

**City of Moorhead
City Council Meeting
Meeting Minutes
October 24, 2011 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 October 24, 2011, 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 until 9:12 p.m.
4th Ward Council Member:	Greg Lemke	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 of Delegates from Russia](#)

Minutes: Mayor Voxland recognized a number of Russian delegates visiting Moorhead as part of the Open World Leadership Program hosted by Minnesota State University Moorhead.

3. Approve Minutes

A. [July 11, 2011 \(City Council Meeting\)](#)

Minutes: A correction was noted on page #4 of the July 11, 2011 City Council meeting minutes regarding the percentage of property owners who have relocated in Moorhead following the acquisition of their property for flood mitigation purposes.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams

Approve Minutes July 11, 2011 (City Council Meeting) as amended

Motion Passed

For: 8

4. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor and Council.

5. [Agenda Amendments](#)

Minutes: The following agenda item was added:

- #13.A – Resolution Approving Title & Summary of Ordinance No. 2011-15

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

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 Maintenance Agreement for the Gooseberry Park Bike & Pedestrian Bridge
- #18 – Resolution to Approve Budget Adjustment to Fund Relocation of Sandbags to Storage Area

The following item was added to the Consent Agenda:

- #13.A – Resolution Approving Title & Summary of Ordinance No. 2011-15

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

Approve Consent Agenda as amended

Motion Passed

For: 8

7. Mayor and Council Appointments

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

8. [Mayor and Council Reports](#)

Minutes: Council Member Otto reported on a recent meeting to discuss Oakport Annexation.

Council Member Wray Williams provided a report on the Moorhead Library.

Council Member Elmer reported on a recent meeting of the Economic Development Authority.

Council Member Lemke reported on a recent meeting of the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) and an upcoming visit to Washington D.C. as part of his representation on the National League of Cities Board of Directors.

Council Member Altenburg reported on recent meetings of the Park Advisory Board and Human Rights Commission.

9. Permanent Flood Protection Discussion/Update

A. [Resolution to Approve an Amendment to the Flood Damage Reduction Grant Agreement](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Approve Resolution to Approve an Amendment to the Flood Damage Reduction Grant Agreement

Motion Passed: **Resolution 2011-1024-1**

For: 8

Public Hearings (5:45 p.m.)

10. [Public Hearing: Community Development Block Grant - 2012 Annual Action Plan](#)

Minutes: Public hearing opened at 5:52 p.m.

Lisa Vatnsdal, Neighborhood Services Manager, provided a brief report on a draft version of the Moorhead Consolidated Plan for Housing and Community Development 2012 Action Plan. The plan is open for public comment until November 4, 2011. Approval of the plan will be considered by the City Council on November 14, 2011.

Vatnsdal clarified the following in response to Mayor and Council questions:

- The Human Rights Commission (HRC) allocation is identical to 2011 and includes staffing for HRC meetings.
- The maintenance of acquired property allocation is for grass and snow removal provided by an outside contractor.
- The discounted bus pass voucher program is identical to 2011.
- Funding for operating expenses is limited. Funds would need to be reallocated from another area of the budget in order to designate operating expense funding to the Dorothy Day House and/or Churches United.
- Only a portion of grant funds can be carried over into the next budget year. City staff is careful to meet these carryover guidelines.
- There is a waiting list for the rehabilitation loan program.
- The accessibility ramp program is typically utilized to retrofit an existing home.
- Unprogrammed funds can be utilized for a variety of identified needs without prompting a formal amendment process.
- The Crime-free Multihousing Program is funded through the City's Rental Registration Program, not grant funding.

The following individuals addressed the Mayor and Council:

- Barbara Sipson, Moorhead resident, requested that citizen questions posed concerning the 2012 Action Plan be posted on the City's website and that a 6-month report be completed.
- Sonja Ellner, Dorothy Day House, stated her support for capital improvement funds for the Dorothy Day House.
- Bill Beutler, Dorothy Day House, stated his support for capital improvement funds for the Dorothy Day House.

