minutes: No one else wished to speak regarding this hearing. Council Member Otto moved, seconded by Council Member Wray Williams, to close the public hearing, which motion passed by unanimous vote. **6:19 PM**

A. [Resolution to Approve Property Tax Incentives for ByteSpeed LLC](#)

Motion made to Approve made by John Rowell and seconded by Lauri Winterfeldt **6:20 PM**

Motion to Approve Resolutions 9-A and 9-B Relative to Tax Incentives for ByteSpeed LLC

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Resolution #2009-951 **5:30 PM**

B. [Resolution to Approve JOBZ Boundary Adjustment](#)

Minutes: Resolution #2009-952 **5:30 PM**

10. [Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects](#)

Motion made to Approve made by Lauri Winterfeldt and seconded by Diane Wray Williams **6:20 PM**

Motion to open Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Bob Zimmerman, City Engineer, explained the purpose of the public hearing, which is to consider the adoption of special assessments for various public improvements. He referenced correspondence received regarding assessment objections to specific improvements. He also noted approximately 50 notices sent to property owners contained an error in that it referenced the incorrect project; however, he pointed out the notices did reflect the correct assessment amount. Zimmerman indicated the City Attorney recommended follow-up notices be sent to these property owners and that the public hearing be continued to October 12, 2009. **6:32 PM**

Paul Horn, 51768 Pelican Point Drive, Detroit Lakes, Minnesota, appeared before the Mayor and Council to protest the proposed special assessments for Eng. Project No. 08-A2-4 (8th

Avenue North). He feels the roadway portion constructed does not make any sense, as it "dead-ends" on 28th Street North. His reasons for protest are as follows: (1) He feels the City did not follow the established guidelines for assessing for an arterial or collector road. He contends the proposed assessments were not prepared in accordance with City policy. (2) It appears his property will never have access to this street as there are no curb cuts or crossovers. (3) The street has only one lane each direction, which he believes would probably be removed in the future to construct two lanes each direction. (4) Their remaining property has only one access, which is 28th Street North. Mr. Horn noted they are bounded by a park on the north, county ditch on the west, and the newly constructed street on the south. (5) He expressed his objection to the proposed assessment of \$686,695.76. He feels this essentially "takes property presently worth \$10,000 per acre and makes it worthless with little or no chance of future development." Mr. Horn read aloud his suggested solutions. In closing, he encouraged reconsideration of the assessment allocation.

Minutes: Mayor Voxland announced the public hearing will be continued to October 12th and added the issues raised tonight will be researched and a report provided by staff. **6:33 PM**

- A. [Resolution to Approve Adoption of Special Assessments for Public Improvements for Various Construction Projects](#)

Community Services Department

11. [*Resolution to Approve Five-Year Bus Shelter Cleaning Contract with Enhanced Properties](#)

Minutes: Resolution #2009-950-A **5:30 PM**

12. [*Resolution to Set Public Hearing to Consider Adoption of Assessments for Various Projects \(Weed Lots, Nuisance Abatements, Rental Fees, Branch Pickups, and Tree Removals\)](#)

Minutes: Resolution #2009-950-B **5:30 PM**

13. [*Consider Actions Relative to Minor Subdivision Within the Two Mile Extraterritorial Limit](#)

- A. [*Resolution to Approve Minor Subdivision](#)

Minutes: Resolution #2009-950-C **5:30 PM**

B. [*Resolution to Approve Developer's Agreement](#)

Minutes: Resolution #2009-950-D 5:30 PM

Engineering - Wastewater Treatment

14. [*Resolution to Approve Relocation Claim for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)

Minutes: Resolution #2009-950-E 5:30 PM

15. [*Resolution to Approve Engineering Services Agreement with SRF Consulting Group for 1st Ave N Improvements. Eng. No. 08-A2-2](#)

Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto 6:34 PM

Motion to Approve *Resolution to Approve Engineering Services Agreement with SRF Consulting Group for 1st Ave N Improvements. Eng. No. 08-A2-2
Passed For: 7; Against: 1; Abstain: 0; Absent: 0

Minutes: Resolution #2009-953 5:30 PM

16. [*Resolution to Award Bid for the 2009 Flood Control PTO Lift Stations. Eng. No. 09-A5-1D&F](#)

Minutes: Resolution #2009-950-F 5:30 PM

17. [*Resolution to Award Bid for the MB Johnson Regional Park Improvements. Eng. No. 09-13-1](#)

Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto 6:35 PM

Motion to Award Bid for the MB Johnson Regional Park Improvements. Eng. No. 09-13-1

