

**City of Moorhead
City Council Meeting
Meeting Minutes
August 23, 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 23, 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	Absent
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. [AFL-CIO Union Members and A.W. Bowman Days](#)

Minutes: Mayor Voxland presented a proclamation recognizing AFL-CIO Union Members and A.W. Bowman Days.

3. [Approve Minutes](#)

A. [July 19, 2010 \(Committee of the Whole\)](#)

B. [August 9, 2010 \(City Council Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Approve Minutes of July 19, 2010 (Committee of the Whole) and August 9, 2010 (City Council Meeting)
Motion Passed by unanimous vote

4. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor and Council Members.

5. [Agenda Amendments](#)

Minutes: The following agenda items were removed:
▪ #19 – Resolution to Approve Plans & Specifications and Authorize

Advertisement for Bids for Phase 1 Building Demolitions for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2D

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 items were removed from the Consent Agenda:

- #10 – Resolution to Approve 2010-2011 U-Pass Contracts with Concordia College, MSUM, MSCTC, and Horizon Middle School
- #13 – Second Reading of Ordinance 2010-9: An Ordinance Amending Title 10 - Zoning and Title 3 - Public Health and Sanitation; and Approve Title and Summary
- #15 – Resolution to Approve Bid Award for the Gooseberry Park Shelter Improvements. Eng. No. 09-A13-2H
- #16 – Resolution to Approve Bid Award for the HHIC - Stave Church Area Flood Mitigation Improvements. Eng. No. 09-A13-2G
- #24 – Resolution to Approve CodeRED Weather Warning Service Addendum and Budget Adjustment

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

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

A. [*Business Licenses](#)
Resolution 2010-0823-A

B. [*Special Event Liquor Licenses](#)
Resolution 2010-0823-B

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

Minutes: Council Member Wray Williams announced that she attended a viewing of "The Face of Homelessness," a documentary on homelessness in Fargo and Moorhead on August 18, 2010. She stated that the City of Fargo has implemented a ten-year plan to end long-term homelessness. The City of Moorhead has not adopted a similar plan, and Council Member Wray Williams has requested that the City Council consider such action.

Council Member Hintermeyer stated that the proposed budget for the Economic Development Authority (EDA) Board will remain

primarily unchanged. The Board will not seek any additional tax increases.

A. [Appointment to Moorhead Library Board](#)

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Appointment to Moorhead Library Board

Motion Passed: **Resolution 2010-0823-1**

For: 7; Absent: 1 - Greg Lemke

B. [Appointment to Moorhead Library Board and Lake Aggasiz Regional Library \(LARL\) Board](#)

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Appointment to Moorhead Library Board

Motion Passed: **Resolution 2010-0823-2**

For: 7; Absent: 1 - Greg Lemke

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

Minutes: Michael Redlinger, City Manager, stated that on August 26, 2010 there will be a meeting with House Transportation and Infrastructure Chairman James Oberstar on Fargo-Moorhead Permanent Flood Control. The event will be hosted by Rep. Earl Pomeroy and Rep. Collin Peterson.

The City of Moorhead received a request from a number of residents interested in receiving floodplain survey services. The City has negotiated a contract with Houston Engineering who will conduct surveys for a bulk purchase discount. The City has notified homeowners in the area that this discounted price for flood surveying is available to them for a limited time. Individuals can contact the Engineering Department for further information.

Council Members noted their concern that members of the media were not allowed into a meeting involving the U.S. Army Corps of Engineers (USACE) and Executive Committee members to discuss information related to the diversion project. It was requested that those Moorhead City Council Members who comprise the Metro Flood Study Work Group be advised of any meeting related to the diversion project in advance of the meeting date.

Redlinger stated that the meeting with USACE project managers involved the Mayors of Moorhead and Fargo. City staff attended the meeting via conference call at the request of USACE. The group discussed USACE's timeline concerns to adequately address technical questions received during the comment period. The Mayors were asked to provide input. No decisions were made at this meeting. The USACE will present their strategy to address timeline issues at the next Metro Flood Study Work Group meeting.

Community Services Department

10. [Resolution to Approve 2010-2011 U-Pass Contracts with Concordia College, MSUM, MSCTC, and Horizon Middle School](#)

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

- A bus route to Horizon Middle School was implemented to serve students in need of a rides following after school activities. Ridership to Horizon has decreased significantly since its launch likely due to lack of promotion by the school district.
- The U-Pass Program began with NDSU and has now grown to include MSUM, Concordia, and MSCTC. The current fee is \$6 per student. Fees are assessed as part of student fees. Approximately 10% of students ride the bus. Rides are honored for NDSU students who ride to locations in Moorhead.
- If there is an attempt to renegotiate the current rate for mass transit contracts, local Colleges and University may decide not to participate in the program.

