

**City of Moorhead
City Council Meeting
Meeting Minutes
June 27, 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 June 27, 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	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	Present

City Council Meeting

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

Minutes: Mayor Voxland called the meeting to order.

2. Recognitions - Presentations

A. [Presentation of Honorary City of Moorhead Membership - Historical and Cultural Society of Clay County](#)

Minutes: Maureen Kelly Jonason, Executive Director of the Historical & Cultural Society of Clay County, presented the City of Moorhead with an honorary membership in the HCSCC.

3. [Approve Minutes](#)

A. [June 13, 2011 \(City Council\)](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams

Approve Minutes of June 13, 2011 (City Council)

Motion Passed

For: 8

4. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor and Council.

5. [Agenda Amendments](#)

Minutes: The following agenda item was added:

- 25.A – Resolution to Approve Lease Agreement between the City of Moorhead and Rourke Art Gallery Museum

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Agenda Amendments

Motion Passed

For: 8

6. Consent Agenda

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

Minutes: The following item was removed from the Consent Agenda:

- 8.A - Resolution to Approve Budget Adjustment - Lakes & Prairies Community Action Agency Group Workcamp

Motion to Approve made by Brenda Elmer and seconded by Diane Wray Williams

Resolution to Approve Consent Agenda as Amended

Motion Passed

For: 8

7. [Mayor and Council Appointments](#)

A. [Resolution to Approve Library Board Appointment \(Ward 3\)](#)

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt

Resolution to Approve Library Board Appointment (Ward 3)

Motion Passed: **Resolution 2011-0627-1**

For: 8

8. [Mayor and Council Reports](#)

Minutes: Council Member Wray Williams provided a brief report on events and educational sessions offered at the Moorhead Library.

Council Member Altenburg provided a brief report on the Human Rights Commission.

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

A. [Resolution to Approve Budget Adjustment - Lakes & Prairies Community Action Agency Group Workcamp](#)

Minutes: Concern was noted regarding the use of taxpayer dollars for this contribution despite the valuable service of the program.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Resolution to Approve Budget Adjustment - Lakes & Prairies Community Action Agency Group Workcamp

Motion Passed: **Resolution 2011-0627-2**

For: 7; Against: 1 - Luther Stueland

Public Hearings

9. [Public Hearing to Consider Adoption of Assessments for Various Projects \(Nuisance & Rental\)](#)

Minutes: Public hearing opened at 5:44 p.m.

Lisa Vatnsdal, Neighborhood Services Manager, provided a brief report. City staff clarified the following in response to Mayor and Council questions:

- The majority of nuisance violations are reported by members of the community.
- City staff conducts on-site inspections to verify and document violations.
- Uncorrected violations result in administrative penalties.
- Owners have the ability to appeal violations.
- All ordinances authorize a notice time period.
- Under City code, grass can be no taller than eight inches.
- City property is expected to maintain the same community standard; however, the City is not fined for violations.
- The Streets-Grass-Snow Budget Initiative targeted increased mowing in the month of May, which is when the City receives most citizen complaints about grass levels on City property.
- As the City has grown there has not been an equal budgeted investment in green space maintenance costs.

The Mayor and Council Members requested information on the number of acres mowed on City property.

Public hearing closed at 5:55 p.m.

A. [Resolution to Approve Special Assessments for Unpaid Nuisance Administrative Penalties and Rental Re-Inspection/Other Fees](#)

Minutes: The Mayor and Council Members stated the following:

- It was recommended that a penalty assessed to a former veteran be removed from the resolution.
- It was noted that nuisances can be disruptive in residential neighborhoods and are complaint driven.

Motion to Amend made by Luther Stueland and seconded by Mark Hintermeyer
**Amend Resolution to remove MATTSONS ADD Lot-002 Block-002 (1103 16 St N)
Amendment Failed**

For: 3 – Luther Stueland, Brenda Elmer, Mark Hintermeyer; Against: 5 – Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Resolution to Approve Special Assessments for Unpaid Nuisance Administrative

Penalties and Rental Re-Inspection/Other Fees

Motion Passed: **Resolution 2011-0627-3**

For: 6; Against: 2 - Luther Stueland, Mark Hintermeyer

10. [Public Hearing Regarding the Request of JLBMHD, Inc. \(JL Beers\) for Property Tax Incentives](#)

Minutes: Public hearing opened at 6:01 p.m.

Peter Doll, Development Services Division Manager, provided a brief report on the proposed property tax incentive and answered the following questions of the Mayor and City Council:

- The building previously located on this property has been demolished. Going forward, taxation would be based solely on the value of the land.
- The City provides tax incentives to both new and existing businesses.
- All businesses located in Minnesota border cities (Moorhead, Dilworth, Breckenridge, Ortonville, and East Grand Forks) receive a disparity reduction credit, which is reflected directly on a business' property tax statement.
- The Program wage requirement was originally set by Council and is adjusted to inflation each year.

Randy Thorson, JL Beers, addressed the Mayor and Council regarding his support for the tax incentive.