Passed For: 7; Against: 1; Abstain: 0; Absent: 0

Minutes: Resolution #2009-954 5:30 PM

18. [*Resolution to Approve Engineering Services Agreements for Flood Risk Reduction Projects. Eng. No. 09-A13-2C & 09-A13-2D](#)

- A. [Resolution to Approve Engineering Services Agreements with Houston Engineering and Braun Intertec \(Eng. No. 09-A13-2C&D\)](#)

Minutes: Resolution #2009-950-G 5:30 PM

19. [*Resolution to Approve a Budget Adjustment for the USACE Fargo-Moorhead Metropolitan Feasibility Study](#)

Minutes: Resolution #2009-950-H 5:30 PM

Fire Department

20. [*Resolution to Accept Award for FY 2008 U.S. Fire Administration and](#)

[Department of Homeland Security Fire Prevention and Safety Grant](#)

Minutes: Resolution #2009-950-I 5:30 PM

Operations Department

21. No Items Scheduled

Police Department

22. [*Resolution to Authorize Issuance of Special Event Liquor Licenses for the Conduct of Events Reviewed and Approved by the Moorhead Police Dept. at a City-Owned Facility \(Hjemkomst Center\)](#)

Minutes: Resolution #2009-950-J 5:30 PM

Moorhead Public Service

23. No Items Scheduled

City Attorney Reports

24. [Resolution Providing for the Competitive Negotiated Sale of \\$2,820,000 General Obligation Improvement Bonds, Series 2009A; \\$8,155,000 General Obligation Flood Mitigation Bonds, Series 2009B; and \\$1,615,000 General Obligation Improvement Refunding Bonds, Series 2009C](#)

Motion made to Approve made by John Rowell and seconded 6:36 PM
by Lauri Winterfeldt

Resolution Providing for the Competitive Negotiated Sale of \$2,820,000
General Obligation Improvement Bonds, Series 2009A; \$8,155,000 General
Obligation Flood Mitigation Bonds, Series 2009B; and \$1,615,000 General
Obligation Improvement Refunding Bonds, Series 2009C

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

Minutes: Brian Neugebauer, City Attorney, reported the sale 6:37 PM
would take place October 26.

Minutes: Resolution #2009-955 5:30 PM

City Manager Reports

25. [*Resolution to Approve Slate of Election Judges for 2009 City General Election](#)

Minutes: Resolution #2009-950-K 5:30 PM

26. [*Resolutions to Authorize 2010 Legislative Services Agreements with Fredrikson and Byron and Flaherty and Hood](#)

Motion made to Approve made by John Rowell and seconded 6:37 PM
by Lauri Winterfeldt

Motion to Authorize 2010 Legislative Services Agreements with Fredrikson
and Byron and Flaherty and Hood

Passed For: 6; Against: 2; Abstain: 0; Absent: 0

Minutes: Resolution #2009-956 5:30 PM

A. [Resolution to Authorize 2010 Legislative Service Agreements](#)

27. [*Resolution to Approve Records Management Agreement with Record Keepers, LLC](#)

Minutes: Resolution #2009-950-L 5:30 PM

28. [Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, provided the following updates/reports: 6:40 PM

- Expressed thanks to outgoing City Clerk Buchholz;
- Introduced Jill Wenger, who was recently employed as the new City Clerk. He noted her official start date is October 12th.
- Tom Hanson, Minnesota Management and Budget Commissioner visited Moorhead last week. He related the City will commence work on the 2010 legislative issues.
- A neighborhood meeting will be held tomorrow evening regarding a development concept adjacent to Minnesota State University Moorhead.

A. Federal - State Legislative - Budgetary Issues: Updates-Action

B. Other

29. [Executive Session \(if needed\)](#)

Minutes: It was noted there was no need to conduct an executive session this evening. 6:40 PM

30. Other Reports

31. New Business

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

Minutes: Mike Hokanson, 307 4th Street South, Moorhead, appeared before the Council regarding the 'historic log cabin' adjacent to Woodlawn Park. He noted the neighborhood is concerned regarding the possibility of this facility being moved to another location. He fears this would potentially have a negative impact on the neighborhood. City Manager Redlinger replied there has been no other discussion regarding such at the Park Advisory Board. However, it was noted this matter will be coming back to the Park Advisory Board for further 6:47 PM

analysis.

Mr. Hokanson indicated the area residents are concerned regarding the integrity of the neighborhood if the building is moved. Mayor Voxland suggested he attend the next Park Advisory Board meeting.

Meeting adjourned at 6:47 p.m..

The proceedings of this meeting are digitally recorded and said electronic file is available for public review.

APPROVED:

MARK VOXLAND, Mayor

ATTEST:

KAYE BUCHHOLZ, City Clerk