



**City of Moorhead
City Council Meeting
Meeting Minutes
November 09, 2015 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 November 09, 2015, at 5:30 PM.

Roll call of the members was made as follows:

1st Ward Council Member:	Mari Dailey	Present
1st Ward Council Member:	Nancy Otto	Present
2nd Ward Council Member:	Jim Haney	Present
2nd Ward Council Member:	Heidi Durand	Present
Mayor:	Del Rae Williams	Present
3rd Ward Council Member:	Mike Hulett	Present
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Steve Gehrtz	Present
4th Ward Council Member:	Chuck Hendrickson	Present

City Council Meeting

1. [Call to Order and Roll Call](#)

2. [Pledge of Allegiance](#)

3. [Recognitions - Presentations](#)

A. [Lynne Kovash, Superintendent, Moorhead Area Public Schools](#)

Minutes: Lynne Kovash, Superintendent of Moorhead Area Public Schools, and Cindy Fagerlie, School Board Chair, thanked the City of Moorhead for the successful outcome of the school board referendum.

4. Approve Minutes

A. [October 26, 2015 City Council Meeting Minutes](#)

Motion to Approve made by Jim Haney and seconded by Brenda Elmer
Motion to Approve October 26, 2015 City Council Meeting Minutes

Motion Passed
For: 8

5. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

6. [Agenda Amendments](#)

7. [Consent Agenda](#)

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

Motion to Approve made by Mike Hulett and seconded by Heidi Durand
Motion to Approve Consent Agenda

Motion Passed
For: 8

8. Mayor and Council Appointments

- A. [*Resolution to Approve Mayor and City Council Committee Appointments](#)
Resolution 2015-1109-A

Planning and Neighborhood Services Department

9. [*Consider 2016 Community Development Block Grant \(CDBG\) Action Plan/Budget](#)
Resolution 2015-1109-B

10. [*Resolution to Approve Final Plat of Sweeney Subdivision](#)
Resolution 2015-1109-C

11. [*Consider Actions Relating to Community Crossings Addition:](#)

- A. [*First Reading of Ordinance 2015-21: An Ordinance Rezoning All Lots with Community Crossings Addition to RMD-2: Residential Moderate Density – 2](#)
Ordinance 2015-21

- B. [*Resolution to Approve Amendment to Community Crossing Developer's Agreement](#)
Resolution 2015-1109-D

12. [Resolution to Approve Purchase Agreement for the Sale of Property at 1512-1514-1516 Main Avenue](#)

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto
Motion to Approve Resolution to Approve Purchase Agreement for the Sale of Property at 1512-1514-1516 Main Avenue

Motion Passed **Resolution 2015-1109-1**
For: 8

Minutes: Michael Redlinger, City Manager, provided a brief overview of the property located on 1512 - 1514 - 1516 Main Avenue.

13. [Resolution to Approve Lease Agreement - Telecommunications Tower at 1514 Main Avenue](#)

Motion to Approve made by Mike Hulett and seconded by Chuck Hendrickson
Motion to Approve Resolution to Approve Lease Agreement - Telecommunications Tower at 1514 Main Avenue

Motion Failed
For: 0; Against: 8

14. [Resolution to Approve Conditional Use Permit - Telecommunications Tower at 1514 Main Avenue](#)

Motion to Approve made by Mike Hulett and seconded by Heidi Durand
Motion to Approve Resolution to Approve Conditional Use Permit - Telecommunications Tower at 1514 Main Avenue

Motion Failed

For: 2 - Heidi Durand, Mike Hulett; Against: 6

Minutes: City Council discussed the Conditional Use Permit for a telecommunications tower.

Pursuant to Minn. Stat. § 15.99 Subd. 2(b), the members of the City Council who voted against the motion to approve the Conditional Use Permit hereby state the following reasons for voting “No”:

- (1) The Conditional Use Permit Request is not consistent with the intent of the Community Commercial Zoning District, because the area surrounding 1514 Main Avenue is anticipated to have additional commercial development in the future. A 90-foot tall commercial telecommunications tower with associated antennas and ground equipment (hereinafter the “Tower”) will inhibit future development in the area because it is unattractive and may make property within the area less desirable for commercial development.
- (2) The area surrounding 1514 Main Avenue is a gateway area for downtown Moorhead and the Tower is not consistent with making downtown Moorhead attractive and inviting.
- (3) SBA Towers (hereinafter the “Applicant”) has failed to obtain a ground lease from the owner of 1514 Main Avenue (Parcel No. 58.900.0825) and, thus, cannot demonstrate to the City Council that it will be able to timely complete construction of the Tower within one year of the issuance of a Conditional Use Permit. Therefore, the Conditional Use Permit would expire because Moorhead Municipal Code § 10-4-6 provides that if an applicant fails to utilize such Conditional Use Permit and fulfill each and every condition thereto within one year, the Conditional Use Permit will lapse.
- (4) As a result of the above described facts (set forth in item #3), the Conditional Use Permit application is not ripe for review at this time.
- (5) It is unclear whether the future buyer of the property located at 1514 Main Avenue (H & S Contracting) would permit the construction of the Tower on the property, because the buyer has indicated to City Staff that it does not intend to permit construction of the Tower to occur. As a result, the Applicant cannot demonstrate with a high level of certainty that they will have authorization to use the property as set forth and required by Moorhead Municipal Code § 10-4-6.
- (6) Additional time is needed to study this type of use within the Community Commercial zoning district.

Engineering Department

15. [*Resolution to Approve Construction & Maintenance Agreement with BNSF and Authorize Advertisement for Bid for Phase 2 of the 20 St S Improvements. Eng. No. 14-A2-02B](#)

- A. [*Resolution to Approve Construction & Maintenance Agreement](#)
Resolution 2015-1109-E
 - B. [*Resolution to Authorize Advertisement for Bids](#)
Resolution 2015-1109-F
16. [*Resolution to Approve MSAS Funds Advance](#)
Resolution 2015-1109-G

Fire Department

17. [*Resolution to Adopt the Clay County Emergency Operations Plan](#)
Resolution 2015-1109-H

Police Department

18. [*Resolution to Approve Budget Adjustment Transferring 2015 Unallocated Capital Improvement Funds to Police Capital Improvements for Squad and Equipment Purchase.](#)
Resolution 2015-1109-I


Administration

19. [*Resolution to Approve a 2-Year Agreement with Clay County for Prosecutorial Services](#)
Resolution 2015-1109-J
20. [*Resolution Finding Construction of a Package Distribution Center Located at 4201 34 Ave S Consistent with the Protective Covenants of MCCARA Third Addition](#)
Resolution 2015-1109-K
21. [*Resolution to Approve Permanent Access Easement for 819 Center Avenue](#)
Resolution 2015-1109-L
22. Mayor and Council Reports
23. [City Manager Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, provided an update on the firefighter position through the SAFR Grant.

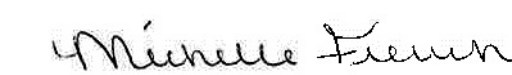
Meeting Adjourned at 6:29 pm

APPROVED BY:



Del Rae Williams
Mayor

ATTEST:



Michelle French
City Clerk

The proceedings of this meeting are digitally recorded and are available for public review.

Respectfully submitted by:
Michelle French, City Clerk