

**MINUTES OF THE MEETING OF THE CITY COUNCIL
OF THE CITY OF MOORHEAD, MINNESOTA
April 27, 2009**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly held in the Council Chambers, City Hall, April 27, 2009, at 5:30 PM.

The following were present for roll call:

1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Dan Bohmer	Absent
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. [Recognitions/Presentations/Introductions](#)

**Minutes: Mayor Voxland proclaimed Saturday, May 9, 2009 5:30 PM
as "National Association of Letter Carriers Food
Drive Day".**

A. [Proclamation: "National Association of Letter Carriers Food Drive Day" -
May 9th](#)

3. [Approve Minutes of April 6 and 13, 2009](#)

**Motion made to Approve made by Diane Wray Williams and 5:31 PM
seconded by Nancy Otto
Motion to Approve Minutes of April 6 and 13, 2009
Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

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

**Minutes: Betty Fraase, 2897 35th Street South, suggested 5:46 PM
the City Council look at Dutch Water Engineers as
consultants for future flood control. She indicated
access to this information is available at
GoDutch.com. Ms. Fraase stated she lived in
Holland for approximately 16 years and had
opportunity to visit the water control system. She
summarized her knowledge regarding such and the
effectiveness of the system. Ms. Fraase
encouraged the Council to look into this prospect
and indicated she would forward information to
them.**

Roger Sipson, 2503 Rivershore Drive, distributed information regarding walkout basements along the river. He contends many of the "huge" sandbag dikes are the result of homes with walkout basements (his included). He suggested the City contract with an engineering firm to do a generic study of the feasibility of "closing in walkout basements along the river". Mr. Sipson feels the advantages of undertaking such a study include:

- Eliminate duplication of individual property owners undertaking the same effort;
- Unnecessary load on the City Engineering Dept. if individual homeowners pursued this process without "generic guidance".
- Future flood fights would be "easier" if the study recommended closure of walkout basements and homeowners complied with such.
- Homeowners might realize a savings if the closure of the walkout resulted in removal of the property from the floodplain.
- The City would "benefit from the increased values" if the homes were removed from the floodplain.

Barbara Sipson, 2503 Rivershore Drive, thanked the Council and staff during the flood event. She indicated they signed up this afternoon to have the sandbag dike removed. Ms. Sipson also thanked the City for provision of sand and sandbags. She related the importance of filled bags to aid them with their flood fight. She also requested the conduct of a meeting with appropriate staff for those residents behind the clay dikes that will not be covered by any of the proposed flood protection plans. She also asked that the City work as fast as possible (with Fargo) to come up with a long term solution.

5. [Agenda Amendments](#)

Minutes: There were no amendments to the agenda.

5:46 PM

6. [Consent Agenda](#)

All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.

Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto 5:47 PM
Motion to Approve Consent Agenda
Passed For: 7; Against: 0; Abstain: 0; Absent: 1
Minutes: Council Member Lemke requested item #13 be removed. 5:47 PM

7. [*Approve Licenses - Bonds](#)

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

Minutes: Council Member Otto provided a brief report on the following: 5:51 PM
- Issues discussed/considered during the April 14th Moorhead Public Service Commission meeting; and
- On April 23rd, the Clay County Solid Waste Committee discussed the disposal/reuse of the sandbags/sand.

A. [Resolution to Approve Charter Commission Reappointment](#)

Motion made to Approve made by Lauri Winterfeldt and seconded by Nancy Otto 5:51 PM
Motion to Approve Resolution to Approve Charter Commission Reappointment
Passed For: 7; Against: 0; Abstain: 0; Absent: 1

9. [Public Hearing to Consider Application for Tax Incentives \(A-1 Automotive Transmission Service at 2627 27th St S\)](#)

Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams 5:52 PM
Motion to Open the Public Hearing to Consider Application for Tax Incentives (A-1 Automotive Transmission Service at 2627 27th St S)
Passed For: 7; Against: 0; Abstain: 0; Absent: 1
Minutes: City Manager Redlinger noted the purpose of the public hearing. A-1 Automotive is proposing the construction of a new building and purchase of equipment for the relocation of his business to 2627 16th Avenue South. A-1 currently employs 5.33 FTE's and estimates to increase this to 8.33 by the 2011 attainment date. 6:06 PM

Pete Doll explained the purpose of the hearing, which is to consider the request for property and sales tax incentives for a new building for A-1 Automotive Transmission Service, a long term Moorhead business. Mr. Doll noted this is a "pretty typical" request for incentives; however, the nuance here is the minimum compensation paid.

The property owner received approximately \$322,000 over the market value of the building acquired for the 20th/21st Street grade separation project. The new law allows the displaced property owner the ability to find a replacement structure and to be compensated for the additional cost to replace the structure, which in this particular situation exceeded the market value of the existing building. Mr. Doll noted this is a policy decision for Council as to whether the \$322,000 compensation over building market value should be considered when applying the exemptions/incentives.

City Attorney Neugebauer reported the City did not over pay the property owner. He was paid in accordance with the new law to replace his business building with a comparable one.

Bruce Bekkerus, 1505 16th Avenue South, reflected on the history to negotiate a price for his property. He feels the minimum compensation law has nothing to do with this. He feels this law does not apply in this case as the City never presented a minimum compensation offer. Mr. Bekkerus distributed correspondence from his legal counsel regarding the minimum compensation issue. He also corrected the new address for his business is 2627 16th Avenue South. Mr. Bekkerus closed by stating he is excited to move forward and feels it is going to be a burden/hardship "because the way they are going is way outside the box".

City Attorney Neugebauer explained the City's negotiated purchase price included provisions for minimum compensation. He clarified Mr. Bekkerus could have taken these funds and relocated elsewhere; however, has decided to rebuild in Moorhead. In response to inquiry, City Attorney Neugebauer recommended the Council consider 'option one'. This option facilitates the applicant's qualification for 3 years of property tax exemption if the market value of improvements is under \$500,000, four years if over \$500,000, and provides for sales tax incentives if the building was constructed and a minimum of \$100,000 expended for equipment.

Council Member Otto moved, seconded by Council Member Wray Williams, to close the public hearing, which motion passed by unanimous vote.

- A. [Resolution to Consider Application for Tax Incentives - A-1 Automotive Service](#)

Motion made to Approve made by Lauri Winterfeldt and seconded by Dan Hunt 6:07 PM

Motion to Approve Resolution to Consider Application for Tax Incentives - A-1 Automotive Service

Passed For: 7; Against: 0; Abstain: 0; Absent: 1

Minutes: Option one was indicated in the motion. 6:07 PM

Community Services Department

10. [*Resolution to Adopt the North Moorhead and Oakport Township Alternative Urban Area-wide Review \(AUAR\) \(Unanimous Planning Commission Recommendation\)](#)
11. [*Resolution to Authorize Trollwood Change Orders](#)
12. [Resolution to Establish "Moorhead Flood Impact" Flood Recovery Fund for Individuals and Community Organizations to Match Contributions from Dakota Medical Foundation](#)

Minutes: Lisa Vatnsdal, Neighborhood Services Manager, related the City is excited to have this opportunity to work with the Dakota Medical Foundation. The Dakota Medical funds must be used for health related issues, but the other funds raised can be used for flood recovery efforts. An advisory committee is needed. The resolution before the Council utilizes the United Way's Advisory Board to serve as the Fund Advisory Committee. 6:15 PM

Mayor Voxland suggested the resolution be amended to read 'Moorhead/Clay County Flood Impact', which was accepted as a friendly amendment by Council Members Rowell and Otto.

Motion made to Approve made by John Rowell and seconded by Nancy Otto 6:15 PM

Motion to Approve Resolution to Establish "Moorhead Flood Impact" Flood Recovery Fund for Individuals and Community Organizations to Match Contributions from Dakota Medical Foundation

Passed For: 7; Against: 0; Abstain: 0; Absent: 1

Engineering - Wastewater Treatment

13. [*Resolutions to Approve Relocation Claims for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)

Motion made to Approve made by John Rowell and seconded by Diane Wray Williams 6:17 PM

Motion to Approve All Resolutions to Approve Relocation Claims for the SE

**Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2
Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

Minutes: The motion was to approve items 13-A through 13-L. 6:17 PM

Council Member Lemke asked about the cost to move private property out of the storage facility. How did the City arrive at this cost. City Engineer Zimmerman replied federal rates/standards apply.