The Mayor and Council Members stated/noted the following:

- Concern was noted on the apparent inequity in how mass transit is funded. A small portion of the cost is absorbed by riders. A larger portion is funded through local and state tax dollars.
- Concern was noted regarding the number of blocks Horizon Middle School students are required to walk to get to their route's bus stop.
- The Mass Transit system helps to mitigate parking issues in an around the campus areas.
- Contracts being considered for 2011 may need to be renegotiated for a more equitable share next contract year.

Motion to Amend made by Luther Stueland and seconded by Mark Hintermeyer

Amend Resolution to change the FTE student fee to \$13

Motion Failed

For: 3 – Luther Stueland, Brenda Elmer, Mark Hintermeyer; Against: 4 – Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt; Absent: 1 - Greg Lemke

Motion to Approve made by Diane Wray Williams and seconded by Mark Altenburg

Resolution to Approve 2010-2011 U-Pass Contracts with Concordia College, MSUM, MSCTC, and Horizon Middle School

Motion Passed: **Resolution 2010-0823-3**

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Greg Lemke

11. [*Resolution Authorizing Submission of 2011 Public Transit Grant to the Minnesota Department of Transportation](#)
 - A. [*Authorize Contract with Mn/DOT for 2011 Public Transportation Services](#)
Resolution 2010-0823-C
 - B. [*Authorize Contract with Mn/DOT for 2011 Special Transportation Services for Persons with Disabilities](#)
Resolution 2010-0823-D
12. [*Resolution Authorizing a Contract with Mn/DOT for 2011 New Freedom Section 5317 Transportation Services for Mobility Management](#)

Resolution 2010-0823-E

13. [Second Reading of Ordinance 2010-9: An Ordinance Amending Title 10 - Zoning and Title 3 - Public Health and Sanitation; and Approve Title and Summary](#)

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

- Pool permit fees will not be changed as a result of this ordinance. Fees are a one time cost to residents wishing to install a pool.
- City staff would provide residents with more information regarding the ordinance and permit requirements if passed.

The Mayor and Council Members noted the following:

- Concern was noted regarding the additional cost of the permit to residents and that fencing could cause a limitation for entry into a pool for rescue efforts.

Motion to Amend made by Nancy Otto and seconded by Dan Hunt
Amend Ordinance under Chapter 9, Paragraph D., Sub-paragraph a. to state, "Below ground private residential pools which are equipped with a walkable, hard surface cover which ~~can~~ must be utilized when pool is not in use are exempt from the requirement for a fence or wall."

Amendment Passed

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Greg Lemke

Motion to Approve made by Diane Wray Williams and seconded by Mark Altenburg
Second Reading of Ordinance 2010-9: An Ordinance Amending Title 10 - Zoning and Title 3 - Public Health and Sanitation; and Approve Title and Summary

Motion Passed: **Resolution 2010-0823-4 and 2010-0823-5**

For: 6; Against: 1 – Luther Stueland; Absent: 1 – Greg Lemke

14. [Resolution to Authorize Woodlawn Park Improvements & Relocation of Log Cabin to Memorial Park](#)

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

- Six votes of the City Council are required to approve relocation of the Log Cabin to Memorial Park.
- As proposed, the deck will remain at the Woodlawn Park site along with an interpretive sign.
- It will not be necessary to remove trees for the relocation.
- The proposed picnic shelter, play system, horseshoe pits, and resurfaced courts will be constructed to withstand flooding.
- The Log Cabin will remain unaltered upon relocation and will be able to sustain the move in good condition.
- Substantial damage to the building occurred in the 2006 flood. A

structural engineer determined that it was not safe for public use in its current state. Following this determination the Park Advisory Board prioritized efforts for the cabin's preservation and considered numerous uses in different city park locations.

- Funding to stabilize the basement may only be temporary. In a future flooding situation the structure may sustain damage causing it to be unusable again. A basement will not be part of the structure at the new location.
- The current location of the log cabin is in close proximity to the street. Road closures during events help to ensure safety, however this causes travel impediments for local traffic.
- Programming would continue at the new location.
- Memorial Park provides a larger venue and visibility in the community.
- The City has no plans to sell park property to a private developer.

The following individuals addressed the Mayor and Council regarding their opposition to the relocation of the Log Cabin to Memorial Park:

- Peter Karlson, Moorhead resident
- Gloria Weisgram, Moorhead resident and former Cabin Director
- Mike Hokanson, representing individuals who have signed the petition to keep the cabin in Woodlawn Park
- Terry Carbone, Moorhead resident
- Hazel and Goerge Retzlaff, representing Friends of Woodlawn Park

The Mayor and Council Members stated/noted the following:

- If not utilized for this expense, a significant amount of grant funding for this purpose may be lost.
- It is in the interest of the City Council and community to preserve the cabin.
- It is clear that the neighborhood is deeply concerned about the relocation of the cabin.
- It is the preference that full Council representation is present to determine the outcome of the log cabin's relocation and associated Woodlawn Park improvements included in the current resolution.