The Mayor and Council noted the following:

- Staffing for HRC meetings has been well received.
- It is recommended that City staff collaborate with other local organizations to compile a list of homeowner assistance resources.

Public hearing closed at 6:25 p.m.

11. [Public Hearing to Consider Adoption of Proposed Assessments](#)

Minutes: Public hearing opened at 6:26 p.m.

Vatnsdal clarified the following in response to Mayor and Council questions:

- Nuisance/property maintenance penalties are not assessed as a result of a needed home repair.
- City staff provides information to homeowners on home improvement resources when applicable.
- There is not currently a City program for rental housing rehabilitation. A program can be developed but Federal eligibility requirements are onerous.
- City staff shares resources with homeowners to promote solutions in addition to providing enforcement.
- A systematic approach is taken with regard to rental property regulation.
- Regulation of owner occupied properties is conducted on a complaint basis.
- Single family homes converted to multifamily use are not able to sustain wear and tear as well as newer properties constructed specifically for multifamily use.
- Enforcement is based on standards of safety and sanitary conditions.

Public hearing closed at 6:34 p.m.

A. [Resolution to Adopt Proposed Assessments for Unpaid Nuisance Fees, Administrative Penalties, Rental Re-inspection and Other Fees](#)

Minutes: The Mayor and Council noted the following:

- It appears that homes within the proposed assessments are below

the City's median property value and that the assessment will increase the cost of home ownership for those least able to afford it.

- Properties that are not maintained can create situations where neighboring properties are negatively affected or damaged.
- Rental housing inspection and enforcement helps to ensure that rental housing units maintain safety standards for occupants.

Motion to Amend made by Luther Stueland and seconded by Mark Hintermeyer
Remove all Rental Inspection/Penalty Fees and Nuisance/Property Maintenance Penalties from the Proposed Assessments

Amendment Failed

For: 1 - Luther Stueland; Against: 7

Motion to Approve made by Nancy Otto and seconded by Dan Hunt

Approve Resolution to Adopt Proposed Assessments for Unpaid Nuisance Fees, Administrative Penalties, Rental Re-inspection and Other Fees

Motion Passed: **Resolution 2011-1024-2**

For: 7; Against: 1 - Luther Stueland

Community Services Department

12. [Resolution to Consider Amendment to 2011 Community Development Block Grant Action Plan](#)

Minutes: The following citizens addressed the Mayor and Council regarding their support for the Community Development Block Grant (CDBG) amendment:

- Barbara Sipson, Moorhead resident
- Darrell Bauder, FM Emergency Food Pantry

The Mayor and Council noted the following:

- Funding for the FM Emergency Pantry will provide a community service that directly benefits Moorhead residents.
- Funding allocated to the FM Emergency Pantry will limit funds available for Moorhead organizations in need of these funds.
- The Dorothy Day house supports allocation to the FM Emergency Pantry.

City staff stated that a request for Fargo CDBG funds will be made if capital improvement requests made by Moorhead organizations are not fully funded by Moorhead 2012 CDBG funds.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Approve Resolution to Consider Amendment to 2011 Community Development Block Grant Action Plan

Motion Passed: **Resolution 2011-1024-3**

For: 7; Against: 1 - Mark Hintermeyer

13. [*Approve Second Reading of Ordinance No. 2011-15 - An Ordinance to Rezone Johnson Farms Third Addition from RLD-3 \(Residential Low Density-3\) and RMD-1](#)

[\(Residential Medium Density-1\) to RMD-2 \(Residential Medium Density-2\)](#)

Ordinance 2011-15

- A. *Resolution Approving Title & Summary of Ordinance No. 2011-15

Resolution 2011-1024-A

14. [*Approve First Reading of Ordinance No. 2011-16: An Ordinance to Amend and Reenact Section 6-1-4A of the Moorhead Municipal Code Relating to Park Rules and Regulations: Intoxicating Liquors \(Unanimous Recommendation of Park Advisory Board\)](#)
Ordinance 2011-16

Engineering - Wastewater Treatment

15. [Resolution to Approve Maintenance Agreement for the Gooseberry Park Bike & Pedestrian Bridge](#)

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

- Funds for capital improvement projects are paid through the electric utility transfer. City staff is not aware of any proposed utility rate increases due to approval of the pedestrian bridge.
- The new pedestrian bridge can be raised to a 500-ft flood level on short notice, which will significantly reduce the risk of damage in a spring or summer flash flood event.
- Current capital improvement funds can accommodate the request.

