

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
May 10, 2010 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 10, 2010, 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.

Presentations - Recognitions

Minutes: Mayor Voxland presented a proclamation recognizing Oncology Nursing Month.

Mayor Voxland presented the American Legion Auxiliary with a proclamation recognizing Poppy Day.

2. [Approve Minutes](#)

A. [March 8, 2010 Minutes](#)

B. [April 19, 2010 Minutes](#)

C. [April 26, 2010 Minutes](#)

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto

**Approve Minutes of March 8, April 19, and April 26**

Motion Passed:

For: 7; Absent: 1 - Diane Wray Williams

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

Minutes: Ken Lucier, Moorhead resident, asked for clarification regarding special assessments for non-profit organizations.

Brian Neugebauer, City Attorney, stated that special assessments are calculated the same for all property owners. According to Minnesota law,

non-profit organizations are not exempt for special assessments.

4. [Agenda Amendments](#)

Minutes: The following agenda items were removed:

- #24 – Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the 34<sup>th</sup> St/I-94 interchange project, Phase 2 (Intersection & Traffic Signal Improvements) Eng. No. 04-2-1B
- # 25 – Resolution to Approve Lease Agreement with Rourke Art Museum.

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

**Approve Agenda Amendments**

Motion Passed:

For: 7; Absent: 1 - Diane Wray Williams

5. [Consent Agenda](#)

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

Minutes: The following items were removed from the consent agenda:

- #18 – Resolution to Approve First Reading of Ordinance 2010-4 to Rezone 0.26 Acres located at 316 7th Street South (parcel 58.575.2300) from RMD-2 - Residential Medium Density-2, to MU-2 - Corridor Mixed Use (Unanimous Planning Commission Recommendation)
- #22 – Resolution to Award Bid for the 13th Ave & 20th St. N. Street Rehabilitation Project. Eng. No. 10-A2-4
- #23 – Resolution to Award Bid for Street & Underground Utility Improvements in Prairie Meadows 3rd Addition. Eng. No. 10-A6-2
- #26 – Resolution to Authorize Lake Region Arts Council Grant Application with Plains Art Museum

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

**Approve Consent Agenda**

Motion Passed:

For: 7; Absent: 1 - Diane Wray Williams

6. [\\*Approve Licenses - Permits](#)

- A. [\\*License Renewals](#)  
**Resolution 2010-0510-A**
- B. [\\*Permits](#)  
**Resolution 2010-0510-B**
- C. [\\*Fire Prevention Licenses](#)  
**Resolution 2010-0510-C**

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

Minutes: It was reported that the Board of Equalization saw a positive increase in property values as compared to other communities the State of Minnesota.

A. [Park Advisory Board Appointment - 2nd Ward](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Approve Park Advisory Board Appointment - 2nd Ward**  
Motion Passed: **Resolution 2010-0510-1**  
For: 7; Absent: 1 - Diane Wray Williams

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

Minutes: The City will continue to schedule meetings with neighborhood residents regarding flood mitigation projects.

**Public Hearings**

9. [Public Hearing to Consider the Installation of Boulevard Trees in Allyson Parkway 4th Addition, Eng. No 10-A13-1.](#)

Minutes: The public hearing was opened at: 5:47 PM.

Chad Martin, Operations Director, stated the following:

- Thirty homes would be affected by this project
- Approximately twenty trees would be planted in the development
- Cost is assessed to all benefiting properties
- City policy currently guides standards for assessments and boulevard improvements
- The current policy has been in place for approximately fifteen years
- Residents are provided the opportunity to plant their own boulevard trees if they so choose.

No citizens chose to speak at this public hearing.

The public hearing was closed at: 5:56 PM.

A. Resolution to Approve Installation of Boulevard Trees in Allyson Parkway 4th Addition, Eng. No 10-A13-1

Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto  
**Resolution to Approve e Installation of Boulevard Trees in Allyson Parkway 4th Addition, Eng. No 10-A13-1.**  
Motion Passed: **Resolution 2010-0510-2**  
For: 7; Absent: 1 - Diane Wray Williams

**Community Services Department**

10. [Resolution to Approve House Moving Permit \(3843 15th St. S.\) - Unanimous Planning Commission Recommendation](#)

Minutes: Kristie Leshovsky, City Planner, stated that the Moorhead Planning Commission held a public hearing and unanimously approved the house moving permit. The home meets all City building code requirements with some minor alterations. City staff believes the application meets all requirements and recommends approval of the permit.

The following individuals addressed the Mayor and Council regarding their opposition to the house moving permit:

- Clay Deitrich, Moorhead resident
- Bruce Ugelstad, Moorhead resident

The following individuals addressed the Mayor and Council regarding their support for the house moving permit:

- Amber Ferrie, Moorhead resident

Brian Neugebauer, City Attorney, stated that private covenants cannot be enforced by the City of Moorhead. House moving permits are regulated by City Ordinance. Council decision regarding this issue must be based on current City policy. The City Council would need to cite the basis for denial if the permit is not approved.

The Mayor and Council noted the following:

- There have been significant concerns by a number of citizens residing in the Johnson Farms area regarding this issue.
- Evaluation of property values within a development should consider the "tier" system of design.

Motion to Table made by Mark Hintermeyer and seconded by Greg Lemke

**Table Resolution to Approve House Moving Permit (3843 15th St. S.)**

Motion Passed:

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

11. [Resolution to Authorize Grant Agreement for Airport Improvement \(Hangar Lease Buy Out\) at the Moorhead Municipal Airport](#)

Minutes: Kristie Leshovsky, City Planner stated that the City of Moorhead was awarded a grant in the amount of \$172,000 from the State of Minnesota. The grant agreement will provide 95% of the funds necessary to buy-out an existing hangar lease agreement with the Nordick Group Inc. This project will further the City's efforts to make the airport as self-sufficient as possible.

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

**Resolution to Authorize Grant Agreement for Airport Improvement (Hangar Lease Buy Out) at the Moorhead Municipal Airport**

Motion Passed: **Resolution 2010-0510-3**

For: 7; Absent: 1 - Diane Wray Williams

12. [\\*Resolution to Authorize Partnership Agreement with Moorhead Public Service for Affordable Housing Weatherization](#)  
**Resolution 2010-0510-D**

13. [\\*Set Public Hearing to Consider Adoption of Proposed Assessments for Various Projects](#)  
**Resolution 2010-0510-E**

14. [\\*Authorize Request for Proposals for Provision of Mass Transit Operational Services](#)  
**Resolution 2010-0510-F**

15. [\\*Resolution to Accept the "Moorhead Transit Operations Analysis" as Prepared by the F-M Metropolitan Council of Governments](#)  
**Resolution 2010-0510-G**

16. [\\*Approve Budget Adjustment to Replace Lower Level Concrete Patio and Driveway at The Meadows Clubhouse](#)  
**Resolution 2010-0510-H**
17. [\\*Resolution to Approve First Reading of Ordinance 2010-3 to Rezone 0.44 Acres located at 312 and 320 Highway 75 North \(parcels 58.307.0180 and 58.307.0190\) from RC-Regional Commercial, to CC-Community Commercial \(Unanimous Planning Commission Recommendation\)](#)  
**Resolution 2010-0510-I**
18. [Resolution to Approve First Reading of Ordinance 2010-4 to Rezone 0.26 Acres located at 316 7th Street South \(parcel 58.575.2300\) from RMD-2 - Residential Medium Density-2, to MU-2 - Corridor Mixed Use \(Unanimous Planning Commission Recommendation\)](#)

Minutes: Kristie Leshovsky, City Planner stated the following:

- This rezoning ordinance is to accommodate additional drive-through space next to Taco Bell on 8<sup>th</sup> Street South and possible construction of multifamily housing units adjacent to the parking lot.
- Rezoning this area to Corridor Mixed Use matches the City's comprehensive plan and is compatible with the surrounding neighborhood.
- Rezoning allows for consistency between the two lots.
- Once rezoning is complete there is no obligation for the applicant to fulfill the current site plan.
- All properties within 350 feet were noticed of this request for rezoning.

The following individuals addressed the Mayor and Council regarding their opposition to the rezoning ordinance:

- Mark Anthony, Moorhead resident
- Brian Aret, Moorhead resident

They Mayor and Council noted the following:

- This change will provide a significant decrease in the setback.
- A Corridor Mixed Use category is more restrictive and helps to protect the neighborhood.
- If approved, neighbors will not be involved in the decision-making for the future use of this property with the developer.