Motion to Amend made by Nancy Otto and seconded by Mark Hintermeyer
Amend Resolution to include, "WHEREAS, we renew our commitment to preserve the integrity of green space and trees in Davy and Memorial Park"

Amendment Passed

For: 7; Absent: 1 – Greg Lemke

Motion to Amend made by Diane Wray Williams and seconded by Mark Altenburg
Amend Resolution to exclude the removal of statues from Woodlawn Park

Amendment Passed

For: 7; Absent: 1 – Greg Lemke

Motion to Accept Petition made by Luther Stueland and seconded by Mark Altenburg

Accept Petition to keep the cabin in Woodlawn Park

Motion Passed

For: 7; Absent: 1 – Greg Lemke

Motion to Approve made by Diane Wray Williams and seconded by Mark Altenburg

Resolution to Relocate Log Cabin to Memorial Park

Motion Failed (5 votes required to pass)

For: 4 – Nancy Otto, Dan Hunt, Brenda Elmer, Mark Hintermeyer; Against: 3 – Luther Stueland, Diane Wray Williams, Mark Altenburg; Absent: 1 – Greg Lemke

Motion to Reconsider made by Mark Hintermeyer and seconded by Nancy Otto

Reconsider Motion to Approve Resolution to Relocate Log Cabin to Memorial Park

Motion Passed

For: 7; Absent: 1 – Greg Lemke

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

Table Resolution to Approve Resolution to Relocate Log Cabin to Memorial Park until the September 7, 2010 Adjourned City Council Meeting

Motion Passed

For: 7; Absent: 1 – Greg Lemke

Motion to Table made by Mark Altenburg and seconded by Diane Wray Williams

Resolution to Authorize various Woodlawn Park Improvements and Approve budget adjustment #10-029 until the September 7, 2010 Adjourned City Council Meeting

Motion Passed

For: 7; Absent: 1 – Greg Lemke

Engineering – Wastewater Treatment

15. [Resolution to Approve Bid Award for the Gooseberry Park Shelter Improvements. Eng. No. 09-A13-2H](#)

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

- The change order for the project includes a total deduct of \$14,604.52. City staff is comfortable that the project will remain under budget.
- It is anticipated that the structure will be usable by next summer.

The Mayor and Council Members stated/noted the following:

- Concern was noted regarding the use of utility transfer funds to fund capital improvement projects.
- The improvement project provides a critical investment in the community.

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt
**Resolution to Approve Bid Award for the Gooseberry Park Shelter Improvements.
Eng. No. 09-A13-2H**

Motion Passed: **Resolution 2010-0823-6**

For: 6; Against: 1 – Luther Stueland; Absent: 1 – Greg Lemke

16. [Resolution to Approve Bid Award for the HHIC - Stave Church Area Flood Mitigation Improvements. Eng. No. 09-A13-2G](#)

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

- A Purple Martin birdhouse is included in this project to replace the one removed from a private property owner to conduct easements for the levy.
- The project funding sign is a statutory requirement to utilize grant funding. The sign must be displayed during the entire time the project is under contract.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Resolution to Approve Bid Award for the HHIC - Stave Church Area Flood Mitigation Improvements. Eng. No. 09-A13-2G

Motion Passed: **Resolution 2010-0823-7**

For: 7; Absent: 1 - Greg Lemke

17. [*Resolution to Award Bid for Miscellaneous Sidewalk & Concrete Improvements. Eng. No. 10-A7-1](#)
Resolution 2010-0823-F

18. [*Resolution to Reject Bids & Authorize Re-Advertisement for Bids for Street & Underground Utility Improvements in Southfield 2nd Addition. Eng. No. 10-A6-3](#)
Resolution 2010-0823-G

19. REMOVED

20. [*Resolution to Approve a Temporary Occupancy Permit with BNSF Railway Co. for the Building Demolition & Environmental Remediation Phase of the SE Main Ave./20th/21st Street Grade Separation Project Eng. No. 02-2-2D](#)
Resolution 2010-0823-H

21. [*Resolution to Approve a Memorandum of Agreement with the Moorhead Country Club for the Caddy Ave. & 18th Ave. North Flood Mitigation Project. Eng. No. 09-A13-2E](#)
Resolution 2010-0823-I

22. [*Resolution to Approve Change Order #1 for the Sanitary & Flood Control Lift Station Modifications Flood Mitigation Project. Eng. No. 09-A6-2A](#)
Resolution 2010-0823-J

23. [*Resolution to Approve Various Easement Agreements for the Riverhaven Road, Phase 2 Flood Mitigation Project. Eng. No. 09-A13-2B](#)
Resolution 2010-0823-K

Fire Department

24. [Resolution to Approve CodeRED Weather Warning Service Addendum and Budget Adjustment](#)

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

- Once approved, the CodeRED Weather Warning system will be implemented immediately.
- The system requires a separate database. City staff will provide information to residents.
- The City continues to work with the Dispatch Center to establish clear procedures for CodeRED warnings.