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

Resolution to Approve Maintenance Agreement for the Gooseberry Park Bike & Pedestrian Bridge

Motion Passed: **Resolution 2011-1024-4**

For: 7; Against: 1 - Luther Stueland

16. [*Resolution to Approve Amendment No. 1 for the I-94 Flood & Drainage Improvement Project. Eng. No. 09-A5-1 H & I](#)
Resolution 2011-1024-B

17. [*Resolution to Approve Changes in Traffic Control](#)
Resolution 2011-1024-C

Operations Department

18. [Resolution to Approve Budget Adjustment to Fund Relocation of Sandbags to Storage Area](#)

Minutes: City staff was directed to provide additional information to the Mayor and Council regarding the added cost for the relocation of sandbags to MCCARA Business Park.

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams

Resolution to Approve Budget Adjustment to Fund Relocation of Sandbags to Storage Area

Motion Passed: **Resolution 2011-1024-5**

For: 6; Against: 2 - Mark Hintermeyer, Greg Lemke

19. [Discuss Demolition/Remodel of Moorhead Center Mall Fountain Area](#)

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

- Quotes received for the demolition/remodel of the Moorhead Center Mall fountain area were more costly than originally anticipated.
- Improved lighting was requested in addition to fountain demolition.
- Demolition would need to be conducted after hours as work would cause significant disruption to the Center Mall condominium owners and City Hall operations.

City staff was directed to seek quotes for minimal lighting fixtures and inquire if the Mall Condominium Association would be interested in acquiring the space once the area has been renovated.

Concern was noted regarding use of Capital Improvement funds for this purpose. It was determined that funding for renovation would be considered as part of the City's 2012 Operating and Capital Budget.

Police Department

20. [*Resolution to Authorize Internal Service Fund Reserve Transfer for Schedule Equipment Replacement of Mobile Data Computers \(MDC's\)](#)
Resolution 2011-1024-D

Moorhead Public Service

21. [*Resolution to Award Bid for Furnishing Electric Power Transformer](#)
Resolution 2011-1024-E

22. [*Resolution to Award Bid for Furnishing Substation Materials](#)
Resolution 2011-1024-F

Administration

23. [Flood Mitigation Discussion/Action](#)

Minutes: A motion and second to approve were made at the October 10, 2011 City Council Meeting to approve the Base Project, Project A, and all committed City infrastructure projects up to \$23.3M; however, action was tabled for reconsideration. Brian Neugebauer, City Attorney, advised that the motion, as outlined, does not meet State of MN statutory requirements. Mayor Voxland disallowed the tabled motion and requested a new motion be introduced for consideration.

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

- City staff has provided additional background and information based on Council inquiries.

