

**City of Moorhead
City Council Meeting
Meeting Minutes
June 13, 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 13, 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. [Recognition of Byron Brink, Public Housing Agency Director](#)

Minutes: Mayor Voxland recognized Byron Brink, Public Housing Agency Director, for his 30 years of service with the City of Moorhead.

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

Minutes: Mayor Voxland announced that the Mayor and Council would enter into Executive Session on the subject of pending litigation with American Crystal Sugar.

Mayor and Council entered Executive Session at 5:34 p.m.

Mayor and Council exited Executive Session at 5:51 p.m.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
**Approve Settlement Agreement and Release of all Claims between American
Crystal Sugar Company, Clay County, and City of Moorhead**

Motion Passed: **Resolution 2011-0613-1**

For: 8

4. [Approve Minutes](#)

A. [April 18, 2011 \(Committee of the Whole\)](#)

- B. [May 9, 2011 \(City Council Meeting\)](#)
- C. [May 23, 2011 \(City Council Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Approve Minutes of April 18, 2011 (Committee of the Whole), May 9, 2011 (City Council Meeting), and May 23, 2011 (City Council Meeting)

Motion Passed

For: 8

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

Minutes: No citizens addressed the Mayor and Council.

6. Agenda Amendments

Minutes: No agenda amendments were noted.

7. [Consent Agenda](#)

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

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

- #13 – Request of RS Carey Land Company - Petition for No Sidewalks in Tessa Court Addition
- #14 – Consider Actions Relating to the Construction of a T-Hangar at the Moorhead Municipal Airport
- #16 – Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.
- #18 – Resolution to Award Bid for the Brookdale North Levee Flood Mitigation Project. Eng. No. 09-A13-2I (Phase 2).
- #20 – Resolution to Approve Budget Adjustment - Sandbag Storage
- #23 – Resolution to Authorize Aerial Mosquito Spraying Contract

Motion to Approve made by Mark Altenburg and seconded by Mark Hintermeyer

Approve Consent Agenda as amended

Motion Passed

For: 8

8. [Mayor and Council Appointments](#)

Motion to Approve made by Luther Stueland and seconded by Nancy Otto

Mayor and Council Appointments

Motion Passed (Resolution #'s noted below)

For: 8

- A. [Appointment to Lake Agassiz Regional Library Board \(Mayor\)](#)
Resolution 2011-0613-2

B. Appointment to Economic Development Authority (Ward 1)
Resolution 2011-0613-3

9. [Mayor and Council Reports](#)

Minutes: Council Member Wray Williams distributed an article published in *Minnesota Cities* magazine entitled, "Collaboration Success Stories," featuring City Manager Michael Redlinger.

Council Member Wray Williams provided a brief report on the Moorhead Public Service Commission.

Council Member Hunt provided a brief report on a recent meeting regarding the Heartland Trail.

Council Member Elmer provided a brief report about a special Economic Development Authority meeting.

Council Member Altenburg provided a brief report on a recent event at Bluestem Center for the Arts.

Mayor Voxland reported that he has been appointed to the Greater Minnesota Housing Finance Board of Directors.

Public Hearings

10. [Public Hearing to Consider the City's Stormwater Pollution Prevention Program \(2010 Annual Report and 2011 Annual Meeting\)](#)

Minutes: Public hearing opened at 6:04 p.m.

Bob Zimmerman, City Engineer, provided a brief report on the City's Stormwater Pollution Prevention Program and Small Municipal Separate Storm Sewer System (MS4) General Stormwater Permit.

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

- The City encourages residents to discard lawn clippings onto private property and not into the street. The City enforces this ordinance on a complaint basis.
- The City encourages residents to direct sump pump discharge onto lawns. Discharge onto the street can create nuisance conditions. Residents are urged not to drain sump pumps directly into the sewer system to prevent system overload during a large rainstorm.

Public hearing closed at 6:16 p.m.

11. [Public Hearing on the Proposal of Moorhead City Charter Amendments by the Charter Commission](#)

Minutes: Public hearing opened at 6:18 p.m.

Jill Wenger, City Clerk, provided a brief overview of the proposed Charter

amendments.

No citizens addressed the Mayor and Council.

Public hearing closed 6:19 p.m.