The Mayor and Council Members noted the following:

- The northernmost and southernmost parts of the City have low audible access to outdoor sirens.
- Citizens appear to expect a reasonable opportunity to hear outdoor warning sirens from inside their homes.
- If citizens receive frequent calls from the CodeRED system they may elect to unsubscribe. Protocol should be for imminent danger only.
- A concern was noted that Oakport Township does not currently have sirens. The City should consider this in light of their eventual annexation into the City of Moorhead.
- The CodeRED system cannot take the place of sirens. The City should consider additional sirens to better overlay coverage.

Redlinger stated that he would organize a Committee of the Whole presentation to the Mayor and City Council involving the layout, cost, upkeep, and protocol of warning sirens as well as potential sophistication of the CodeRED warning system to more specifically target warnings or distinguish different natural disasters, such as flooding

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
***Resolution to Approve CodeRED Weather Warning Service Addendum and Budget Adjustment**

Motion Passed: **Resolution 2010-0823-8**

For: 7

Against: 0 – (None)

Absent: 1 – Greg Lemke

Police Department

25. [*Authorization for the Moorhead Police Department to Participate in the Nightcap Jr. Grant \(EUDL-Enforcing Underage Drinking Law\) for 2010](#)
Resolution 2010-0823-L

26. [*Authorization for the Moorhead Police Department to Participate in the 2010-11 Safe & Sober Grant Program](#)
Resolution 2010-0823-M
27. [*Resolution to Authorize Interoperable Communications Grant Program \(2001 COPS Grant\)](#)
Resolution 2010-0823-N
28. [*Resolution to Authorize 2009 Public Safety Interoperable Communications Grant - Minnesota NW Region](#)
Resolution 2010-0823-O

City Manager Reports

29. [Discuss Rourke Art Gallery Museum Request to Improve Leased Premises](#)

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

- This decision is held to an “unreasonably withhold clause” and the City Council cannot deny improvements without reason.
- The Rourke did receive proper authorization to extend the lease agreement.
- The Rourke has honored all financial obligations to the City of Moorhead as part of the current lease agreement.

John Rowell, representative of the Rourke Art Gallery Museum Board of Directors, stated the following:

- Financial reports of the Rourke will be made available to the Mayor and Council Members as well as a formal letter stating their intention to honor payments to the City of Moorhead as outlined in the lease agreement. Additional information can be provided as requested.
- The proposed improvements will conserve energy usage, provide proper lighting and ventilation, and will enable the museum to utilize the attic as a climate controlled storage space for art not currently on display.
- It is the intent and purpose for the Rourke to pay their portion of the roof improvement project according to the terms of the lease agreement.
- Fundraising efforts are planned to finance the attic improvements and honor commitments for the roof repair project.

Motion to Table made by Nancy Otto and seconded by Mark Altenburg
Table Resolution to Approve Rourke Art Gallery Museum Request to Improve Leased Premises
Motion Failed

Motion to Approve made by Mark Hintermeyer and seconded by Dan Hunt
Discuss Rourke Art Gallery Museum Request to Improve Leased Premises
Motion Passed: **Resolution 2010-0823-9**
For: 7; Absent: 1 - Greg Lemke

30. [Reports - Updates](#)

Minutes: Redlinger announced that he plans to schedule individual appointments with the Mayor and Council Members to discuss proposed capital improvement projects and funding priorities for the 2011 Operating & Capital Budget.

31. Executive Session (If needed)

Minutes: There was no executive session.

32. New Business

Minutes: There was no new business.

33. Citizens Addressing the Council

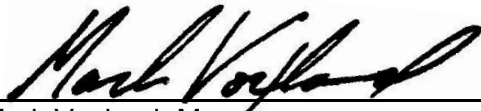
Minutes: No citizens addressed the Mayor and Council Members.

This meeting was adjourned to September 7, 2010.

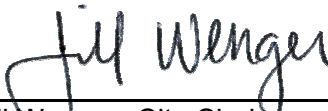
Meeting adjourned at 9:05 p.m.

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