

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
August 27, 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 August 27, 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	Present
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. Beyond the Yellow Ribbon Presentation

Minutes: Mayor Voxland noted that the Beyond the Yellow Ribbon presentation will be postponed until the September 10, 2012 City Council meeting.

3. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the mayor and council.

4. [Agenda Amendments](#)

Minutes: It was noted that corrected resolutions have been provided for the following agenda items:

- #15.A – Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments
- #15.B – Resolution to Call for Hearing on Proposed Assessments

5. [Consent Agenda](#)

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

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Approve Consent Agenda as amended**  
Motion Passed  
For: 8

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

- #11 – Resolution of Support for Real Estate Recycling Application to MPCA for Environmental Investigation
- #15 – Resolutions for Completed Public Improvement Projects Funded with Special Assessments
- #20 – Approve Ornamental Street Light Request in Allyson Parkway Addition
- #23 – Resolution to Receive Petition to Pursue the Use of a Community Garden at 4307 S River Haven Road

6. Mayor and Council Appointments

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

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolution to Approve Appointment to Human Rights Commission (Mayor)**  
Motion Passed: **Resolution 2012-0827-1**  
For: 8

**Public Hearings (5:45 p.m.)**

7. [Public Hearing Regarding the Request of Sam J. Skaff for Property Tax Exemptions](#)

Minutes: Public hearing opened at 5:46 p.m.

Sam J. Skaff, Skaff Apartments, addressed the Mayor and Council regarding his interest in constructing a multifamily apartment complex and office space.

Public hearing closed at 5:50 p.m.

A. [Resolution to Approve Property Tax Exemption of Sam J. Skaff](#)

Minutes: The Mayor and Council noted their enthusiasm for the project and community investment.

Motion to Approve made by Mike Hulett and seconded by Brenda Elmer  
**Resolution to Approve Property Tax Exemption of Sam J. Skaff**  
Motion Passed: **Resolution 2012-0827-2**  
For: 8

**Community Services Department**

8. [Parking Study Implementation: Bicycle Route and Budget Adjustment Approval](#)

Minutes: Michael Redlinger, City Manager, provided an update on the project. City staff clarified the following in response to Mayor and Council questions:

- Bike lanes will be a width of 5 ft. This is a standard width for streets with low traffic volume.
- State statutes regulate bikeway traffic and speed limits.

The Mayor and Council noted the following:

- The proposed bike lanes will connect colleges and appear to make traveling safer for bike traffic.
- Active in Moorhead grant funds will pay for the entire project.

It was noted that the Mayor and Council would like to receive additional account balance information when a budget adjustment is proposed. The City Manager will develop a method to provide greater account detail for future budget adjustments.

Motion to Approve made by Mike Hulett and seconded by Nancy Otto  
**Parking Study Implementation: Bicycle Route and Budget Adjustment Approval**

Motion Passed: **Resolution 2012-0827-3**

For: 7; Against: 1 - Luther Stueland

9. [\\*Resolutions Authorizing Submission of 2013 Public Transit Grants to the Minnesota Department of Transportation](#)

A. [\\*Authorize Contract with MnDOT for 2013 Public Transportation Services](#)  
**Resolution 2012-0827-A**

B. [\\*Authorize Contract with MnDOT for 2013 Special Transportation Services for Persons with Disabilities and Senior Citizens](#)  
**Resolution 2012-0827-B**

10. [\\*Second Reading of Ordinance 2012-13: An Ordinance to Amend the Official Zoning Map to Rezone 1102 28th Ave S from CC: Community Commercial to RHD-1: Residential High Density - 1](#)

A. [\\*Resolution to Approve Second Reading of Ordinance 2012-13](#)  
**Ordinance 2012-13**

B. [\\*Resolution to Approve Title and Summary of Ordinance 2012-13](#)  
**Resolution 2012-0827-C**

11. [Resolution of Support for Real Estate Recycling Application to MPCA for Environmental Investigation](#)

Minutes: Peter Doll, Development Services Director, stated that the resolution provides the first step toward the proposed redevelopment project. The Economic Development Authority (EDA) indicated positive support for the project. The proposed use fits within a commercial zone.

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolution of Support for Real Estate Recycling Application to MPCA for Environmental Investigation**  
Motion Passed: **Resolution 2012-0827-4**  
For: 8

## Engineering - Wastewater Treatment

12. [Resolution to Approve a Cooperative Construction Agreement with MnDOT for the 50th Ave S & TH 75 Roundabout. Eng. No. 12-2-1](#)

Minutes: The Mayor and Council noted the following:

- It is believed that roundabouts provide the safest solution for organizing traffic.
- It is believed that the financial investment for roundabout construction is not warranted at this time.

