

**City of Moorhead
City Council Meeting
Meeting Minutes
April 23, 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 April 23, 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. [Recognition: American Legion Auxiliary "Poppy Day"](#)

Minutes: Mayor Voxland presented a proclamation recognizing American Legion Auxiliary "Poppy Day."

B. [Recognition: Day of Prayer](#)

Minutes: Mayor Voxland presented a proclamation recognizing "National Day of Prayer."

C. [Presentation: "Field of Dreams" \(Jeff Miller, Field of Dreams Citizen Committee\)](#)

Minutes: Jeff Miller and Del Jordahl, Field of Dreams Citizen Committee, provided a presentation regarding changes to construction plans for the grandstand at Matson Field Complex.

3. [Approve Minutes](#)

A. [April 9, 2012 \(City Council Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Mike Hulett

Motion to Approve Minutes of April 9, 2012 (City Council Meeting)

Motion Passed

For: 8

4. [Citizens Addressing the Council](#)

Minutes: James Van Raden, Moorhead resident, addressed the Mayor and Council regarding concerns related to the Moorhead Police Department.

5. [Agenda Amendments](#)

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

- #21 – 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
- #24.A – Resolution to Accept and Approve Section 9 of the 2012 Liquor Omnibus Bill Amending Minnesota Statutes 340A.315 (Special Legislation)

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand

Motion to Approve Agenda Amendments

Motion Passed

For: 8

6. Consent Agenda

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

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

- #15 – Resolution to Approve Budget Adjustment for the TH 10/TH 75/Center Ave Corridor Study to Evaluate Extension of the 11th & 14th St One-Way Pair
- #17 – Resolution to Accept Petitions, Order Engineer's Report, Call for Public Hearing, and Approve Engineering Services Agreement for Underground Utilities on Johnson Dr from 16th-20th St. S. Eng. No. 12-A6-2

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand

Motion to Approve Consent Agenda as Amended

Motion Passed

For: 8

7. Mayor and Council Appointments

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

Motion to Approve made by Mark Altenburg and seconded by Luther Stueland

Resolution to Approve Appointment to Planning Commission (Mayor)

Motion Passed: **Resolution 2012-04723-1**

For: 8

Public Hearings (5:45 p.m.)

8. [Public Hearing Regarding the Request of Lilac Homes LLC for Property Tax Incentives](#)

Minutes: Mayor Voxland announced that he would not be participating in the public hearing or discussion related to the resolution to approve a property tax exemption for Lilac Homes LLC due to a conflict of interest. Mayor Voxland exited the Council Chambers. Mayor Pro Tem Otto served as chair.

Public hearing opened at 6:05 p.m.

Peter Doll, Development Services Division Manager, provided a report on the proposed property tax incentive for Lilac Homes LLC.

No citizens requested to be heard.

Public hearing closed at 6:09 p.m.

A. [Resolution to Approve Property Tax Exemption for Lilac Homes LLC](#)

Minutes: The Mayor and Council Members stated the following:

- Lilac Homes LLC will provide additional, necessary multifamily housing availability in Moorhead.
- Concern was noted regarding the use of property tax exemption policies.

Motion to Approve made by Heidi Durand and seconded by Mike Hulett
Resolution to Approve Property Tax Exemption for Lilac Homes LLC
Motion Passed: **Resolution 2012-04723-2**
For: 7; Against: 1 - Luther Stueland

Minutes: Mayor Voxland returned to Council chambers to resume as chair of the meeting.

9. [Public Hearing to Consider the SE Main Ave/CSAH 52 & I-94 Ramp Reconstruction Project and Approve Related Actions. Eng. No. 11-A2-4](#)

Minutes: Public hearing opened at 6:13 p.m.

Bob Zimmerman, City Engineer, provided a summary of the proposed SE Main Ave/CSAH 52 & I-94 ramp reconstruction project and clarified the following in response to Mayor and Council questions:

- The Department of Transportation (Mn/DOT) requires eight inch reinforced concrete as part of the proposed pavement design.
- The proposed project financing model will include a cost-share between City funds (80%) and special assessment funds (20%).
- Properties just west of the proposed assessment district are not included in the district area as they are in closer proximity to the 20th St/I-94 interchange and may eventually be assessed for future

improvements at that interchange.

