

**MINUTES OF THE MEETING OF THE CITY COUNCIL  
OF THE CITY OF MOORHEAD, MINNESOTA  
March 23, 2009**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly held in the Council Chambers, City Hall, March 23, 2009, at 5:30 PM.

The following were present for roll call:

1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Dan Bohmer	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	John Rowell	Present
3rd Ward Council Member:	Dan Hunt	Absent
3rd Ward Council Member:	Lauri Winterfeldt	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](#)
2. [Recognitions/Presentations/Introductions](#)
3. [Approve Minutes of March 9, 2009](#)

**Motion made to Approve made by Lauri Winterfeldt and seconded by Nancy Otto** **5:31 PM**  
**Motion to Approve Minutes of March 9, 2009**  
**Passed For: 6; Against: 0; Abstain: 0; Absent: 2**  
**Minutes: The minutes were approved as submitted.** **5:30 PM**

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

**Minutes: There were no citizens to be heard.** **5:32 PM**

5. [Agenda Amendments](#)

**Motion made to Approve made by John Rowell and seconded by Diane Wray Williams** **5:33 PM**  
**Motion to Approve Agenda Amendments**  
**Passed For: 6; Against: 0; Abstain: 0; Absent: 2**  
**Minutes: The motion to amend the agenda was to add the following items:** **5:35 PM**

- Extend the Mayoral State of Emergency Declaration for a flood emergency;
- Request U.S. Army Corps of Engineers for Flood Emergency Assistance; and
- Committee appointments/reappointments (Airport Committee & Charter Commission).

6. [Consent Agenda](#)

All items listed with an asterisk ( \* ) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

**Minutes: The consent agenda was amended as follows: 5:30 PM**

- Add the resolution to extend the Mayoral State of Emergency Declaration for a flood emergency;
- Add the request for the U.S. Army Corps of Engineers for Flood Emergency Assistance;
- Remove #11- Resolutions regarding Community Crossing Addition;
- Remove #15 - Resolution to support the Rotary Club in their efforts to construct an adaptive play surface (Miracle Field) at the Southside Regional Park;
- Remove #20 - Resolution to award bids for 2009 underground cable replacement projects and annual boring.

Council Member Hintermeyer moved, seconded by Council Member Wray Williams, to approve the consent agenda items, as amended, which resolutions were declared duly adopted by unanimous vote.

7. [\\*Approve Licenses - Bonds](#)
8. [Mayor and Council Reports - Appointments](#)

**Motion made to Approve made by Lauri Winterfeldt and seconded by Diane Wray Williams 5:39 PM**

**Motion to Approve Mayor and Council Reports - Appointments  
Passed For: 6; Against: 0; Abstain: 0; Absent: 2**

- A. [National League of Cities 2009 Annual Congressional City Conference Report](#)

**Minutes: Council Member Rowell and Mayor Voxland provided a brief report concerning the NLC 2009 Annual Congressional City Conference. 5:38 PM**

9. [Public Hearing to Consider the Adoption of Special Assessments for Boulevard Trees](#)

**Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams 6:05 PM**

**Motion to Open the Public Hearing to Consider the Adoption of Special Assessments for Boulevard Trees**

Passed For: 6; Against: 0; Abstain: 0; Absent: 2

Minutes: City Manager Redlinger explained the purpose the public hearing, which is to consider the adoption of assessments for planted boulevard trees. 6:06 PM

No one wished to speak regarding this hearing. Council Member Otto moved, seconded by Council Member Wray Williams to close the public hearing, which motion passed by unanimous vote.

