

**City of Moorhead
City Council Meeting
Meeting Minutes
December 14, 2009 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 December 14, 2009, at 5:30 PM.

Roll call of the members was made as follows:

1st Ward Council Member:	Dan Bohmer	Present
1st Ward Council Member:	Nancy Otto	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	John Rowell	Present
3rd Ward Council Member:	Dan Hunt	Present
3rd Ward Council Member:	Lauri Winterfeldt	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](#)

2. Recognition of Outgoing Council Members

Minutes: Mayor Voxland recognized the three outgoing City Council Members by presenting them with a gift honoring their years of service:

- Dan Bohmer (4 years of service)
- Lauri Winterfeldt (8 years of service)
- John Rowell (12 years of service)

3. Approve Minutes

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

5. [Agenda Amendments](#)

Minutes: Michael Redlinger, City Manager, announced the addition of Agenda Item #32A "Authorize Prosecutorial Service Agreement with Clay County Attorney's Office." Redlinger also stated that at the end of the meeting he would request an Executive Session to discuss pending litigation.

Motion by Otto, seconded by Wray Williams to **Approve agenda as amended**
Motion Passed by unanimous vote

6. [Consent Agenda](#)

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

Minutes: Council Member Lemke requested that items #21 and #26 be removed from the consent agenda. Council Member Bohmer requested that items #12 and #29A be removed.

Motion by Otto, seconded by Wray Williams to **Approve Consent Agenda as amended**
Motion Passed by unanimous vote

7. * Approve Licenses – Bonds

Motion Passed: **Resolution #2009-1225-A**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

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

Minutes: Council Member Wray Williams shared a handout to the Mayor and Council from a publication written by the League of Minnesota Cities.

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

A. [Resolution to Ratify Recommendations of the Metro Flood Study Workgroup and Metro Flood Management Committee.](#)

Motion by Winterfeldt, seconded by Otto to **Approve Resolution to Ratify Recommendations of the Metro Flood Study Workgroup and Metro Flood Management Committee**

Motion Passed: **Resolution #2009-1226**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Minutes: Redlinger stated that there will be another round of public meetings scheduled with the US Army Corps of Engineers in February 2010.

10. [Public Hearing: 2009 Enterprise Zone Program](#)

Motion by Otto, seconded by Hunt to **Open Public Hearing**
Motion Passed by unanimous vote

Minutes: Michael Redlinger, City Manager, noted that this hearing is being conducted upon recommendation of the Economic Development Authority (EDA) Board.

No citizens to be heard.

Motion by Otto, seconded by Wray Williams to **Close Public Hearing**
Motion Passed by unanimous vote

A. [Resolution to Approve 2009 Citywide Enterprise Zone Program](#)

Minutes: Scott Hutchins, Community Services Director, noted that participation in the Enterprise Zone Program has remained relatively consistent over the last several years. Efforts are being made to continue to advertise this program. It is a recommendation of the EDA Board to reduce the credit from 20% to 10% as a new state allocation was not received.

Motion by Otto, seconded by Wray Williams to **Approve 2009 Citywide Enterprise Zone Program**

Motion Passed: **Resolution #2009-1227**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Community Services Department

11. [*Resolution to Accept Lake Region Arts Council Grant Funds for the 2010 Celtic Festival](#)

Motion Passed: **Resolution #2009-1225-B**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

12. [Resolution to Authorize a Service Agreement with Trane U.S. Inc. to provide Heating Ventilation and Air Conditioning Service for the Hjemkomst Center](#)

Minutes: Council Member Bohmer asked for clarification regarding the service agreement with Trane U.S. Inc. Redlinger stated that this resolution refers to a full service, five-year agreement with Trane for heating, ventilation, and cooling service. Trane has been a provider since 2004 and they provide services 7 days a week, 24 hour per day. Bids were requested from three companies.

Motion by Wray Williams, seconded by Winterfeldt to **Approve Resolution to Authorize a Service Agreement with Trane U.S. Inc. to provide Heating Ventilation and Air Conditioning Service for the Hjemkomst Center**

Motion Passed: **Resolution #2009-1228**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

13. [*Resolution to Approve First Reading of Ordinance 2009-12 to Rezone 1.33 Acres located at Parkview Dr. and 28th Street South from RLD-2 Residential Low Density - 2 to RMD-2 Residential Medium Density - 2 \(Unanimous Planning Commission Recommendation\)](#)

Motion Passed: **Resolution #2009-1225-C**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

14. [*Resolution to Approve Minor Subdivision Request for 1900 25th Street South \(No Planning Commission Review\)](#)

Motion Passed: **Resolution #2009-1225-D**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