- Construction completion is estimated to be October 2012. Negative weather conditions could delay the construction schedule.
- The construction start date was selected to ensure some flexibility in the bid process.
- There is no intent to seek an incentive for a shorter construction schedule.
- The projected special assessment cost estimate is conservative and could be a lesser amount when the total project cost is determined.
- The Minnesota Department of Transportation will be letting the project. City staff will provide the Mayor and Council with an update on the accepted bid for the project cost.
- The Federal Highway Administration (FHWA) required closure of the ramps. Mn/DOT has been a partner of the City to reopen the ramps.
- If ramp reconstruction would have been part of the original project, the financing model would have likely included an expanded assessment district area.

John Shockley, City Attorney, clarified the following:

- The Minnesota Legislature authorized local governments to use special assessments to help pay for local improvements based on the benefit the improvement gives the property (MSA 429).
- The assessment district area is determined by engineering criteria of the appropriate benefiting improvement area.
- The City must assess at least 20% of the project to issue a bond for project construction. The City could assess more.
- The City must provide a defensible plan on how it benefits those properties in the assessment district and meet the City's policy for special assessment determination.
- The special assessment district does not need to be established at this point of the process.
- The special assessment calculation did not incorporate City-owned property within the district area.

The Mayor and Council Members were provided with a written summary of all public comments received by City staff. The following citizens addressed the Mayor and Council:

- Joel Johnson, representing Lutheran Church of the Good Shepherd, addressed the Mayor and Council regarding objections related to the proposed special assessment for the project.
- Ken Lucier, representing Calvary Church at Village Green, addressed the Mayor and Council regarding objections related to the proposed special assessment for the project.

- Bruce Bekkerus, Moorhead resident, addressed the Mayor and Council regarding support for reconstruction of the ramps.

Public hearing closed at 7:10 p.m.

A. [Resolution to Order Improvements](#)

Minutes: The Mayor and Council Members stated the following:

- The project is expected to generate business growth and residential development.
- The City could elect to assume 100% of project financing.
- The completed project will likely increase traffic safety in the community.
- Citizens have expressed a strong interest in reconstruction of the ramps.

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

Resolution to Order Improvements

Motion Passed: **Resolution 2012-04723-3**

For: 8

B. [Resolution to Approve Cooperative Construction Agreement with Mn/DOT](#)

Motion to Approve made by Nancy Otto and seconded by Heidi Durand

Resolution to Approve Cooperative Construction Agreement with Mn/DOT

Motion Passed: **Resolution 2012-04723-4**

For: 8

10. [Public Hearing to Consider Final Bituminous Overlay Project and Approve Related Actions. Eng. No. 12-A2-1](#)

Minutes: Public hearing opened at 7:15 p.m.

Bob Zimmerman, City Engineer, provided a report on the proposed project.

No citizens addressed the Mayor and Council.

Public hearing closed 7:18 p.m.

Motion to Approve made by Steve Gehrtz and seconded by Mike Hulett

Resolution to Approve Actions Related to Final Bituminous Overlay Project Eng. No. 12-A2-1

Motion Passed: Resolution #'s noted below

For: 8

A. [Resolution to Order Improvements](#)
Resolution 2012-04723-5

B. [Resolution to Award Bid](#)
Resolution 2012-04723-6

11. [Public Hearing to Consider the 20th St S Reconstruction Project and Order Improvements. Eng. No. 12-A2-2](#)

Minutes: Public hearing opened at 7:19 p.m.

Bob Zimmerman, City Engineer, provided a report on the proposed project.

No citizens addressed the Mayor and Council.

Public hearing closed at 7:22 p.m.

A. [Resolution to Order Improvements](#)

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

Resolution to Order Improvements

Motion Passed: **Resolution 2012-04723-7**

For: 8

12. [Public Hearing to Consider Street Improvements in the Village Green Area, Phase 3 & Country Club Area and Bike Path Construction in the Belsly Blvd Area and Approve Related Actions. \(Eng. No. 12-A2-5\)](#)

Minutes: Public hearing opened at 7:23 p.m.

Bob Zimmerman, City Engineer, provided a report on the proposed project and clarified the following in response to Mayor and Council questions:

- Properties near the bike path construction in the Belsly Boulevard Area were made aware of the future assessment at the time developer agreements were prepared.

No citizens addressed the Mayor and Council.

Public hearing closed at 7:29 p.m.