- A. [*Resolution to Approve Relocation Claim \(David Knutson\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- B. [*Resolution to Approve Relocation Claim \(Kenneth Boone\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- C. [*Resolution to Approve Relocation Claim \(Paul Asplin\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- D. [*Resolution to Approve Relocation Claim \(Mark & Deb Pearson\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- E. [*Resolution to Approve Relocation Claim \(James Haney\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- F. [*Resolution to Approve Relocation Claim \(Carl Felix\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- G. [*Resolution to Approve Relocation Claim \(Julian Elofson\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- H. [*Resolution to Approve Relocation Claim \(Diane Kruse\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- I. [*Resolution to Approve Relocation Claim \(Martin's Properties LLC\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- J. [*Resolution to Approve Relocation Claim \(Mark Chekola\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- K. [*Resolution to Approve Relocation Claim \(Emmett Lewis\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
- L. [*Resolution to Approve Relocation Claim \(Deb & Corey Olson\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng.](#)

No. 02-2-2

14. *Resolution to Approve a Limited Use Permit from Mn/DOT for the TH 75 (8th St)/40th Ave S Pedestrian Underpass . Eng. No. 09-2-1
15. *Resolution to Authorize Right Of Entry and Material Placement Agreements for City Owned Property

Fire Department

16. No Items Scheduled

Operations Department

17. No Items Scheduled

Police Department

18. *Resolution to Approve Gambling Exempt (Raffle) Permit - St. Joseph's Church (May 28, 2009)

Moorhead Public Service

19. *Resolution to Award Bid for Feeders 14 / 15 and Feeders 19 and 20 Tie Installation

City Attorney Reports

20. Resolution Accepting Offer on Sale of \$7,705,000 Public Utility Revenue Bonds, Series 2009A and Providing for Their Issuance

**Motion made to Approve made by John Rowell and seconded 6:21 PM
by Nancy Otto**

**Motion to Approve Resolution Accepting Offer on Sale of \$7,705,000 Public
Utility Revenue Bonds, Series 2009A and Providing for Their Issuance
Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

**Minutes: City Attorney Neugebauer explained the purpose of 6:21 PM
the sale of the Moorhead Public Service (MPS)
\$7,705,000 Public Utility Revenue Bonds. He noted
both Springsted Inc. and MPS recommended the
award of this sale.**

**Minutes: Leigh Wilson-Mattson, Assistant to the City 6:21 PM
Manager, related the recent 'Good News • Good
People' announcements.**

City Manager Reports

21. Good News - Good People
22. Reports - Updates

Minutes: City Manager Redlinger provided the following 6:31 PM

updates:

- The U.S. Army Corps of Engineers announced it is likely they will start with the removal of the sandbag dike prior to removal of the clay dikes.
- Residents are able to sign up for the right-of-entry permit process for the sandbag dike removal.
- Clean up week is scheduled for the first week in May. The City will continue to pick up flood damaged property after 'clean-up' week.
- Staff will be traveling to St. Paul to start work on the flood recovery pieces. Staff will continue to monitor the 'normal' legislative activities in St. Paul.
- Staff from Moorhead and Fargo will be traveling to Washington, DC next week to work on flood protection for the area.

- A. Federal - State Legislative - Budgetary Issues: Updates-Action
- B. Other

- 23. [Executive Session \(if needed\)](#)
- 24. Other Reports
- 25. New Business
- 26. [Citizens Addressing the Council \(continued, if necessary\)](#)

Minutes: Meeting adjourned.

6:31 PM

The proceedings of this meeting are digitally recorded and said electronic file is available for public review.

APPROVED:

MARK VOXLAND, Mayor

ATTEST:

KAYE BUCHHOLZ, City Clerk