Gary Peterson, Moorhead resident, addressed the Mayor and Council regarding his opposition to the tax incentive.

The Mayor and Council Members requested that the Economic Development Authority provide feedback to the Council on the current program wage level requirement.

Public hearing closed at 6:18 p.m.

A. [Resolution to Approve Property Tax Exemption for JLBMHD, Inc.](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted regarding the fairness of this policy to other Moorhead businesses.
- It is the goal of the Economic Development Authority to improve the business climate by removing business disincentives.
- Current incentives encourage businesses to improve properties and attract businesses to Moorhead.
- Incentives allow Moorhead to adequately compete with Fargo and West Fargo.

Motion to Approve made by Greg Lemke and seconded by Mark Altenburg
Resolution to Approve Property Tax Exemption for JLBMHD, Inc.

Motion Passed: **Resolution 2011-0627-3**
For: 6; Against: 2 - Luther Stueland, Nancy Otto

Community Services Department

11. [First Reading of Ordinance No. 2011- 8: An Ordinance Amending 2-3-11C Relating to Location Restrictions of a Liquor License](#)

Minutes: Kristie Leshovsky, City Planner, provided a brief report on the ordinance amendment and clarified the following in response to Mayor and Council questions:

- Liquor license location restrictions for state universities were recently eliminated in state law.
- The Council can choose to adopt the proposed ordinance, determine a different boundary restriction, or eliminate the restriction entirely.
- Location restrictions were never required for Concordia College in state law; however, a City Code location restriction was adopted to equalize local institutions within the institutional zoning district.
- Location restrictions do not apply to Rasmussen College or Moorhead School of Business as they are not within an institutional zoning district.
- There is a 300 foot location restriction from places of worship.
- The City of Moorhead did not initiate full repeal of location restrictions in State Statute. City staff did attempt to amend the 1,500 foot location restriction as campus expansions were beginning to intrude on the business sector in areas along 8th Street and Main Avenue.
- The State Statute repeal does not allow liquor on campus of a state university without a special event license issued by the State.

The Mayor and Council Members stated the following:

- Concern was noted that Council Members were not made aware of the City's proposed legislation change to the 1,500 foot location restriction.
- It was suggested that the City narrow the location restriction to within 300 feet from the primary campus boundary.

The Mayor and Council Members requested that the Economic Development Authority provide feedback to the Council on the proposed ordinance prior to second consideration.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
First Reading of Ordinance No. 2011- 8: An Ordinance Amending 2-3-11C Relating to Location Restrictions of a Liquor License and amended as follows: “~~Within one thousand five hundred feet (1,500')~~ three hundred feet (300') of the property line of any state or private college that is located within the institutional district”

Motion Passed: **Resolution 2011-0627-5**

For: 8

12. [*Consider Actions Related to Ordinance No. 2011-6](#)
 - A. [*Approve Second Reading of Ordinance No. 2011- 6: An Ordinance Amending Title 10, Chapter 5 – Variances](#)
Resolution 2011-0627-A
 - B. [*Approve Title and Summary](#)
Resolution 2011-0627-B
13. [*Resolution Accepting a Grant from The Arts Partnership for the 2012 Celtic Festival](#)
Resolution 2011-0627-C
14. [*Approve Budget Adjustment for Window Replacement at The Meadows Golf Course](#)
Resolution 2011-0627-D

Engineering - Wastewater Treatment

15. [*Resolution to Award Bid for the 1st Ave N Concrete Pavement Rehabilitation Project \(Red River to 8th St\). Eng. No. 11-2-2](#)
Resolution 2011-0627-E
16. [*Resolution to Approve/Deny Changes to Parking Restrictions](#)
Resolution 2011-0627-F
17. [*Resolution to Approve/Deny Changes in Traffic Control](#)
Resolution 2011-0627-G
18. [*Resolution to Authorize a Petition to the Buffalo Red River Watershed District for Ditch & Levee Improvements along 50th Ave S. Eng. No. 12-A5-1](#)
Resolution 2011-0627-H
19. [*Resolution to Approve Renewal of the Mn/DOT Maintenance Agreement for TH 10 and TH 75](#)
Resolution 2011-0627-I
20. [*Resolution to Approve Work Order #1 for Erosion Control and Turf Establishment on Flood Damaged Public Property. Eng. No. 11-13-10](#)
Resolution 2011-0627-J

Administration

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

Minutes: Brian Neugebauer, City Attorney, provided a brief update on recent revisions to the proposed Limited Joint Powers Agreement. City staff clarified the following in response to Mayor and Council questions:

- North Dakota members will initially pay all costs associated with the agreement and will be later reimbursed by Minnesota members.
- There will be a number of opportunities for Minnesota to provide Minnesota's cost share reimbursement should the project proceed.
- The agreement will provide Moorhead with the best protection from

liability.

