

**City of Moorhead
City Council Meeting
Meeting Minutes
June 14, 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 June 14, 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	Present
Mayor:	Mark Voxland	Absent

City Council Meeting

1. Call to Order and Roll Call

Minutes: Mayor Pro Tem, Greg Lemke, called the meeting to order.

The Mayor Pro Tem and Council Members held a moment of silence in recognition of the passing of Concordia College President, Dr. Pamela Jolicoeur.

2. Recognitions - Presentations

A. [Nordic Celebration Week](#)

Minutes: Mayor Pro Tem, Greg Lemke, presented Nordic Culture Clubs with a proclamation recognizing "Nordic Celebration Week" (June 21-27).

3. [Approve Minutes](#)

A. [May 17, 2010 \(Committee of the Whole Meeting\)](#)

B. [May 24, 2010 \(City Council Meeting\)](#)

C. [June 7, 2010 \(Adjourned Council Meeting\)](#)

D. [June 7, 2010 \(Committee of the Whole Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Luther Stueland
Approve Minutes of May 17 (Committee of the Whole), May 24 (City Council), June 7 (Adjourned), and June 7 (Committee of the Whole)
Motion Passed by unanimous vote

4. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor Pro Tem and Council.

5. [Agenda Amendments](#)

Minutes: The following agenda item was removed:

- #20 – Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the 34th St/I-94 Interchange Project, Phase 2 (Intersection & Traffic Signal Improvements) Eng. No. 04-2-1B

The following agenda item was amended:

- #7E – Business license resolution amended to remove Seeger.

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

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 agenda items were removed from the Consent Agenda:

- #7F - Permits
- #16 – Resolution to Award Bid & Authorize the Purchase of an Easement for the Horn Park Levee Flood Mitigation Project. Eng. No. 09-A13-2C
- #17 – Resolution to Award Bid & Authorize the Purchase of Easements for the River Haven Road Flood Mitigation Project, Phase 1. Eng. No. 09-A13-2B
- #19 – Resolution to Approve an Engineering Services Agreement with Ulteig Engineers for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1

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

Approve Consent Agenda as Amended

Motion Passed by unanimous vote

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

- A. [*Resolution to Approve Issuance of an On-Sale Intoxicating / Sunday Liquor License - North American Partners, LLC \(DBA AmericInn Lodge & Suites - 600 30th Avenue S, Moorhead\)](#)
Resolution 2010-0614-A
- B. [*Liquor Licenses](#)
Resolution 2010-0614-B
- C. [*Special Event Liquor Licenses](#)
Resolution 2010-0614-C

- D. [*Food, Beverage, and Lodging Licenses](#)
Resolution 2010-0614-D
- E. [*Business Licenses](#)
Resolution 2010-0614-E
- F. [Permits](#)

Minutes: Resolution amended to read "PASSED by the City Council of the City of Moorhead this 14th day of June, 2010."

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Approve Permits as amended
Motion Passed: **Resolution 2010-0614-1**

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

Minutes: The following was reported related to the Metro Flood Study Work Group:

- A Joint Powers Agreement has been drafted. The Moorhead City Council will discuss the elements of this document at the June 21, 2010 Committee of the Whole meeting.
- The US Army Corps of Engineers has noted that some downstream flood impact levels have been raised. There will be follow-up community meetings related to these new projections, including a public meeting in Hendrum, MN, on June 16, 2010.
- A delegation of Metro Flood Study Work Group members will visit Members of the Minnesota and North Dakota Congressional Delegations in Washington D.C. on June 28, 2010 to discuss the permanent flood protection project, advocate for its funding, and recognize those Members of Congress that have assisted in moving the project forward thus far.

It was noted that there are resident concerns related to the 34th Street and Interstate-94 interchange.

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

Minutes: A map was presented representing various bid awards for 2010 Flood Mitigation Projects by description and location. These projects are being funded through the Minnesota Department of Natural Resources, Flood Damage Reduction Grant Program.

- A. [Resolution to Authorize the Mayor to Execute a Cultural Resources Programmatic Agreement with the US Army Corps of Engineers, the North Dakota State Historic Preservation Officer, and the Minnesota State Historic Preservation Officer for the Fargo-Moorhead Metro Flood Risk Management Project](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Resolution to Authorize the Mayor to Execute a Cultural Resources Programmatic Agreement with the US Army Corps of Engineers, the North Dakota State Historic Preservation Officer, and the Minnesota State Historic Preservation Officer for the Fargo-Moorhead Metro Flood Risk Management Project

Motion Passed by unanimous vote: **Resolution 2010-0614-2**

Public Hearings

10. [Public Hearing to Consider Submittal of a Grant Application to the Federal Transit Administration for 2010 Transit Operating, Planning, and Capital Assistance](#)

Minutes: Public Hearing opened at 5:45 pm.