15. [*Resolution to Approve Agreement between Clay County Public Health and the City of Moorhead for the Active in Moorhead \(AIM\) Project](#)

Motion Passed: **Resolution #2009-1225-E**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

16. [***Authorize Submission of Minnesota City Participation Program Application to Minnesota Housing Finance Agency**](#)

Motion Passed: **Resolution #2009-1225-F**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

17. [***Resolution Approving a Memorandum of Understanding with the F-M Metropolitan Council of Governments, State of North Dakota, State of Minnesota, and City of Fargo for Transit Planning**](#)

Motion Passed: **Resolution #2009-1225-G**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Engineering - Wastewater Treatment

18. [***Resolution to Approve an Amendment to the Engineering Services Agreement for the Wastewater Treatment Facility Solids Improvement Project. Eng No 05-6-1.**](#)

Motion Passed: **Resolution #2009-1225-H**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

19. [***Resolution to Approve Change Orders #1 & #2 for the 27th Ave N Flood Control Project. Eng. No. 09-A13-2A**](#)

Motion Passed: **Resolution #2009-1225-I**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

20. [***Resolution to Approve Change Orders #1 - #3 for Street & Underground Utility Improvements in Horizon Shores 5th Addition. Eng. No. 09-A2-4 & 09-A6-4**](#)

Motion Passed: **Resolution #2009-1225-J**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Fire Department

Operations Department

21. [**Approve Extension to Existing Contract with MinnKota for Recycling**](#)

Minutes: Council Member Lemke asked for clarification regarding current recycling pick-up. Chad Martin, Operations Director, explained that the City does not currently provide curbside pick-up collection for magazines, but does for newspaper. Newspapers are transferred to Pactiv Corporation and therefore cannot be co-mingled with magazines. Trucks would need to be modified in order to keep these two resources separate. Martin added that in certain communities, recycling is co-mingled together in one bin. It is then transferred to Minneapolis for separation. The Council could consider a recycling service similar to this in the future.

Martin stated that apartments are currently viewed as a commercial entity and curbside pick-up is not available. Martin added that MinnKota will be starting a pilot project for apartments and could be included in a future contract. Council members discussed their suggestions for a future recycling contract.

Motion by Wray Williams, seconded Otto to **Approve Extension to Existing Contract with MinnKota for Recycling**

Motion Passed: **Resolution #2009-1229**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Police Department

22. [*Red River Valley Gang and Narcotics Task Force Funding for 2009](#)

Motion Passed: **Resolution #2009-1225-K**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Moorhead Public Service

23. [*Authorize Advertisement for Bids for 2010 Electrical Materials](#)

Motion Passed: **Resolution #2009-1225-L**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

City Attorney Reports

City Manager Reports

24. [Adopt 2010 Budget, 2009 Tax Levy Payable in 2010, and Enterprise Fund Transfers](#)

- A. [Resolution to Adopt City of Moorhead 2009 Tax Levy Payable 2010](#)

Minutes: Council Member Hintermeyer noted public concerns regarding their tax statements. Redlinger encouraged citizens to contact the Assessors Division with their concerns.

Council Member Bohmer indicated concern about approving the levy before setting the budget. Redlinger stated that it is longstanding practice to authorize a levy first and then approve the annual City budget.

Motion by Wray Williams, seconded by Winterfeldt to **Approve Resolution to Adopt City of Moorhead 2009 Tax Levy Payable 2010**

Motion Passed: **Resolution #2009-1230**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

- B. [Resolution to Adopt City of Moorhead 2010 Budget](#)

Minutes: Council Member Lemke noted his concern regarding 2010 Funding of outside Agencies.

Motion by Lemke, seconded by Otto to **Amend 2010 Funding of Outside Agencies to change the line item titled Human Society to “animal control” and determine allocation of this budgeted amount at a later date**

Motion Passed

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Motion by Hunt, seconded by Wray Williams to **Approve Resolution to Adopt City of Moorhead 2010 Budget with the aforementioned amendment**

Motion Passed: **Resolution #2009-1231**

For: 8 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

C. [Resolution to Approve Enterprise Fund Transfers \(except Electric Utility\) to the General Fund](#)

Motion made by Winterfeldt, seconded by Dan Hunt to **Approve Enterprise Fund Transfers (except Electric Utility) to the General Fund**

Motion Passed: **Resolution #2009-1232**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

D. [Resolution to Approve Electric Utility Transfer to Economic Development Fund](#)

Motion by Winterfeldt, seconded by Wray Williams to **Approve Electric Utility Transfer to Economic Development Fund**

Motion Passed: **Resolution #2009-1233**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

E. [Resolution to Approve Electric Utility Transfer to Capital Improvement Fund](#)

Motion by Winterfeldt, seconded by Dan Hunt to **Approve Electric Utility Transfer to Capital Improvement Fund**