Motion to Approve made by Mike Hulett and seconded by Nancy Otto

Resolution to Approve Actions Related to Street Improvements in the Village Green Area, Phase 3 & Country Club Area and Bike Path Construction in the Belsly Blvd Area

Motion Passed: Resolution #'s noted below

For: 8

A. [Resolution to Order Improvements](#)
Resolution 2012-04723-8

B. [Resolution to Award Bid](#)
Resolution 2012-04723-9

Community Services Department

13. [*Resolution to Approve House Moving Permit \(3021 41st Ave Court S\)](#)
Resolution 2012-04723-A
14. [*Resolution to Approve Budget Adjustment - Heater Replacement at Moorhead Sports Center](#)
Resolution 2012-04723-B

Engineering - Wastewater Treatment

15. [Resolution to Approve Budget Adjustment for the TH 10/TH 75/Center Ave Corridor Study to Evaluate Extension of the 11th & 14th St One-Way Pair.](#)

Minutes: Bob Zimmerman, City Engineer, provided a report on the proposed TH 10/TH 75/Center Ave corridor study and clarified the following in response to Mayor and Council questions:

- Campbell Technologies Corporation (CTC) has recommended a corridor study to determine if a one-way pair could provide operational improvements to the downtown railroad pre-emption system and to identify how much benefit would be provided.
- Possible turn lane changes will also be evaluated as part of the study.
- The one-way pair has the possibility of providing the most benefit to traffic mobility in downtown Moorhead.
- The study would provide detailed operational modeling of traffic in downtown areas and simulations to visualize different traffic conditions.
- Completion of the SE Main Ave/20th St/21st St railroad grade separation project would significantly benefit traffic flow in downtown Moorhead.

The Mayor and Council stated the following:

- The significant cost of the study appears to outweigh the potential benefits.
- Ultimately local drivers may not be in favor of the one-way pair option.
- Support was noted for resolving downtown railroad pre-emption issues and the level of detail the study would provide to make an informed decision.

Motion to Approve made by Mark Altenburg and seconded by Brenda Elmer
Resolution to Approve Budget Adjustment for the TH 10/TH 75/Center Ave Corridor Study to Evaluate Extension of the 11th & 14th St One-Way Pair.

Motion Passed: **Resolution 2012-04723-10**

For: 6; Against: 2 - Luther Stueland, Mike Hulett

16. [*Resolution to Approve Flood Mitigation Project C Alternative Alignment Allowing Retention of Certain Flood Acquisition Properties. Eng. No. 11-A13-3C](#)
Resolution 2012-04723-C

17. [Resolution to Accept Petitions, Order Engineer's Report, Call for Public Hearing, and Approve Engineering Services Agreement for Underground Utilities on Johnson Dr from 16th-20th St. S. Eng. No. 12-A6-2](#)

Minutes: It was recommended that the City consider alternative models to new development infrastructure construction in which developers are responsible for construction and there is no city participation or special assessments

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand
Resolution to Approve Actions Related to Underground Utilities on Johnson Dr from 16th-20th St. S. Eng. No. 12-A6-2

Motion Passed: Resolution #'s noted below
For: 8

- A. [*Resolution to Accept Petitions, Order Report, and Call for Hearing](#)
Resolution 2012-04723-11
- B. [*Resolution to Approve Engineering Services Agreement](#)
Resolution 2012-04723-12
18. [*Resolution to Call for a Public Hearing to Review the 2011 Annual Report and Conduct the 2012 Annual Meeting for the Stormwater Pollution Prevention Program](#)
Resolution 2012-04723-D
19. [*Resolution to Restrict Parking on 28th Ave S from 20th to 26th St. Eng. No. 12-2-3](#)
Resolution 2012-04723-E
20. [*Consider Resolution to Approve Installation of Engine Compression Brake Signage along 34th St S.](#)
Resolution 2012-04723-F
21. REMOVED
- A. REMOVED
- B. REMOVED

Moorhead Public Service

22. [*Award Bids for 2012 Street and Lawn Repairs](#)
Resolution 2012-04723-G

Administration

23. [Resolutions to Accept Offers on Sale of Bonds](#)

Minutes: Dave MacGillivray, Chairman of Springsted Inc., provided a report recommending the sale of General Obligation Flood Mitigation Bonds Series

2012A, General Obligation Wastewater Crossover Refunding Revenue Bonds 2012B, General Obligation Improvement Refunding Bonds, Series 2012C, and General Obligation Improvement Refunding Bonds, Series 2012D.

