

**City of Moorhead
City Council Meeting
Meeting Minutes
May 09, 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 May 09, 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	Absent
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	Present

City Council Meeting

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

Minutes: Mayor Voxland called the meeting to order.

2. Recognitions - Presentations

A. [Proclamation of the American Legion Auxiliary "Poppy Day"](#)

Minutes: Mayor Voxland presented a proclamation recognizing American Legion Auxiliary "Poppy Day."

3. [Executive Session - Pending Litigation](#)

Motion to Approve made by Luther Stueland and seconded by Dan Hunt
Enter into Executive Session with members of the Economic Development Authority to discuss Anda/Holiday Mall pending litigation
Motion Passed

For: 7; Absent: 1 - Diane Wray Williams

Minutes: The Mayor and Council entered Executive Session at 5:34 p.m. and exited at 5:55 p.m.

4. [Approve Minutes](#)

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

B. [April 25, 2011 \(City Council Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Luther Stueland
Approve Minutes of April 11, 2011 (City Council Meeting) and April 25, 2011 (City

Council Meeting)

Motion Passed

For: 7; Absent: 1 - Diane Wray Williams

5. [Citizens Addressing the Council](#)

Minutes: Captain Mike Obach, Minnesota Army National Guard, addressed the Mayor and Council regarding the establishment of the "Beyond the Yellow Ribbon Network." A community event is scheduled at Minnesota State University Moorhead (MSUM) on Friday, May 13th to kick-off the initiative. The event is open to the public.

6. [Agenda Amendments](#)

Minutes: No agenda amendments noted.

7. [Consent Agenda](#)

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

Minutes: The following items were removed from the Consent Agenda:

- #11 – Resolution to Approve Tax Incentive Agreement Template
- #15.A – Resolution to Approve Licenses - Permits

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

Approve Consent Agenda

Motion Passed

For: 7; Absent: 1 - Diane Wray Williams

8. [Mayor and Council Appointments](#)

A. [Resolution to Approve Appointments to Moorhead Human Rights Commission \(Mayor\)](#)

Motion to Approve made by Mark Altenburg and seconded by Luther Stueland

Resolution to Approve Appointments to Moorhead Human Rights Commission (Mayor)

Motion Passed: **Resolution 2011-0509-1**

For: 7; Absent: 1 - Diane Wray Williams

9. [Mayor and Council Reports](#)

Minutes: Council Member Otto provided a brief report on the upstream water retention tour provided by Red River Basin Commission.

Council Member Elmer provided a brief report on the Economic Development Authority.

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

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

- City staff will provide a brief update at the May 16 Committee of the Whole Meeting regarding plans for a Riverfront Property Flood Mitigation Program. Houston Engineering will complete the preliminary feasibility analysis within four to six weeks.
- The City of Moorhead donated 20,000 sandbags to Otter Tail County to support sandbagging efforts. All transportation costs were paid by Otter Tail County. The City has participated in several mutual aid exercises with neighboring cities/counties for disaster response.
- The City's past practice has been to donate available resources to assist neighboring communities in the event of an emergency. The City Manager has historically exercised a broad degree of discretion and has been empowered to make timely decisions.

The Mayor and Council Members stated the following:

- Concern was noted regarding the City's donation of sandbags without a formal resolution by the Council.
- It is important for the City Manager to have professional discretion in urgent disaster response requests.

The Mayor and Council directed City staff to provide current policy language regarding distribution of City resources to outside communities in the event of an emergency.

A. [Resolution to Approve Quote for Turf Restoration/Erosion Control on Public Property. Eng. No. 11-13-10](#)

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

- Restoration work is being conducted by contract due to limited staff resources.
- Funds will be eligible for reimbursement in a Federal disaster declaration. It is likely that 100% of the cost will be reimbursed through either State or Federal funds.
- Private property restoration in Minnesota would be a local cost, not that of the U.S. Army Corps of Engineers.

Motion to Approve made by Nancy Otto and seconded by Brenda Elmer
Resolution to Approve Quote for Turf Restoration/Erosion Control on Public Property. Eng. No. 11-13-10

Motion Passed: **Resolution 2011-0509-2**

For: 7; Absent: 1 – Diane Wray Williams

Community Services Department

11. [Resolution to Approve Tax Incentive Agreement Template](#)

Minutes: Scott Hutchins, Community Services Director, provided a brief report to clarify the proposed tax incentive template.

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

- The Economic Development Authority unanimously recommended approval of the template.
- The Moorhead Business Association (MBA) was used as a sounding board in structuring the agreement.
- Previous concerns have been addressed through this new template.

The Mayor and Council Members stated the following:

- The MBA believes the document will be much clearer to business owners.

Motion to Approve made by Mark Altenburg and seconded by Luther Stueland

Resolution to Approve Tax Incentive Agreement Template

Motion Passed: **Resolution 2011-0509-3**

For: 7; Absent: 1 - Diane Wray Williams

12. [Resolution Finding Buildings Blighted / Substandard - 1st Ave. N. Redevelopment Project Area](#)

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

- Formally declaring the Aggregate Industries and Hedgemasters properties as blighted/substandard as defined by Minnesota State Statutes will not obligate the City to create a Tax Increment Financing (TIF) District, but will retain the opportunity to do so.
- If a TIF district is established, the declaration will allow the City to recapture its investment for the acquisition, environmental remediation, and demolition of these two sites.
- This step is one of many in order to establish a TIF district. The identical process was also utilized with downtown Moorhead redevelopment.
- The purpose and boundaries of the TIF district would need to be clearly defined and established by the City Council.
- A very specific set of actions regarding notice and public hearing is required as part of establishing a TIF district.
- The City Council would need to approve any developer agreements provided as project incentives within a TIF district.