Motion Passed: **Resolution #2009-1234**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

F. [Resolution to Approve Electric Utility Transfer to General Fund](#)

Motion by Hunt, seconded by Wray Williams to **Approve Electric Utility Transfer to General Fund**

Motion Passed: **Resolution #2009-1235**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

G. [Resolution to Adopt Economic Development Authority 2009 Tax Levy Payable 2010](#)

Motion by Winterfeldt, seconded by Hunt to **Approve Resolution to Adopt Economic Development Authority 2009 Tax Levy Payable 2010**

Motion Passed: **Resolution #2009-1236**

For: 6 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Against: 2 – Bohmer, Lemke

H. [Resolution to Adopt Economic Development Authority 2010 Budget](#)

Motion by Winterfeldt, seconded by Hunt to **Approve Resolution to Adopt Economic Development Authority 2010 Budget**

Motion Passed: **Resolution #2009-1237**

For: 6 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Against: 2 – Bohmer, Lemke

25. [*Resolution to Approve Budget Adjustments for Moorhead Police Supervisors Association Settlement](#)

Motion Passed: **Resolution #2009-1225-M**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

26. [Resolution to Consider Budget Adjustment - Professional Services Account - Labor Relations](#)

Minutes: Council Member Lemke noted that this budget adjustment was in direct response to a request by the AFSCME Collective Bargaining Unit that attempted to compel employees to join the union without their request. This resulted in a \$44,000 cost to the City.

Motion by Rowell, seconded by Dan Hunt to **Approve Resolution to Consider Budget Adjustment - Professional Services Account - Labor Relations**

Motion Passed: **Resolution #2009-1238**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

27. [*Resolution to Consider Budget Adjustment - City of Moorhead Wellness Program](#)

Motion Passed: **Resolution #2009-1225-N**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

28. [Good news - Good People](#)

Minutes: Leigh Wilson-Mattson, Assistant to the City Manager, spoke about recent training and other initiatives sponsored by the City intended to improve the health and wellness of employees.

29. Reports - Updates

A. [Resolution to Approve 2010 Federal Legislative Services Agreement](#)

Minutes: Council Member Bohmer asked for clarification regarding the use of City funds to employ a "lobbyist." Redlinger noted that this agreement includes a one-year extension to a contract with Barbara Rohde, who has represented the City of Moorhead well in Washington. Recently the City of Moorhead received a \$500,000 appropriation for the 20/21st St. Grade Separation Project attributed to her representation. Rohde has kept her costs level for the last several years.

Motion by Winterfeldt, seconded by Wray Williams to **Approve Resolution to Approve 2010 Federal Legislative Services Agreement**

Motion Passed: **Resolution #2009-1239**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Against: 1 – Bohmer

B. [Federal - State Legislative - Budgetary Issues: Updates-Action](#)

Minutes: Redlinger announced that City staff is watching for further reductions to the Local Government Aid (LGA) program.

On behalf of all City Staff, Redlinger thanked outgoing City Council members Dan Bohmer, John Rowell, and Lauri Winterfeldt.

A New Council Member Orientation Session is scheduled for December 15, 2009.

C. Other

30. [Executive Session](#)

Motion by Otto, seconded by Hunt to **Enter Executive Session**

Motion Passed by unanimous vote

Minutes: Mayor and Council returned from Executive Session

Brian Neugebauer, City Attorney, stated that the City and EDA staff has reached a settlement agreement to resolve all matters in dispute with the Holiday Center Project.

Motion by Otto, seconded by Hintermeyer to **Authorize the Mayor and City Manager to execute the settlement agreement with Moorhead Holiday Associates, LLP and Krantz Family Trust II**

Motion Passed: **Resolution #2009-1240**

For: 7 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

Absent: 1 – Bohmer

31. Other Reports

32. New Business

A. [Authorize Prosecutorial Service Agreement with Clay County Attorney's Office](#)

Minutes: Redlinger noted that the City of Moorhead has had a longstanding agreement with the Clay County Attorney's Office for prosecutorial services. City staff is recommending a one-year agreement for 2010, but will consider other options for 2011.

Redlinger clarified that there are currently overages in the 2009 contract which were not contained in the base budget. A budget adjustment will likely be required in early 2010. The current agreement was designed to lessen

the impact of overage costs at the end of the contract year.

Motion by Otto, seconded by Winterfeldt to **Approve Authorize Prosecutorial Service Agreement with Clay County Attorney's Office**

Motion Passed: **Resolution #2009-1241**

For: 8 – Bohmer, Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer, Lemke

33. Citizens Addressing the Council (continued, if necessary)

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