

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
April 09, 2012 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 April 09, 2012, 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
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
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: Bike or Walk to Work or School Week](#)

Minutes: Mayor Voxland presented a proclamation recognizing "Bike or Walk to Work or School Week."

B. [Recognition: "Earth Week"](#)

Minutes: Mayor Voxland presented a proclamation recognizing "Earth Week."

3. [Approve Minutes](#)

A. [August 15, 2011 \(Committee of the Whole\)](#)

B. [March 12, 2012 \(City Council Meeting\)](#)

C. [March 19, 2012 \(Committee of the Whole\)](#)

D. [March 26, 2012 \(City Council Meeting\)](#)

E. [April 2, 2012 \(Special Committee of the Whole\)](#)

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

**Motion to Approve Minutes of August 15, 2011 (Committee of the Whole), March 12, 2012 (City Council Meeting), March 19, 2012 (Committee of the Whole), March**

**26, 2012 (City Council Meeting), April 2, 2012 (Special Committee of the Whole)**

**Motion Passed**

For: 7; Absent: 1 - Heidi Durand

4. [Citizens Addressing the Council](#)

Minutes: James Van Raden, Moorhead resident, addressed the Mayor and Council regarding concerns related to the Moorhead Police Department.

5. [Agenda Amendments](#)

Minutes: City staff noted that the following item would need to be removed from the agenda. Minnesota Department of Transportation approval is required prior to Council consideration.

- #15.A & #15.B – Resolutions to Approve Plans & Specifications, Authorize Advertisement for Bids, and Approve Amended Agreement with BNSF for the 20th St & 40th Ave S Pedestrian Underpass Project. Eng. No. 11-2-1

Motion to Approve made by Mike Hulett and seconded by Mark Altenburg

**Motion to Approve Agenda as Amended**

**Motion Passed**

For: 7; Absent: 1 - Heidi Durand

6. [Consent Agenda](#)

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

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

- #12 – Resolution to Approve Plans and Specifications and Authorize Advertisement for Bids for Bus Shelter Rehabilitation and Installations Project Eng. No. 10-13-1
- #13 – Authorization to Request Qualifications for Engineering and Construction Services of Passenger Waiting Shelters at Concordia College and MSUM
- #19 – Approve Eminent Domain Proceedings for the 115kV Transmission Line Easements Associated with the Opportunity Substation

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

**Motion to Approve Consent Agenda as Amended**

**Motion Passed**

For: 7; Absent: 1 - Heidi Durand

7. Mayor and Council Appointments

Minutes: No appointments were noted.

## Public Hearings (5:45 p.m.)

### 8. [Public Hearing: Boulevard Tree Installations](#)

Minutes: Public hearing opened at 5:50 p.m.

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

- The resolution being considered will authorize that the project be ordered. Trees will be planted in summer 2012. The assessment will not be ordered until spring 2013 and payable 2014.
- Notices were provided to homeowners with an estimated assessment cost. Estimates are intentionally conservative.
- Under current developer agreements, all homeowners in a development pay an equal portion of all side lot trees.
- Trees are planted by a contractor who must provide a two-year warranty on all trees.
- Homeowners may elect to plant trees on their own property which would be deducted from the full assessment amount. Homeowners may still receive an assessment even though they have planted trees on their front lot and/or side lot, depending on the balance of the project.
- There is a 20.75% engineering fee factored into the project cost to offset City expenses. This fee is consistent with past practice over the past several decades.
- Developer agreements are between the City and developer. Homeowners may or may not know that boulevard tree installation assessments will be forthcoming at the time they purchase a lot or home in a development.
- A side lot is defined as the portion of the parcel with the longest side. The front lot may or may not be the same side as the homeowner's entrance.
- Both owners residing in a twin home are assessed for side lot trees.
- Assessments are recorded against a property, not the owner.
- Developer agreements serve as a petition for improvements. According to state law, the City Council must still formally order the improvement.

The Mayor and Council noted the following:

- Concern was noted that homeowners may elect to plant all required side lot trees and still be assessed a portion of the project.
- Concern was noted regarding the 20.75% engineering fee.
- It is preferred that a more accurate cost of the assessment be provided to homeowners before the project is to be ordered.
- It is preferred that assessments be divided by parcel, not by

homeowner.

- Developer agreements in the proposed developments have been in place for a number of years. Residents within these developments may be upset if trees are not planted as prescribed.
- It may be a cost saving measure to plant trees during the fall months.

The following individuals addressed the Mayor and Council regarding their concern related to the fairness of the current boulevard tree installation assessment policy:

- Duane Vesta, Moorhead resident
- Jason Sandt, Moorhead resident

Public hearing closed at 7:11 p.m.