John Sherman, Moorhead resident, addressed the Mayor and Council regarding his opposition to rewarding property owners for allowing their property to deteriorate.

The Mayor and Council Members stated the following:

- This step is one of several ongoing steps needed to redevelop the 1st Avenue North area.
- The EDA is considering a wider range of redevelopment options as part of any future TIF district.

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer
Resolution Finding Buildings Blighted / Substandard - 1st Ave. N. Redevelopment Project Area

Motion Passed: **Resolution 2011-0509-4**

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Diane Wray Williams

Engineering - Wastewater Treatment

13. [*Resolution to Call for a Public Hearing to Review the 2010 Annual Report and Conduct the 2011 Annual Meeting for the Stormwater Pollution Prevention Program](#)
Resolution 2011-0509-A

14. [Discussion of the Schedule for Ramp Pavement Removal at the SE Main Ave/CSAH 52 & I-94 Interchange under the Contract for the 34th St & I-94 Interchange Project. Eng. No. 04-2-1](#)

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

- Pavement removal is estimated at \$40,000-\$50,000. If the Council requests a change order in order to retain the ramps, future pavement removal would become a local cost.
- A change order request must be approved by the Minnesota Department of Transportation (Mn/DOT) and Federal Highway Administration (FHWA).
- There is no guarantee that FHWA would allow the existing ramps to be reopened until such time as construction begins on new ramps.
- The best case scenario would be that the ramps could reopen between fall 2011 and spring 2012; however, the City cannot confidently predict the schedule for the FHWA approval process.
- The pavement for the ramp loops connecting I-94 to SE Main Avenue will be removed. Only two of the four current ramps can be reopened in their current design.

The Mayor and Council Members stated the following:

- It is preferred that the City seek a change order to delete ramp pavement removal from the existing contract in order to retain the option to reopen the ramps upon FHWA approval.
- Despite the increase in local cost, this action would be a show of support to residents and the business community who have been negatively impacted by the closure of these ramps.
- Safety will be improved by reopening the ramps. There will be fewer vehicles crossing railroad tracks or attempting to cross intersections without traffic lights.
- It was requested that City staff review current signage along 34th Street South directing traffic to points of interest.
- It was noted that traffic traveling eastbound on I-94 will need to continue to use the I-94 and 34th Street South exit.

H. Michael Hardy, Hardy Family LP, addressed the Mayor and Council regarding retention of the SE Main Ave/CSAH 52 & I-94 Interchange ramps.

Bruce Bekkerus, Moorhead Resident, addressed the Mayor and Council regarding improved signage along 34th Avenue South.

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer
Resolution to Request a Change Order for deletion of Ramp Pavement Removal at the SE Main Ave/CSAH 52 & I-94 Interchange under the Contract for the 34th St & I-94 Interchange Project. Eng. No. 04-2-1
Motion Passed: **Resolution 2011-0509-5**
For: 7; Absent: 1 - Diane Wray Williams

Administration

15. Approve Licenses – Permits

A. [Resolution to Approve Licenses – Permits](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted regarding no assessed City fee for raffles when City staff incurs time processing these requests.

City staff will provide a background memorandum to the Mayor and Council outlining City and State responsibility for handling raffle requests.

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt
Resolution to Approve Licenses – Permits
Motion Failed: **Resolution 2011-0509-6**
For: 7; Absent: 1 - Diane Wray Williams

16. [City Manager Reports – Updates](#)

Minutes: Michael Redlinger, City Manger, Provided the following updates:

- The City has an inventory of 644,000 sandbags and is seeking information on potential indoor and outdoor storage costs.
- City staff continues to monitor the actions of the Tax Conference Committee at the Minnesota Legislature.
- City staff is planning meetings with institutional leaders regarding the City's parking study with Bonestroo.

The Mayor and Council Members requested stated following:

- It was requested that City staff provide updated communication to riverfront properties regarding elevation data and the City's plans for a Riverfront Property Flood Mitigation Program.
- It was requested that City staff review the condition of pavement in several areas in North Moorhead.

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

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg
Enter into Executive Session to discuss Labor Negotiations
Motion Passed

For: 7; Absent: 1 - Diane Wray Williams

18. New Business

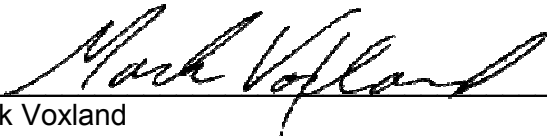
Minutes: No new business was noted.

19. Citizens Addressing the Council

Minutes: No citizens addressed the Mayor and Council.

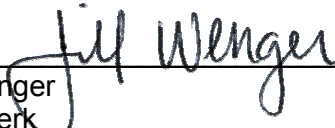
Meeting adjourned at 7:51 p.m.

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