Lori Van Beek, Transit Manager, presented a brief overview of the grant application. The resolution to follow the public hearing would authorize submission of a grant application to the Federal Transit Administration for operating, capital, and planning projects.

In response to Mayor Pro Tem and Council questions, Van Beek stated the following:

- Allocated Federal funds can be carried over for up to three years. Care is taken to ensure the funds are fully utilized within this three year timeframe.
- A local share contribution is mandated to receive state grant funding for mass transit services. Federal funds cannot be utilized for this required match.
- The Metropolitan Council of Governments is the entity that designs goals for mass transit performance indicators.
- Van Beek outlined the calculation process for passenger mile statistics.
- The City of Dilworth's contribution is adjusted each month based on the number of riders on the Metro Senior Ride Service. The population of Dilworth is included with Moorhead in grant fund allocation.

No citizens addressed the Mayor Pro Tem and Council.

Public Hearing closed at 5:55 pm.

A. [Authorization to File Application with the Federal Transit Administration for Receipt of 2010 Federal Operating, Planning, and Capital Assistance](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Authorization to File Application with the Federal Transit Administration for Receipt of 2010 Federal Operating, Planning, and Capital Assistance
Motion Passed by unanimous vote: **Resolution 2010-0614-3**

11. [Public Hearing to Consider the City's Stormwater Pollution Prevention Program \(2009 Annual Report and 2010 Annual Meeting\)](#)

Minutes: Public Hearing opened at 5:58 pm.

Bob Zimmerman, City Engineer, presented a brief overview of the Stormwater Pollution Prevention Program. The public hearing is a

requirement of the MPCA General Stormwater Permit for Small Municipal Separate Storm Sewer Systems. The information presented was conducted in Calendar year 2009 (fourth year of permit).

Ken Lucier, Moorhead resident, requested a definition of "pollution." Zimmerman stated that pollution is a broad term intended to represent anything that would negatively affect water quality.

Public Hearing closed at 6:03 pm.

12. [Public Hearing to Consider Adoption of Assessments for Various Projects](#)

Minutes: Public Hearing opened at 6:03 pm.

Michael Redlinger, City Manager, stated that this public hearing is held to adopt assessments for work performed by City Departments to addresses areas of neglect and unpaid fees/penalties in accordance with Moorhead City Code. The resolution to follow the public hearing would authorize the City of Moorhead to adopt assessments at these properties.

In response to Mayor Pro Tem and Council Member questions, City staff stated the following:

- The Rental Registration Program requires all rental property owners to register with the City. A single family property in a single family neighborhood is considered a commercial enterprise and is required to register. These properties are taxed at residential rates for City services, such as sanitation collection.
- City staff will provide a report to the Mayor and Council regarding Dutch Elm disease evaluation and the procedure to remove and assess any tree removal expense.
- Brian Neugebauer, City Attorney, provided a description of the properties required to register as a vacant property with the City. The State of Minnesota prevents the City from assessing more than anticipated City costs. Properties that meet all conditions of City Code are not required to register and are not assessed a fee.
- Scott Hutchins, Director of Community Services, stated that there is an annual registration process for vacant properties. Landlords with a good history can receive a discount. Overall, fee rates have been reduced due to property owner compliance.
- The current assessments under this resolution are being conducted as part of a penalty or violation. Owners have been provided with numerous reminders and are given ample opportunity to make corrections before the City seeks to adopt assessments.

The Mayor Pro Tem and Council Members noted the following:

- Vacant building fees could be discussed at a future Committee of the Whole meeting to review the impact of the ordinance, as it was originally adopted in 2004 with the current fee rates.

- Allowing single family homes to be used as a rental unit may create a disincentive for the construction of multi-family apartment buildings.
- Some property owners continue to be non-compliant despite current fees and penalties.

No citizens addressed the Mayor and Council.

Public Hearing closed at 6:25 pm.

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto
Approve Resolution Adopting Special Assessments for Public Improvements
Motion Passed by unanimous vote: **Resolution 2010-0614-4**

Community Services Department

13. [*Resolution to Approve Preliminary and Final Plat and Developers Agreement for Southfield Second Addition](#)
Resolution 2010-0614-F
14. [*Resolution to Approve Plans and Specifications and Authorize Advertisement for Bids for the Rehabilitation of Shelter Concrete](#)
Resolution 2010-0614-G
15. [*Resolution to Approve First Reading of Ordinance 2010-6, An Ordinance Amending City Code Title 3, Public Health and Sanitation](#)
Resolution 2010-0614-H

Engineering - Wastewater Treatment

16. [Resolution to Award Bid & Authorize the Purchase of an Easement for the Horn Park Levee Flood Mitigation Project. Eng. No. 09-A13-2C](#)

Minutes: City staff provided an update on Flood Mitigation Projects at Horn Park (agenda item #16) and River Haven Road (agenda item #17):

- Current bids will allow for planned infrastructure improvement projects. Awarded bids have fallen far below the Engineering Department estimate.
- The Engineering Department is prepared to award a bid for the 27th Avenue North project but for negotiating one easement issue with a property owner.
- Additional property acquisitions or infrastructure improvement projects may be considered this fall, as funding allows.
- The Community Services Department (CSD) is handling all property acquisitions. The Engineering Department will coordinate with CSD staff to schedule projects for timely completion this construction season.