Motion to Approve made by Mike Hulett and seconded by Nancy Otto  
**Resolution to Approve a Cooperative Construction Agreement with MnDOT for the 50th Ave S & TH 75 Roundabout. Eng. No. 12-2-1**  
**Motion Failed**

For: 4 - Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett

Against: 4 - Luther Stueland, Brenda Elmer, Mark Hintermeyer, Steve Gehertz

13. [\\*Resolution to Order Improvements & Award Bid for the Horizon Shores Area Regional Pond, Phase 2. Eng. No. 12-A5-1](#)

A. [\\*Resolution to Order Improvements & Declare Intent to Assess](#)  
**Resolution 2012-0827-D**

B. [\\*Resolution to Award Bid](#)  
**Resolution 2012-0827-E**

14. [\\*Resolution to Award Bid for Flood Mitigation Project F1. Eng. No. 11-A13-3 F1](#)  
**Resolution 2012-0827-F**

15. [Resolutions for Completed Public Improvement Projects Funded with Special Assessments](#)

Minutes: The Mayor and Council noted the following:

- It is preferred that the assessment model for 11-A13-2/11-A13-3: Various Flood Mitigation Projects – Base A, B, C, D, E & F include a fee structure based on property elevation level, not just a flat fee for all properties generally west of 20<sup>th</sup> Street.

City staff noted that along with the special assessment notice residents will be provided with information describing the City's various flood mitigation projects to date and additional detail on the assessment process.

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolutions for Completed Public Improvement Projects Funded with Special**

## Assessments

Motion Passed: See resolution #'s noted below

For: 7: Against: 1 - Luther Stueland

- A. [Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments](#)  
**Resolution 2012-0827-5**
- B. [Resolution to Call for Hearing on Proposed Assessments](#)  
**Resolution 2012-0827-6**
- 16. [\\*Resolution to Approve Amendment #2 to the Agreement with BNSF for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1](#)  
**Resolution 2012-0827-G**
- 17. [\\*Second Reading of Ordinance 2012-14: An Ordinance to Amend Section 8-3-5D of the Moorhead City Code Relating to Driveway Approaches & Related Elements](#)
  - A. [\\*Resolution to Approve Second Reading of Ordinance 2012-14](#)  
**Ordinance 2012-14**
  - B. [\\*Resolution to Approve Title & Summary of Ordinance 2012-14](#)  
**Resolution 2012-0827-H**

## Police Department

- 18. [\\*Resolution to Authorize Homeland Security Interoperable Communications Grant](#)  
**Resolution 2012-0827-I**
- 19. [\\*Resolution to Approve First Reading of Ordinance No. 2012-15: An Ordinance to Amend the 2012 City of Moorhead Fee Schedule](#)  
**Ordinance 2012-15**

## Moorhead Public Service

- 20. [Approve Ornamental Street Light Request in Allyson Parkway Addition](#)

Minutes: Michael Redlinger, City Manager, stated that any financial cost above the standard amount is typically paid by the developer or property owners. It would be appropriate for the City Council to provide supplementary text to the resolution calling for the additional cost to be assessed to the benefitting property owners. Five of the eight property owners have agreed to the installation of the streetlight. The ornamental street light is consistent with the development.

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Approve Ornamental Street Light Request in Allyson Parkway Addition with the added language, "Be it further resolved by the City Council of the City of Moorhead that the costs above the Moorhead Public Service charge be assessed to the benefitting properties."**

Motion Passed: **Resolution 2012-0827-7**

For: 8

## Administration

21. [Resolution accepting offer on sale of \\$10,320,000 G.O. Improvement Bonds, Series 2012F](#)

Minutes: Wanda Wagner, Finance Director, provided an update on the bond sale and clarified the following in response to Mayor and Council questions:

- The City charges 1.5% interest over the bond rate. Any reduced revenue from the assessment district would need to be covered by the General Fund.
- The rate charges are consistent with previously assessed work.
- The rate impacts the amount of interest earning potential that the City receives during the time in which the bond matures.

City staff will provide the Mayor and Council with a detailed breakout of bond rates and fees for previous bond issues under the current interest rate.