- A. [Resolution to Approve the Adoption of Special Assessments for Boulevard Trees](#)

Motion made to Approve made by John Rowell and seconded by Nancy Otto 6:07 PM

Motion to Approve Resolution to Approve the Adoption of Special Assessments for Boulevard Trees

Passed For: 6; Against: 0; Abstain: 0; Absent: 2

10. [Public Hearing to Consider Street & Underground Utility Improvements in the Brookdale Area, Phase 2. Eng. No. 09-A2-5](#)

Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams 6:08 PM

Motion to Open the Public Hearing to Consider Street & Underground Utility Improvements in the Brookdale Area, Phase 2. Eng. No. 09-A2-5

Passed For: 6; Against: 0; Abstain: 0; Absent: 2

Minutes: City Manager Redlinger recommended the Mayor and Council keep this hearing open until April 13 to accommodate area residents' flood fighting efforts. No additional action was required as the hearing will be held open to allow these residents the opportunity to speak regarding the proposed improvements. 6:09 PM

- A. [Resolution to Order Improvements for Street & Underground Utility Improvements in the Brookdale Area, Phase 2. Eng. No. 09-A2-5](#)
- B. [Resolution to Award Bid for Street & Underground Utility Improvements in the Brookdale Area, Phase 2. Eng. No. 09-A2-5](#)

### Community Services Department

11. [\\*Resolutions Regarding Community Crossing Addition, a subdivision of Parcel 58.900.2320, approximately 15 acres lying southwest of the intersection of Clay County Highway No. 52 and 40th Street South/CSAH 7 \(Unanimous Planning Commission recommendation\)](#)

Minutes: The motion was to approve both resolutions (items 11-A and 11-B). 5:42 PM

In response to Council inquiry, City Planner

Martzahn explained the purpose of the request.  
She noted the streets are currently in place for the relatively small development.

Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto 5:43 PM

Motion to Approve \*Resolutions Regarding Community Crossing Addition, a subdivision of Parcel 58.900.2320, approximately 15 acres lying southwest of the intersection of Clay County Highway No. 52 and 40th Street South/CSAH 7 (Unanimous Planning Commission recommendation)

Passed For: 6; Against: 0; Abstain: 0; Absent: 2

- A. [\\*Resolution to Approve Final Plat \(Unanimous Planning Commission recommendation\)](#)
  - B. [\\*Resolution to Approve Developer's Agreement](#)
12. [\\*Request of Arista Development for the following actions relating to Parcel 58.900.1062, approximately 32.736 acres southeast of the intersection of 36th Street South and the future 28th Avenue South. \(Unanimous Planning Commission recommendation\)](#)
- A. [\\*Ordinance No. 2009-3 - An Ordinance Rezoning from TZ, Transitional to RC, Regional Commercial - 1st Consideration \(Unanimous Planning Commission recommendation\)](#)
  - B. [\\*Preliminary Plat Approval of Horizon Shores Sixth Addition \(Unanimous Planning Commission recommendation\)](#)
13. [\\*Ordinance No. 2009-4 - An Ordinance to Amend Section 10-18-2 of the Moorhead City Code Regarding Auto Repair in the LI, Light Industrial Zone - 1st Consideration \(Unanimous Planning Commission recommendation\)](#)
14. [Resolution to Authorize Professional Service Agreement between the City and Historical & Cultural Society of Clay County \(HCSCC\)](#)

Minutes: City Manager Redlinger provided a brief report regarding this item. 5:49 PM

Maureen Johanson, HCSCC, responded to Council inquiry regarding continued County funding support. Questions were also asked regarding the future need for continued City financial support. Of particular interest was the proposed operating lease and the request to forgive the \$25,000 loan. Council Member Otto noted in addition to the loss of leased revenue, the City will not receive revenue from the concession and gift shop sales.

Minutes: Council Member Wray Williams moved to approve the resolution, seconded by Council Member Winterfeldt. Following a voice vote, Mayor Voxland 6:03 PM

declared the resolution failed (Council Members Otto and Rowell voted no.)  
**Minutes:** Council Member Rowell moved to reconsider this resolution, seconded by Council Member Winterfeldt. 6:05 PM

Council Member Rowell moved to table the motion to reconsider, seconded by Council Member Winterfeldt, which motion to table passed with the following voting aye: Council Members Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer, and the following voting no: Council Member Otto.