A. [Order Project for Installation of Boulevard Trees](#)

Minutes: City staff noted the following:

- The Mayor and Council have the latitude to change future developer agreements.
- Following the public hearing, the Council would have six months to formally order the improvement. Conditions of the improvement project could be modified prior to approval. A vote to formally deny the order would make it very difficult to complete the project at a later time.

City staff was directed to provide options for modifications to the proposed boulevard tree installation projects at the next Council meeting.

City staff was directed to provide recommendations and feedback for a Mayor and Council policy discussion related to future developer agreements.

Motion to Approve made by Steve Gehrtz and seconded by Mark Altenburg

**Order Project for Installation of Boulevard Trees**

Motion to Table made by Mike Hulett and seconded by Brenda Elmer

**Motion to Table Passed**

For: 7; Absent: 1 - Heidi Durand

**Community Services Department**

9. [\\*Resolution to Approve Conditional Use Permit to Allow for Excavation within the Floodway Overlay District](#)  
**Resolution 2012-0409-A**
10. [\\*Resolution to Approve Conditional Use Permit to Allow for the Placement of a Flood Control Structure and Excavation within the Floodway Overlay District](#)  
**Resolution 2012-0409-B**
11. [\\*Resolution Considering Minor Route Changes to MATBUS Routes 1 and 4](#)

## Resolution 2012-0409-C

12. [Resolution to Approve Plans and Specifications and Authorize Advertisement for Bids for Bus Shelter Rehabilitation and Installations Project Eng. No. 10-13-1](#)

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

- Federal funding would be used for the rehabilitation of existing shelters, and purchase and installation of new shelters.
- One easement is requested for the shelter near Moorhead High School. The easement is supported by the school district.

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

### **Resolution to Approve Plans and Specifications and Authorize Advertisement for Bids for Bus Shelter Rehabilitation and Installations Project Eng. No. 10-13-1**

Motion Passed: **Resolution 2012-0409-1**

For: 6: Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

13. [Authorization to Request Qualifications for Engineering and Construction Services of Passenger Waiting Shelters at Concordia College and MSUM](#)

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

### **Authorization to Request Qualifications for Engineering and Construction Services of Passenger Waiting Shelters at Concordia College and MSUM**

Motion Passed: **Resolution 2012-0409-2**

For: 6: Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

## Engineering - Wastewater Treatment

14. [\\*Resolutions to Approve Right-of-Way Acquisition and Award Bid for the 43rd Ave N Flood Mitigation Project. Eng. No. 11-A13-2I](#)

A. [\\*Resolution to Approve Right-of-Way Acquisition](#)  
**Resolution 2012-0409-D**

B. [\\*Resolution to Approve Right-of-Way Acquisition](#)  
**Resolution 2012-0409-E**

C. [\\*Resolution to Award Bid](#)  
**Resolution 2012-0409-F**

15. REMOVED

A. REMOVED

B. REMOVED

16. [\\*Resolution to Authorize Actions Related to Easement and Ownership at 922 and 926 Rensvold Blvd](#)  
**Resolution 2012-0409-G**

17. [\\*Resolution to Approve Cooperative Construction Agreement with Mn/DOT for the](#)

[Construction of 28th Ave S from 20th to 26th St. Eng. No. 12-2-3](#)  
**Resolution 2012-0409-H**

**Moorhead Public Service**

18. [\\*Approve Reserve Contract with Western Area Power Administration](#)  
**Resolution 2012-0409-I**

19. [Approve Eminent Domain Proceedings for the 115kV Transmission Line Easements Associated with the Opportunity Substation](#)

Minutes: Bill Schwandt, Moorhead Public Service General Manager, provided a presentation on a proposed transmission line and clarified the following in response to Mayor and Council questions:

- Moorhead Public Service is requesting authority to move forward with eminent domain proceedings necessary for the project.
- The project will supply electric reliability to an area of the City that has seen both residential and industrial load expansion.

City staff noted that both public and private utilities can be provided with eminent domain authority.

Motion to Approve made by Mike Hulett and seconded by Mark Altenburg  
**Approve Eminent Domain Proceedings for the 115kV Transmission Line Easements Associated with the Opportunity Substation**  
Motion Passed: **Resolution 2012-0409-3**

For: 6: Against: 1 - Luther Stueland; Absent: 1 - Heidi Durand

**Administration**

20. [\\*Resolution to Waive Bonding Requirements and Authorize Issuance of Replacement Check](#)  
**Resolution 2012-0409-J**

21. [\\*Resolution to Approve Budget Adjustment - