

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
March 25, 2013 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 March 25, 2013, 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: | Heidi Durand     | Absent               |
| 2nd Ward Council Member: | Mark Altenburg   | Present              |
| Mayor:                   | Mark Voxland     | Absent until 5:46 pm |
| 3rd Ward Council Member: | Mike Hulett      | Present              |
| 3rd Ward Council Member: | Brenda Elmer     | Present              |
| 4th Ward Council Member: | Mark Hintermeyer | Present              |
| 4th Ward Council Member: | Steve Gehrtz     | Present              |

**City Council Meeting**

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

2. Recognitions - Presentations

A. Proclamation: Diabetes Alert Day

Minutes: Council Member Otto presented the Proclamation for Diabetes Alert Day.

3. [Approve Minutes](#)

Minutes: Council Member Hulett amended the Council Retreat Minutes to include a request for a continuation of the retreat specifically for the purpose of discussing items of interest to Council Members which were not covered in the first session.

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

**Motion to Approve Minutes as Amended.**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

A. [December 17, 2012 \(Correction\)](#)

B. [January 14, 2013 \(Correction\)](#)

C. [January 28, 2013 City Council Minutes](#)

D. [March 1-2, 2013 Council Retreat Minutes](#)

E. [March 11, 2013 City Council Minutes](#)

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

Minutes: Judy Hanson, resident, expressed concern of snow removal and dirt piles on empty lots in Stonemill Ponds.

Jason Sandt, resident, expressed concern with snow removal in the Mallard Creek subdivision.

5. [Agenda Amendments](#)

Minutes: Ms. French, City Clerk, recommended adding Licenses and Permits to consent.

Council Member Elmer recommended adding Council Rules & Procedures.

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

**Motion to Approve the Agenda Amendments**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

6. [Consent Agenda](#)

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

Minutes: Council Member Stueland requested to remove all license items from consent.

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

**Motion to Approve the Consent Agenda as Amended.**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

7. [Mayor and Council Appointments](#)

Minutes: Mayor Voxland recommends appointing Wilhelmine Jacobson to the Board of Appeal and Equalization.

Motion to Approve made by Mike Hulett and seconded by Nancy Otto

**Motion to Approve the Mayor and Council Appointments**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

8. [Executive Session: Proposed Flood Buyout Purchase Agreement](#)

A. [Resolution to Consider Sale of 3500 Riverview Cir. S.](#)

Motion to Approve made by Mike Hulett and seconded by Nancy Otto

**Motion to Approve Resolution to Consider Sale of 3500 Riverview Cir. S.**

Motion Passed **Resolution 2013-0325-1**

For: 7; Absent: 1 - Heidi Durand

## Community Services Department

9. [\\*Consider Actions Related to Ordinance 2013-5](#)
  - A. [\\*Second Reading of Ordinance 2013-5 - An Ordinance Establishing Urban and Rural Taxing Districts](#)
  - B. [\\*Title and Summary of Ordinance 2013-5](#)  
**Resolution 2013-0325-A**
10. [Review 2013 Make Moorhead Home Community Marketing Plan](#)

Minutes: Scott Hutchins, Director of Community Services and Lisa Vatnsdal, Community Development Division Manager gave a brief summary of the 2013 Make Moorhead Home Community Marketing Plan.

Discussion occurred regarding the billboards, phone apps, and the new positions. Staff will clarify who owns the billboards.

Motion to Approve made by Brenda Elmer and seconded by Steve Gehrtz  
**Motion to Approve Resolution to Approve the 2013 Make Moorhead Home Community Marketing Program**

Motion Passed **Resolution 2013-0325-8**  
For: 6; Absent: 1 - Heidi Durand; Against: 1 - Luther Stueland
11. [\\*Approve Contract for Commissioned Advertising Sales Position – Parks](#)  
**Resolution 2013-0325-B**