Motion to Approve made by Mark Hintermeyer and seconded by Heidi Durand

Resolutions to Accept Offers on Sale of Bonds

Motion Passed: Resolution #'s noted below

For: 8

- A. [Resolution Accepting Bid on the Sale of \\$16,955,000 General Obligation Flood Mitigation Bonds, Series 2012A](#)
Resolution 2012-04723-13
 - B. [Resolution Accepting Bid on Sale of \\$11,095,000 General Obligation Wastewater Revenue Refunding Bonds, Series 2012B](#)
Resolution 2012-04723-14
 - C. [Resolution Accepting Bid on Sale of \\$10,745,000 General Obligation Improvement Refunding Bonds, Series 2012C](#)
Resolution 2012-04723-15
 - D. Resolution Accepting Offer on Sale of \$10,395,000 General Obligation Improvement Refunding Bonds, Series 2012D
Resolution 2012-04723-16
24. [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](#)
- A. REMOVED
 - B. [Resolution to Approve First 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](#)

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand
Approve First 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

Motion Passed: **Ordinance 2012-08**

For: 8

25. [*Approve Licenses - Permits](#)
- A. [*Resolution to Approve 3.2 percent On-Sale / Sunday Liquor License to Moorhead Brewers at the premise of Matson Field Complex](#)
Resolution 2012-04723-H
26. [Mayor and Council Reports](#)

Minutes: Council Member Otto provided a report on a recent meeting of the Flood Diversion Board of Authority.

Council Member Altenburg spoke about a future meeting of the Human Rights Committee.

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

A. [Revised Boulevard Tree Policies - Discussion/Action](#)

Minutes: Michael Redlinger, City Manager, provided a report on proposed revisions to the boulevard tree policy and clarified the following in response to Mayor and Council questions:

- The new policy allows for the entire community to share in all boulevard tree maintenance and installation costs across the City, meets contractual obligations with developers, and eliminates inconsistencies.
- Property owners would no longer be assessed for boulevard tree installation in new developments.
- Additional temporary seasonal staff within the Forestry Division would be necessary. It is proposed that staffing be funded through a \$3 annual increase to all utility payers. This rate would need to be evaluated annually.
- The Forestry Division has sufficient equipment to provide this service.
- Recommended policy changes are the most cost-effective approach available to the City Council.
- The City would determine an equitable way to refund citizens that have already paid for installation of boulevard trees in their developments last year.

The Mayor and Council stated the following:

- Concern was noted regarding the increase in utility fees outside of the City's annual budget process.
- Concern was noted that the entire City would pay for boulevard installation in new developments.
- Concern was noted that the proposed policy appears to remove individual control and preferences of property owners.
- It is preferred that homeowners be provided with the lowest cost option as possible.
- It was noted that area Realtors and developers do not want boulevard trees to be optional and that uniformity benefits developments and the community as a whole.
- It is preferred that the City adjust the way in which the assessment cost is determined in the current policy as opposed to a wholesale change to the policy itself.
- More input from residents is desired prior to consideration of a new boulevard tree policy.

It was noted that the City has several pending boulevard tree projects that have not yet been determined. The City has six months from the time of the public hearing to order the improvement.

It was determined that the City Council would resume discussion of the recommended policy at the May 14, 2012 City Council meeting.

Michael Redlinger, City Manager, provided a report on a revised boulevard tree replacement policy. The policy would allow private property owners to remove and replace boulevard trees adjacent to their property in special circumstances. The policy is recommended based on a pending request.

Motion to Approve made by Mike Hulett and seconded by Mark Altenburg
Resolution to Approve Revised Boulevard Tree Replacement Policy
Motion Passed: **Resolution 2012-04723-17**
For: 8

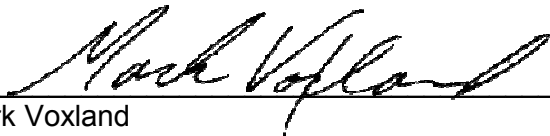
B. City Manager Reports - Updates

Minutes: Michael Redlinger, City Manager, provided the following updates:

- Moorhead Public Service has issued a news release related to Main Avenue watermain improvements in Moorhead. The MPS project will begin on April 30 and will include lane closures. Minnesota Department of Transportation (Mn/DOT) will commence their project after MPS has completed their work within the corridor.
- A Town Hall Meeting will take place on April 30, 2012 at 5:30 p.m. at the Hjemkomst Center.

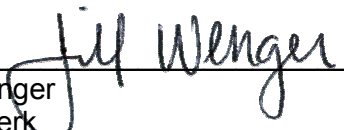
Meeting adjourned at 8:42 p.m.

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