15. [\\*Resolution to Support the Rotary Club in their Efforts to Construct an Adaptive Play Surface, \(Miracle Field\) at the Southside Regional Park](#)

**Minutes:** Council Member Hintermeyer provided a report regarding this project. He noted essentially the Rotary Club will fund these improvements. 6:12 PM

Motion made to Approve made by Diane Wray Williams and seconded by John Rowell 6:18 PM

Motion to Approve \*Resolution to Support the Rotary Club in their Efforts to Construct an Adaptive Play Surface, (Miracle Field) at the Southside Regional Park

Passed For: 6; Against: 0; Abstain: 0; Absent: 2

**Minutes:** Item #15-A - Peterson Minor Subdivision 6:20 PM  
Developer's agreement: Council Member Rowell moved, seconded by Council Member Winterfeldt, to approve the resolution regarding the developer's agreement for the Peterson parcel (4455 and 4463 Hwy 52 South). The resolution/motion passed by unanimous vote.

#### Engineering - Wastewater Treatment

16. [\\*Resolutions Regarding the Southside Regional Park, Phase 2 Improvements, Eng. No. 07-A3-1B](#)

A. [\\*Resolution to Approve Budget Adjustment - Southside Regional Park Buildings](#)

B. [\\*Resolution to Award Bid for the Southside Regional Park, Phase 2 Improvements, Eng. No. 07-A13-1B](#)

#### Fire Department

17. No Items Scheduled

#### Operations Department

18. No Items Scheduled

**Police Department**

19. [\\*Resolution to Approve Issuance of Seasonal Liquor License - Red River Valley Softball Association \(Centennial Complex\)](#)

**Moorhead Public Service**

20. [\\*Resolution to Award Bids for 2009 Underground Cable Replacement Projects and Annual Boring](#)

**Motion made to Approve made by Diane Wray Williams and seconded by John Rowell 6:22 PM**

**Motion to Approve \*Resolution to Award Bids for 2009 Underground Cable Replacement Projects and Annual Boring  
Passed For: 6; Against: 0; Abstain: 0; Absent: 2**

21. [\\*Resolution to Award Bids for 2009 Water Treatment Chemicals](#)

**City Attorney Reports**

22. No Items Scheduled

**City Manager Reports**

23. [Good News - Good People](#)

**Minutes: Leigh Wilson-Mattson, Assistant to the City Manager, related the recent 'Good News • Good People' announcements. 6:24 PM**

24. [Reports - Updates](#)

A. [Spring Flood Update / Discussion](#)

**Minutes: City Manager Redlinger provided the following updates: 6:30 PM**

- Expressed gratitude to all volunteers with the flood fighting efforts.
- Conveyed the request for additional volunteers.
- Governor Pawlenty was in town today to view the flood conditions.
- Provided additional comments regarding the cohesive effort of the various agencies and citizens involved in the flood fighting efforts.
- Encouraged citizens to view the City's website for continued flood updates.
- Announced the sanitary sewer system is at 100% capacity. He urged everyone to make sure their sump pumps are diverted to the outside.

**Minutes: City Engineer Zimmerman provided an update regarding the new crest projections (39 - 41 ft). The dikes will be constructed to 42 ft providing the 6:39 PM**

**City with a one foot free-board. He pointed out, in certain situations, water will be in the streets as their goal is to protect the buildings. Staff will continue to monitor the situation, and if necessary, will utilize the CodeRED system to inform the public of any impending emergency.**

- B. Federal - State Legislative - Budgetary Issues: Updates-Action
- C. Other

- 25. [Executive Session \(None Scheduled\)](#)
- 26. Other Reports
- 27. New Business
- 28. Citizens Addressing the Council (continued, if necessary)

**Minutes: Meeting adjourned at 6:49 p.m.**

**6:49 PM**

The proceedings of this meeting are digitally recorded and said electronic file is available for public review.

APPROVED:

\_\_\_\_\_  
MARK VOXLAND, Mayor

ATTEST:

\_\_\_\_\_  
KAYE BUCHHOLZ, City Clerk