Prior to the second reading of this ordinance Leshovsky will request that the developers provide architectural rendering of their site plan.

Motion to Approve made by Greg Lemke and seconded by Nancy Otto  
**Resolution to Approve First Reading of Ordinance 2010-4 to Rezone 0.26 Acres located at 316 7th Street South (parcel 58.575.2300) from RMD-2 - Residential Medium Density-2, to MU-2 - Corridor Mixed Use (Unanimous Planning Commission Recommendation)**

Motion Passed: **Resolution 2010-0510-4**

For: 6; Against: 1 - Mark Altenburg; Absent: 1 - Diane Wray Williams

## Engineering - Wastewater Treatment

19. [\\*Resolution to Remove Parking Restrictions on 23rd St. South](#)

**Resolution 2010-0510-J**

20. [\\*Resolution to Abate and Defer a Special Assessment Levied to Busch Agricultural Resources, LLC for the 26th St S Improvements. Eng. No. 07-A2-5](#)

**Resolution 2010-0510-K**

21. [\\*Resolution to Approve Agency Agreement No. 96651 with the State of Minnesota for Federal Participation in Preliminary Engineering for the SE Main Ave/20th St/21st St. Grade Separation Project. Eng. No. 02-2-2](#)

**Resolution 2010-0510-L**

22. [Resolution to Award Bid for the 13th Ave & 20th St. N. Street Rehabilitation Project. Eng. No. 10-A2-4](#)

Minutes: It was noted that bids for this project were significantly lower than the engineer's estimate. A competitive bidding environment has lent to significant cost savings for the City.

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

**Motion by Mark Altenburg, seconded by Nancy Otto to Approve \*Resolution to Award Bid for the 13th Ave & 20th St. N. Street Rehabilitation Project. Eng. No. 10-A2-4**

Motion Passed: **Resolution 2010-0510-5**

For: 7; Absent: 1 - Diane Wray Williams

23. [\\*Resolution to Award Bid for Street & Underground Utility Improvements in Prairie Meadows 3rd Addition. Eng. No. 10-A6-2](#)

Minutes: It was noted that bids for this project were significantly lower than the engineer's estimate. A competitive bidding environment has lent to significant cost savings for the City.

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

**Resolution to Award Bid for Street & Underground Utility Improvements in Prairie Meadows 3rd Addition. Eng. No. 10-A6-2**

Motion Passed: **Resolution 2010-0510-6**

For: 7; Absent: 1 - Diane Wray Williams

24. ITEM REMOVED

**City Manager Reports**

25. ITEM REMOVED

26. [\\*Resolution to Authorize Lake Region Arts Council Grant Application with Plains Art Museum](#)

Minutes: Colleen Sheehy, Director of the Plains Art Museum, stated that this grant application to the Lake Region Arts Council would provide for a community garden project located at the Moorhead Power Plant. If awarded, two nationally acclaimed artists would assist in planning the project.

This is a collaborative effort between the Plains Art Museum, City of Moorhead, and Moorhead Public Service. This grant will provide the funding

and development of a public garden while the City determines a future use for the facility. The garden could remain once a future use is determined.

Mark Chekola, Chair of Moorhead Power Plant Study Group, stated that in their initial survey citizens reported they would like the site to remain accessible to the public and would like the building preserved and reused. The Study Group is supportive of this grant proposal.

If approved, the City would agree to act as fiscal agent and administer the grant. Acceptance of the grant would be considered at a separate City Council meeting.

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg  
**Resolution to Authorize Lake Region Arts Council Grant Application with Plains Art Museum**

Motion Passed: **Resolution 2010-0510-7**

For: 7; Absent: 1 - Diane Wray Williams

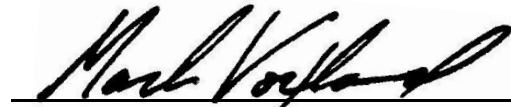
27. Reports - Updates

Minutes: Redlinger noted that there will be an Executive session scheduled at the May 24, 2010 City Council meeting.

Meeting Adjourned at 7:26 PM.

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*