- The timeline to meet statutory requirements for a G.O. Improvement bond sale to finance a flood mitigation project necessitate that a decision be made at this meeting or that a special meeting be called prior to November 14, 2011.
- The City is required to assess 20% of the project costs to qualify for a G.O. Improvement bond.
- Cost for the I-94 Flood & Drainage Improvement Project cannot be included in the special assessment district.
- A determination on the specific assessment model is not required until the assessment hearing, which will not likely be held until fall of 2012.
- Updated LIDAR data will be utilized to develop an elevation-based assessment model option for Council to consider.
- City staff recommends approval of the Base Project and Projects A-C. Completion of Projects D-F would require \$16M in additional funding. If the City commits to staff's recommendation a DNR allocation to complete the full range of projects in D-F is more likely.
- For property acquisitions the City presents purchase offers of 108% of the City Assessor's Estimated Market Value (Assessment Year 2010, Payable 2011). This policy may not have ongoing support by the DNR beyond this grant year.
- The City's financial advisor, Springsted Inc., stated, "Our opinion is that the net positives of building the project and incurring the debt place the City in a better credit rating position than continuing on the present course."
- The Composite Plan (Base, Project A, City-wide Backyard Mitigation) will make it highly unlikely that Projects B-F will be completed this grant cycle.
- The Composite Plan would put the City at risk of losing the option to present purchase offers of 108% of property values when DNR funds are later available.
- The Composite Plan would make it unlikely that DNR allocation to complete the full range of projects in B-F would occur during the next bonding bill.
- A \$30M cap on the Composite Plan may prevent the City from accomplishing all flood mitigation projects in Project A.

The Mayor and Council noted the following:

- It appears there is community support for flood mitigation projects as recommended by City staff.
- Investment in flood mitigation would be cost effective.
- Flood mitigation projects may reduce resident flood insurance costs.
- The range of flood mitigation projects proposed by staff exceeds what some residents may be able to afford.
- In addition to any special assessment other fees and costs are also

increased.

- Concern was noted on the City's return on investment for completion of the full range of proposed flood mitigation projects.
- Significant financial and emotional impact would occur in a catastrophic flood event.
- Concern was noted on the impact to taxpayers if the City received no reimbursement from FEMA in a future flood event.
- Some riverfront properties are experiencing a decline in property values.

Motion to Approve made by Dan Hunt and seconded by Brenda Elmer

Resolution to Approve Flood Mitigation Projects – Base Project and Projects A-C (Eng Nos. 11-A13-2 and 11-A13-3)

Motion Failed

For: 5 - Diane Wray Williams, Mark Altenburg, Dan Hunt, Brenda Elmer, Greg Lemke

Against: 3 - Luther Stueland, Nancy Otto, Mark Hintermeyer

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

Resolution to Approve Flood Mitigation Projects – Composite Plan (Base Project, Project A, and City-wide Backyard Mitigation) capped at \$30M

Motion Withdrawn by Nancy Otto and with consent of Mark Hintermeyer

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams

Resolution to Approve Flood Mitigation Projects – Base Project and Projects A-C (Eng Nos. 11-A13-2 and 11-A13-3)

Motion Passed: **Resolution 2011-1024-6**

For: 7 – Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt, Brenda Elmer, Mark Hintermeyer, Greg Lemke

Against: 1 - Luther Stueland

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

Resolution to Call for a Public Hearing for Flood Mitigation Projects, Eng Nos. 11-A13-2 and 11-A13-3

Motion Passed: **Resolution 2011-1024-7**

For: 8

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

Minutes: Michael Redlinger, City Manager, stated that he will participate in interviews to select a consulting firm to provide Project Management services for the FM Metro Flood Diversion Project.

The Mayor and Council discussed potential dates to conduct interviews with legal service applicants for City Attorney and Prosecutorial services.

25. [Executive Session - Labor Negotiations](#)

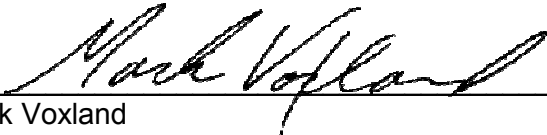
Minutes: The Mayor and Council entered into executive session at 9:12 p.m. and exited executive session at 9:34 p.m.

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt

Approve Labor Agreement between the City of Moorhead and International Association of Fire Fighters (IAFF-S), Local 1323
Motion Passed: **Resolution 2011-1024-8**
For: 7 ; Absent: 1 – Mark Hintermeyer

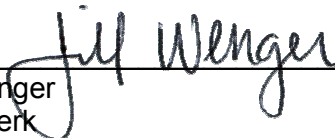
Meeting adjourned at 9:36 p.m.

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