Motion to Approve made by Brenda Elmer and seconded by Diane Wray Williams
Resolution to Award Bid & Authorize the Purchase of an Easement for the Horn Park Levee Flood Mitigation Project. Eng. No. 09-A13-2C

Motion Passed by unanimous vote

- A. [Resolution to Award Bid. Eng. No. 09-A13-2C](#)
Resolution 2010-0614-5
 - B. [Resolution to Authorize the Purchase of an Easement. Eng. No. 09-A13-2C](#)
Resolution 2010-0614-6
17. [Resolution to Award Bid & Authorize the Purchase of Easements for the River Haven Road Flood Mitigation Project, Phase 1. Eng. No. 09-A13-2B](#)

Motion to Approve made by Brenda Elmer and seconded by Diane Wray Williams
Resolution to Award Bid & Authorize the Purchase of Easements for the River Haven Road Flood Mitigation Project, Phase 1. Eng. No. 09-A13-2B

Motion Passed by unanimous vote

- A. [Resolution to Award Bid. Eng. No. 09-A13-2B](#)
Resolution 2010-0614-7
 - B. [Resolution to Authorize the Purchase of Easements. Eng. No. 09-A13-2B](#)
Resolution 2010-0614-8
18. [*Resolution to Award Bid for the Caddy Ave & 18th Ave N Flood Mitigation Project. Eng. No. 09-A13-2E](#)
Resolution 2010-0614-I
19. [Resolution to Approve an Engineering Services Agreement with Ulteig Engineers for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.](#)

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

- The funding source for this project dictates that this allocation is to fund “transportation enhancement projects” to support alternative modes of transportation in a high use area.
- This project was identified as a need three years ago.
- The City of Moorhead competed with other cities and counties in Minnesota Department of Transportation (District 4) for these funds. If the project is not approved, the funding will be distributed to communities elsewhere.
- The 20th/21st Street and Main Avenue underpass project will very likely be built in phases due to the magnitude of construction costs.

The Mayor Pro Tem and Council Members noted the following:

- There are other essential City projects that have been prioritized over this project; however, the current funding structure does not allow them to get underway at this point.

Motion to Approve made by Mark Hintermeyer and seconded by Dan Hunt
Resolution to Approve an Engineering Services Agreement with Ulteig Engineers for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.

Motion Passed: **Resolution 2010-0614-9**

Against: 1 - Luther Stueland

20. REMOVED

Police Department

21. [*Resolution to Approve Modification to Northwest Regional Radio Board Joint Powers Agreement](#)
Resolution 2010-0614-J

22. [*Resolution to Award Quotes for the Law Enforcement Shooting Range Improvements](#)
Resolution 2010-0614-K

City Manager Reports

23. [*Resolution to Receive City of Moorhead's 2009 Comprehensive Annual Financial Report \(CAFR\)](#)
Resolution 2010-0614-L

24. [*Approve Budget Adjustment for Moorhead Public Library Security Camera System Upgrade](#)
Resolution 2010-0614-M

25. [*Resolution to Waive Bonding Requirements and Authorize Issuance of Replacement Checks](#)
Resolution 2010-0614-N

26. [Reports - Updates](#)

Minutes: Redlinger provided the following updates:

- City staff has met with representatives from FEMA to seek reimbursements for the Flood 2010 Disaster Declaration. Project worksheets are almost complete. Moorhead may be one of the first communities to complete all of the necessary paperwork for reimbursements.
- The Joint Powers Agreement related to the Metro Flood Study Work Group will be discussed at the June 21, 2010 Committee of the Whole meeting as well as Community Partnership funding in the 2011 Operating & Capital Budget.
- The City received a contamination cleanup grant from the Minnesota Department of Employment and Economic Development (DEED) to redevelop a site in coordination with a private developer on 1st Avenue North.

27. Executive Session - Pending Litigation

This meeting was adjourned to June 21, 2010.

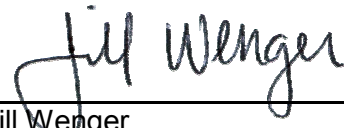
Meeting adjourned into executive session at 6:57 pm.

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