## Engineering - Wastewater Treatment

12. [\\*Resolution to Approve Engineering Services Agreement for Bridge Inspection Services](#)  
**Resolution 2013-0325-C**
13. [\\*Resolution to Award Bid for Area B Flood Mitigation - 9th St. North Levee & Floodwall. Eng. No. 11-A13-3B](#)  
**Resolution 2013-0325-D**
14. [\\*Resolution to Award Bid for Area C Flood Mitigation Project - North River Dr. Floodwall. Eng. No. 11-A13-3C2](#)  
**Resolution 2013-0325-E**

## Police Department

15. [\\*Resolution to Purchase Handheld Ticket Writers using DUI Forfeiture Funds](#)  
**Resolution 2013-0325-F**

## Administration

16. [First Reading of Ordinance 2013-6: An Ordinance to Amend and Reenact Section 2-5A of the Moorhead Municipal Code Relating to Tobacco Sales](#)

Minutes: Keely Ihry, Clay County Public Health, gave a brief presentation of the Clay County Tobacco Ordinance.

- Updates included:
  - Tobacco Definitions
  - Application Process
  - Proximity to Youth Facilities
  - Prohibiting Smoking Indoors at all times
  - Fee Schedule
  - Denial of License, Prohibited Sales and Responsibility Section
  - Compliance Checks
  - Illegal Acts
- Discussion occurred regarding tobacco related devices, proximity, and sampling.
- City Council would like businesses notified prior to the 2<sup>nd</sup> reading on April 8, 2013 and determine if the Casey's future development would be impacted by the proximity to youth facilities.
- City Council would like to see a comparison to Minnesota State Statutes.

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

**Motion to Amend Ordinance 2013-6 Tobacco – Related Devices, delete “ashtray” and add matches and lighters are exempt**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

Motion to Approve made by Nancy Otto and seconded by Mike Hulett

**Motion to Approve First Reading of Ordinance 2013-6: An Ordinance to Amend and Reenact Section 2-5A of the Moorhead Municipal Code Relating to Tobacco Sales as Amended**

Motion to Approve made by Luther Stueland and seconded by Mike Hulett

**Motion to Table the First Reading of Ordinance 2013-6: An Ordinance to Amend and Reenact Section 2-5A of the Moorhead Municipal Code Relating to Tobacco Sales as Amended**

Motion Passed

For: 7; Absent: 1 - Heidi Durand

17. Approve Licenses - Permits

A. [Resolution to Approve Sound Amplification Application for MS Society](#)

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

**Motion to Approve Resolution to Approve Sound Amplification Application for MS Society**

Motion Passed **Resolution 2013-0325-2**

For: 7; Absent: 1 - Heidi Durand

B. [Resolution to Approve the Renewal of the Red River Valley Softball Association 3.2 On-Sale/Sunday Liquor License](#)

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

**Motion to Approve Resolution to Approve the Renewal of the Red River Valley Softball Association 3.2 On-Sale/Sunday Liquor License**

Motion Passed **Resolution 2013-0325-3**

For: 6; Absent: 1 - Heidi Durand; Abstain: 1 – Luther Stueland

C. [Resolution to Approve Licenses - Permits](#)

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

**Motion to Approve Resolution to Approve Licenses**

Minutes: Formally licensed as FM Road Force; change in name only.

Council Member Stueland stated that he will abstain to this resolution as he doesn't see to endorse or prohibit this activity.

Motion Passed **Resolution 2013-0325-4**

For: 6 ; Absent: 1 - Heidi Durand; Abstain: 1 – Luther Stueland

D. Council Rules & Procedures

Minutes: Council Rules & Procedures will be discussed at the April 8, 2013 Council Meeting.

Council Member Elmer would like to see the Pledge of Allegiance added.

Council Member Gehrtz expressed his concern regarding the minutes and supporting documentation.

18. Mayor and Council Reports

Minutes: Council Member Gehrtz gave a brief update on the 1st Avenue North property.

Council Member Elmer gave a brief update on the Park Advisory Board, Buffalo Red River Watershed District Hearing, and the West Central Initiative Economic Board.

Mayor Voxland gave an update on a meeting with the FM Home Builders Association, a meeting with Governor Dayton, and a legislative update.