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Resolution accepting offer on sale of \$10,320,000 G.O. Improvement Bonds, Series 2012F**

Motion Passed: **Resolution 2012-0827-8**

For: 8

22. [FM Diversion Authority FY13 Work Plan, Budget Recommendation, and Right-of-Entry Actions](#)

Minutes: Michael Redlinger, City Manager, stated that the resolution will memorialize the City Council's position with respect to cost allocation between the Minnesota and North Dakota entities and advocate credit toward the Minnesota cost share for flood mitigation projects completed by and within the City. The first amendment to the Limited Joint Powers Agreement will include the Fiscal Year 2013 budget. Clay County will fund one-half of the Minnesota share.

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto  
**FM Diversion Authority FY13 Work Plan, Budget Recommendation, and Right-of-Entry Actions**

Motion Passed: See resolution #'s noted below

For: 7: Against: 1 - Luther Stueland

A. [Resolution to Approve the First Amendment to the Limited Joint Powers Agreement & Associated Budget Adjustment](#)  
**Resolution 2012-0827-9**

B. [Resolution Approving USACE Right of Entry](#)  
**Resolution 2012-0827-10**

23. [Resolution to Receive Petition to Pursue the Use of a Community Garden at 4307 S River Haven Road](#)

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

- The petition will be provided to MetroCOG for consideration, along with other proposed uses of the river corridor. All proposed uses will be evaluated, including any costs for ongoing maintenance.

The Mayor and Council noted the following:

- Community input for use of the river corridor is appreciated.
- Community/neighborhood gardens are typically maintained by users, not the City.

Deb Haugen, Moorhead resident, addressed the Mayor and Council regarding her interest in the community garden concept.

Motion to Approve made by Mark Altenburg and seconded by Brenda Elmer  
**Resolution to Receive Petition to Pursue the Use of a Community Garden at 4307 S River Haven Road**

Motion Passed: **Resolution 2012-0827-11**

For: 8

24. \*Approve Licenses - Permits

A. [\\*Resolution to Approve Licenses – Permits](#)  
**Resolution 2012-0827-J**

25. [Mayor and Council Reports](#)

Minutes: Council Member Hulett announced that the Moorhead Business Association “Let’s Talk Business” meetings are scheduled on Wednesdays at 7:00 a.m.

Council Member Gehrtz and Council Member Elmer reported on a recent meeting of the Economic Development Authority. It was reported that there appeared to be strong support among EDA members for employing a business liaison position. Concern was noted on the use of EDA reserves to maintain the proposed EDA levy amount. It was noted that use of reserves will not impair EDA cash flow.

A. [Domestic Fowl Discussion - Animals Prohibited in the City \(3-7-10\)](#)

Minutes: Dave Gorman, Moorhead resident, addressed the Mayor and Council regarding his interest in allowing chickens in the City of Moorhead.

The Mayor and Council noted the following:

- It is preferred that a petition be submitted by residents in favor of allowing chickens within city limits.
- The request to allow chickens appears to be a peaceful and productive use of private property. Even though it may not be widely used, it could be very beneficial for those interested.
- Chickens are allowed in several other cities, including metropolitan

areas.

- There does not appear to be widespread support for chickens in Moorhead.

Motion to Approve made by Luther Stueland and seconded by Mark Altenburg  
**Resolution to direct staff to draft an ordinance change for council consideration at the next scheduled City Council meeting to permit up to five hens per residence with setback regulations for property lines and neighboring residences as well as language to prohibit fowl from running at large**  
**Motion Failed**

For: 4 - Luther Stueland, Heidi Durand, Mark Altenburg, Brenda Elmer, Brenda Elmer  
Against: 4 - Nancy Otto, Mike Hulett, Mark Hintermeyer, Steve Gehrtz, Steve Gehrtz

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

Minutes: Michael Redlinger, City Manager, stated that City staff is working on various council requests related to the budget.

Tim Flaherty, with the Coalition of Greater Minnesota Cities, will be in Moorhead this week to discuss an upcoming 2012 Candidate Forum with members of the City Council.

27. Executive Session (If needed)

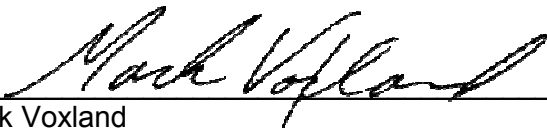
Minutes: No executive session held.

28. [New Business](#)

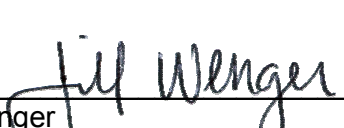
Minutes: It was noted that multifamily housing units, which contain a significant portion of Moorhead's population, does not participate in the City's recycling program. The Mayor and Council directed staff to provide information and background at an upcoming Committee of the Whole Meeting for recycling options at multifamily housing units.

Meeting adjourned at 7:33 pm.

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