A. [Resolution to Approve Second Reading of Ordinance 2011-07, An Ordinance to Amend and Reenact Section 2.06 and to Repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead](#)

Minutes: The Mayor and Council Members stated the following:

- It is preferred that Ordinance 2011-07 be divided and considered separately and that second consideration of the repeal of Subdivision 2 of Section 12.11 be postponed until the City and Moorhead Public Service (MPS) discuss hydrant fee rates as part of all utility fees and charges.
- It was requested that City staff provide information to the Mayor and Council regarding hydrants outside of the City's taxing authority.

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

- MPS will be conducting a cost analysis to capture the true cost for hydrant water usage and infrastructure expenses.
- The City and MPS staff meet annually to negotiate utility fees and charges between the two entities.

It was requested that City staff provide the Mayor and Council with a briefing memo following discussion with MPS regarding revised hydrant fees.

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt
Split Ordinance 2011-07 to remove the Repeal of Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead

Motion Passed

For: 8

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Resolution to Approve Second Reading of Ordinance 2011-07, An Ordinance to Amend and Reenact Section 2.06 of the Charter of the City of Moorhead

Motion Passed: **2011-0613-4**

For: 8

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams
Resolution to Approve Second Reading of Ordinance 2011-07, An Ordinance to Repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead

Motion to Table made by Mark Hintermeyer and seconded by Nancy Otto

Motion to Table Approved

For: 8

B. [Resolution to Approve Title and Summary of Ordinance 2011-07](#)

Minutes: It was noted that the Title and Summary of Ordinance 2011-07 should be

amended based on the revised resolution.

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt
Resolution to Approve Title and Summary of Ordinance 2011-07 as amended
Motion Passed: **2011-0613-5**
For: 8

Community Services Department

12. [*First Reading of Ordinance No. 2011- 6: An Ordinance Amending Title 10, Chapter 5 – Variances](#)
2011-0613-A

13. [Request of RS Carey Land Company - Petition for No Sidewalks in Tessa Court Addition](#)

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

- Moorhead City code provides provisions and criteria for residents to petition for no sidewalks.
- The Moorhead Planning Commission recommended approval.
- The request includes four lots which are located in a cul-de-sac.
- Sidewalks are located along the street across from the cul-de-sac.

Motion to Approve made by Luther Stueland and seconded by Dan Hunt
Request of RS Carey Land Company - Petition for No Sidewalks in Tessa Court Addition
Motion Passed: **2011-0613-6**
For: 8

14. [Consider Actions Relating to the Construction of a T-Hangar at the Moorhead Municipal Airport](#)

Minutes: Kristie Leshovsky, City Planner, provided a brief overview of the construction project and clarified the following in response to Mayor and Council questions:

- The local share for the project would be \$70,113.
- It is projected that the hanger will generate between \$14,000 and \$18,000 in revenue per year.
- Flight Development LLC is now the acting Fixed Based Operator.
- It is anticipated that the airport will become much more financially self-sufficient.

The Mayor and Council Members stated the following:

- It is preferred that taxpayers not be required to subsidize the airport.

Motion to Approve made by Greg Lemke and seconded by Brenda Elmer

Consider Actions Relating to the Construction of a T-Hangar at the Moorhead Municipal Airport

Motion Passed: Resolution #'s noted below
For: 7; Against: 1 - Luther Stueland

- A. [Resolution to Award Bid to KBW Associates, Inc.](#)
2011-0613-7
- B. [Resolution to Approve Construction Agreement with Ulteig Engineers](#)
2011-0613-8
- C. [Resolution to Approve Grant Agreement with the State of Minnesota](#)
2011-0613-9

Engineering - Wastewater Treatment

- 15. [*Resolution to Approve Plans & Specifications, Authorize Advertisement for Bids, and Call for a Public Hearing for Horizon Shores 8th Addition Street & Underground Utility Improvements. Eng. No. 11-A2-5](#)
2011-0613-B
- 16. [Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1](#)

Motion to Approve made by Mark Altenburg and seconded by Greg Lemke
Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1.
Motion Passed: **2011-0613-10**
For: 7; Against: 1 - Luther Stueland
- 17. [*Resolution to Approve a Detour Agreement with Mn/DOT for the TH 75 & 60th Avenue South Roundabout Project.](#)
2011-0613-C
- 18. [Resolution to Award Bid for the Brookdale North Levee Flood Mitigation Project. Eng. No. 09-A13-2I \(Phase 2\)](#)

Minutes: Tom Trowbridge, Assistant City Engineer, provided a brief report on the project and clarified the following in response to Mayor and Council questions:

- Construction is projected to start in approximately 2-3 weeks. There will be a phased completion date.
- Minnesota DNR funds will be utilized for this project.
- Tree removal will be required for construction of the project. Replacement trees can be added at a later time.
- Funds for street sweeping have been added to the project cost in order to keep the amount of material on the street to a minimum.