- The Minnesota and North Dakota Governors and Legislatures will ultimately determine the appropriate project cost share percentage between the two states.
- Without the appropriate agreements in place, USACE will not proceed with the project and the project cannot receive Federal funds.
- Proceeding will allow further geotechnical and cost/risk analysis to continue and assist in answering important questions about if and how the project should be designed.
- Sub-Joint Powers Agreements with the Minnesota Members are underway.
- There is not unanimity on the current need for a lobbyist; however, the agreement would authorize the group to hire one at some point.

The Mayor and Council Members stated the following:

- Concern was noted regarding approval of an agreement that the City currently has no ability to pay.
- Significant delays in the project would occur if a Limited Joint Powers agreement is not reached.
- Concern was noted regarding unknown geotechnical analysis results prior to further financial commitment.
- Concern was noted regarding the continued inclusion of a hired lobbyist under the agreement.
- Concern was noted regarding the lack of support for project funding by State Legislators other than local representatives.
- It was noted that a lobbyist would lobby members of Congress as well as agencies that have the ability to approve the project.
- It was noted that other stakeholders in the Limited Joint Powers Agreement may not be open to further revisions if the current proposal is not approved.
- Concern was noted regarding Moorhead's lack of veto authority.

Motion to Amend made by Brenda Elmer and seconded by Diane Wray Williams
Amend to remove Limited Joint Powers Agreement as presented at the June 20, 2011 Adjourned Council Meeting and replace with Limited Joint Powers Agreement (Version 15) as presented at the June 27, 2011 City Council Meeting Amendment Passed

For: 8

Motion to Amend made by Brenda Elmer and seconded by Luther Stueland
Amend Limited Joint Powers Agreement to delete all references to lobbyist Amendment Failed

For: 4 – Luther Stueland, Nancy Otto, Brenda Elmer, Mark Hintermeyer; Against: 5 – Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke, Mark Voxland

Motion to Approve made by Brenda Elmer and seconded by Mark Hintermeyer
Resolution to Approve Limited Joint Powers Agreement as amended

Motion Passed: **Resolution 2011-0627-6**
For: 6; Against: 2 - Luther Stueland, Mark Hintermeyer

A. [Approve USACE Financial Self Certification](#)

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

Approve USACE Financial Self Certification

Motion Passed: **Resolution 2011-0627-8**

For: 6; Against: 2 - Luther Stueland, Mark Hintermeyer

22. Approve Licenses – Permits

A. [*Resolution to Approve Licenses – Permits](#)
Resolution 2011-0627-K

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

Minutes: Michael Redlinger, City Manager, stated that the City continues to monitor a potential State of Minnesota shutdown and its impact. Scenario planning continues with finance staff in the case of delayed or reduced Local Government Aid payments.

A. [Discuss Participation in Office of State Auditor Local Government Performance Measurement Program](#)

Minutes: Michael Redlinger, City Manager, provided a brief report on the Minnesota Office of the State Auditor, Performance Measurement Program. Participating cities are eligible for a reimbursement of \$0.14 per capita and exemption from levy limits for the participating year. A citizen survey would be part of the program. Cost of participation would only include City staff time.

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

Discuss Participation in Office of State Auditor Local Government Performance Measurement Program

Motion Passed: **Resolution 2011-0627-7**

For: 7; Against: 1 - Luther Stueland

24. Executive Session (If needed)

25. New Business

A. Resolution to Approve Lease Agreement between the City of Moorhead and Rourke Art Gallery Museum

Minutes: Michael Redlinger, City Manager, provided a brief update on a proposed framework for a new lease agreement with the Rourke Art Gallery Museum.

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

- The term of the new lease agreement would be 99 years in exchange for the Rourke assuming all building maintenance, repair, and inspection costs.

- Once the lease is approved, the Rourke has offered immediate repayment of roof replacement costs in the amount of \$52,968.
- As part of the lease, the Rourke has requested that the City provide snow removal for their south parking lot which is adjacent to the Library parking lot. Snow could easily be removed from both lots at the same time by the City.
- If under this lease agreement the Rourke does not maintain the building the City would have the authority to terminate the lease or provide repairs and maintenance and charge the cost at a 10% interest rate.
- Under Minnesota law the City cannot donate real property for nominal value.
- Under Moorhead City Charter the building could be sold following a public hearing. The City could decide to hire a realtor or conduct an auction.

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

Table Resolution to July 11, 2011

Motion to Table Approved

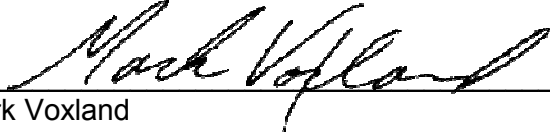
For: 8

26. [Citizens Addressing the Council \(continued, if necessary\)](#)

Minutes: Marcus Larsen, Hickson, ND resident, addressed the Mayor and Council regarding concerns over the Metro Flood Diversion Project.

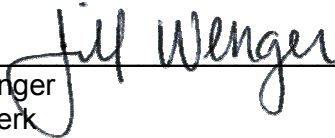
Meeting adjourned at 9:15 p.m.

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