19. [City Attorney Report - Bridge Company Update \(15th Ave. N. / 12th Ave. N. Toll Bridge\)](#)

Minutes: John Shockley provided a brief update on the toll bridge. He stated that on April 8, 2013, the City Council may need to have an executive session to discuss litigation.

20. [City Manager Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, announced that Tim Flaherty from the Coalition of Greater Minnesota Cities will be here on Wednesday, March 27, 2013. He also provided a brief legislative update.

A. [Flood Preparation Update](#)

Minutes: Michael Redlinger, City Manager, and Bob Zimmerman, City Engineer presented a 2013 flood preparation update. Discussion occurred regarding projected forecasts, preparation costs/budget, and necessary actions.

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto  
**Motion to Approve Resolution to Authorize Mayor and City Manager to Take Necessary Actions; Approve Budget Adjustment for Event Related Expenditures; Consent and Sustain Mayoral Declaration of a State of Emergency for the Spring 2013 Flood Event**

Motion Passed **Resolution 2013-0325-5**  
For: 7; Absent: 1 - Heidi Durand

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

Motion to Approve made by Mark Altenburg and seconded by Steve Gehrtz  
**Motion to Approve Collective Bargaining Agreement between the City of Moorhead and AFSCME, Local 1450**

Motion Passed **Resolution 2013-0325-6**  
For: 6; Absent: 1 - Heidi Durand; Against: 1 - Luther Stueland

22. [New Business](#)

Minutes: Council Member Altenburg provided a brief history regarding City Code Title 1, Chapter 6, Section 1 entitled "City Departments and Other Officers."

Council Member Hulett and Council Member Otto would like the City organizational chart be discussed at the next Council Retreat.

Motion to Approve made by Mark Altenburg and seconded by Brenda Elmer  
**Motion to Approve the First Reading of the Ordinance to Amend and Reenact Title 1, Chapter 6 of the Moorhead Municipal Code Relating to City Departments and Other Officers**

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg  
**Motion to Table the First Reading of the Ordinance to Amend and Reenact Title 1, Chapter 6 of the Moorhead Municipal Code Relating to City Departments and Other Officers**

Motion Passed  
For: 7; Absent: 1 - Heidi Durand

Minutes: Council Member Hulett would like to schedule another retreat to discuss matters of importance to the Mayor and individual Council Members.

Mayor Voxland suggested a weeknight versus a weekend.

Motion to Approve made by Mike Hulett and seconded by Mark Altenburg  
**Motion to schedule a Council retreat for the specific purpose of discussing those matters of importance to the Mayor and individual Council Members that were not addressed at the most recent retreat, and that the new retreat be held no later than May 17, 2013.**

Motion Passed  
For: 7; Absent: 1 - Heidi Durand

Minutes: Council Member Hulett would like to have an annual performance review for the City Manager.

Council Member Otto agrees with the review, however, she suggested moving this out another month.

Council Member Altenburg would like an update on the HR Director position.  
Discussion occurred regarding the performance review instrument.

Motion to Approve made by Luther Stueland and seconded by Nancy Otto  
**Motion to amend to make the date June 30, 2013**

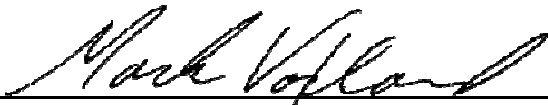
Motion Failed  
Absent: 1 - Heidi Durand

Motion to Approve made by Mike Hulett and seconded by Steve Gehrtz  
**Motion to enter into a closed session for the purpose of holding an annual performance review conversation with the City Manager, and that the session be scheduled no later than May 17, 2013.**


Motion Passed  
For: 7; Absent: 1 - Heidi Durand

Meeting Adjourned at 9:12 pm.

APPROVED BY:

  
\_\_\_\_\_  
MARK VOXLAND, Mayor

ATTEST:

  
\_\_\_\_\_  
MICHELLE FRENCH, City Clerk

The proceedings of this meeting are digitally recorded and are available for public review.

*Respectfully submitted by:*  
*Michelle French, City Clerk*