The Mayor and Council Members stated the following:

- Following levee construction the Mayor and Council may want to

consider replacing trees near the area of the project.

Motion to Approve made by Brenda Elmer and seconded by Luther Stueland
**Resolution to Award Bid for the Brookdale North Levee Flood Mitigation Project.
Eng. No. 09-A13-2I (Phase 2).**

Motion Passed: **2011-0613-11**

For: 8

19. [*Resolution to Approve Work Orders #1 & #2 for Emergency Clay Levee Removal. Eng. No. 11-13-9B](#)
2011-0613-D

Operations Department

20. [Resolution to Approve Budget Adjustment - Sandbag Storage](#)

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

- The City donated unused sandbags to Burleigh County, Otter Tail County and the City of Bismarck. None were sold.
- Concrete construction was removed from the sandbag storage in order to reduce cost.
- It is projected that sandbags can be stored outdoors for up to five years.
- Sandbag materials will be covered with a UV resistance tarp.
- Sandbags will need to be thawed indoors prior to placement in a flood event. There will be an additional cost for transport to heated storage before use.
- The City is still in need of adequate storage locations for further sandbag storage needs in the event of a future flood.

The Mayor and Council Members stated the following:

- It is preferred that the City move forward with a policy in which temporary sandbag dike construction be funded by private property owners receiving the protection.
- There is interest in partnering with homeowners for more permanent flood protection along private property.
- It was requested that City staff provide a proposal for screening the outdoor storage area in which sandbags will be placed in order to reduce unsightliness along the I-94 corridor entrance to the city.

Motion to Approve made by Mark Altenburg and seconded by Luther Stueland
Resolution to Approve Budget Adjustment - Sandbag Storage

Motion Passed: **2011-0613-12**

For: 7; Against: 1 - Greg Lemke

21. [*Resolution to Approve Budget Adjustment to Replace Heating System at Public Works Facility](#)

2011-0613-E

22. [*Resolution to Approve Budget Adjustment for Trench Drain Repairs at Joint Public Works Facility](#)
2011-0613-F

23. [Resolution to Authorize Aerial Mosquito Spraying Contract](#)

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

- The aerial mosquito spraying contract is identical to the one approved by the City of Fargo.
- Moorhead and Fargo will utilize the same mosquito count threshold to trigger aerial spraying.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Resolution to Authorize Aerial Mosquito Spraying Contract

Motion Passed: **2011-0613-13**

For: 8

24. [*Resolution to Authorize Custodial Contract with Green View](#)
2011-0613-G

Police Department

25. [*Resolution to Approve Modification to Northwest Regional Radio Board Joint Powers Agreement](#)
2011-0613-H

26. [*Resolution to Authorize Internal Service Fund Reserve Transfer for Scheduled Equipment Replacement of Digital Mobile Video Recorders](#)
2011-0613-I

27. [*Resolution to Approve Budget Adjustment for Firearms Training Equipment and Investigative Equipment](#)
2011-0613-J

28. [*Resolution to Approve Budget Adjustment for Costs Associated with "Every 15 Minutes Program"](#)
2011-0613-K

Moorhead Public Service

29. [*Award Bids for Re-roofing and Re-siding MPS Equipment Storage Building](#)
2011-0613-L

Administration

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

- A. [Resolution to Approve Metro Flood Diversion Project Limited Joint Powers Agreement](#)

Minutes: Brian Neugebauer provided a brief overview of recent revisions to the Limited Joint Powers Agreement for the Metro Flood Diversion Project and City staff clarified the following in response to Mayor and Council questions:

- One member will be appointed by the City of Moorhead and one member will be appointed in accordance with a joint powers agreement between Clay County and the Buffalo-Red River Watershed District.
- Decisions will be made by a simple majority vote except that at least one vote must be cast by at least one Minnesota member, one Fargo member, and one Cass County member.
- Sub-agreements between the City of Moorhead, Clay County, and the Buffalo-Red River Watershed District could further outline the voting authority of Minnesota members.
- The agreement is specific to an 18-month period ending September 30, 2012 and outlines a budget of \$16.5 million.
 - \$15 million – for the planning, design, and development of the Diversion Project.
 - \$1.5 million - for the purpose of hiring a Project Manager and Lobbyist.
- A separate Joint Powers Agreement would be developed for use beyond September 2012.
- Preliminary conceptual discussions have taken place with North Dakota representatives regarding Moorhead's limitations on financing the project prior to State of MN funding allocation.
- Due to additional storage and staging areas intended to minimize downstream impacts the U.S. Army Corps of Engineers (USACE) reduced the capacity of the diversion channel from 35,000 cfs to 20,000 cfs. The revision was made for project optimization and to reduce cost.
- The \$1.5 million allocated in the budget is also intended for some technical engineering work that may be needed over the next 18 months.
- Each elected body will be voting on this version of the Joint Powers Agreement. Elected officials can voice concerns regarding the proposed agreement at the next Metro Flood Study Work Group meeting if the current proposal is not approved.
- The State of Minnesota will not assist in funding the Diversion Project without project authorization and a Project Participation Agreement in place.
- The Co-sponsors (City of Moorhead and City of Fargo) will need to develop a design agreement in addition to a joint powers agreement for the Diversion Project to continue into the construction phase.
- The earliest Congress can allocate funds for construction of the project would be October 2012. Design work in the interim will allow the project to be ready for construction at the time it is approved by

Congress.

- The Mayor sent a letter to Governor Dayton urging him to meet with North Dakota Governor Dalrymple to reach consensus on financing terms of the Diversion Project.

The Mayor and Council Members stated the following:

- Concern was noted that USACE reduced the capacity of the diversion channel and announced the revised plan in public meetings without formal notification to the Moorhead City Council.
- Concern was noted regarding the need for a federal lobbyist. It is preferred that a lobbyist not be hired as part of the initial agreement.
- Concern was noted regarding the increase of the proposed budget from \$1 million to \$1.5 million for the purpose of hiring a Project Manager and Lobbyist. It was noted that the agreement should outline that the \$1.5 million is also proposed for technical engineering projects if that is intended.
- Concern was noted regarding the limitation of only one Moorhead designee to the board of the two Minnesota representatives.
- Concern was noted that the City of Moorhead designee would not have veto authority.
- It was noted that the current Minnesota member representation is reasonable given that the Minnesota cost share would be no more than 10%.
- It is preferred that sub-agreements between the City of Moorhead, Clay County, and the Buffalo-Red River Watershed District be proposed alongside the Joint Powers Agreement.
- Concern was noted on the amount of financial commitment for which the City of Moorhead would be accountable by continuing as a co-sponsor with Fargo.
- It was suggested that the Metro Flood Study Work Group hire a Project Manager in the absence of a Joint Powers Agreement.

The Mayor and Council directed City staff to discuss alternative co-sponsor arrangement possibilities.

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

Resolution to Approve Metro Flood Diversion Project Limited Joint Powers Agreement

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

Motion to Table Approved

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

- B. [*Resolution to Approve Revised Programmatic Agreement for the Fargo-Moorhead Metro Flood Risk Management Project](#)
2011-0613-M

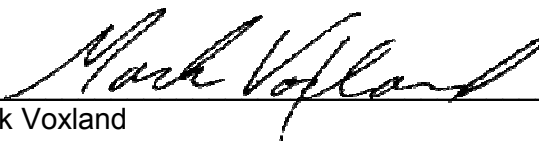
31. [*Receive City of Moorhead 2010 Comprehensive Annual Financial Report \(CAFR\)](#)
2011-0613-N
32. [*Resolution to Approve Collective Bargaining Agreement - Law Enforcement Labor Services, Inc. Local #69](#)
2011-0613-O
33. [*Approve Licenses - Permits](#)
 - A. [*Resolution to Approve Licenses – Permits](#)
2011-0613-P
 - B. [*Resolution to Approve Annual Liquor License Renewals](#)
2011-0613-Q
34. [City Manager Reports - Updates](#)

Minutes: Michael Redlinger, City Manager reported the following:

- City staff will be conducting a cash flow analysis to prepare for a possible Minnesota government shutdown.
- Lakes & Prairies Community Action Council has requested funding support for a Community Action Group Work Camp project. City staff will await Mayor and Council direction on any funding allocation.
- The Federal Highway Administration denied the City's change order request to retain the concrete for SE Main Avenue/I-94 ramps. A decision is still being considered on reconstruction of these ramps.

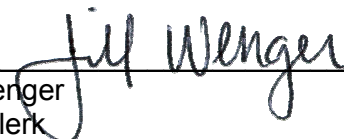
This meeting was adjourned to June 20, 2011.
Meeting adjourned at 9:28 p.m.

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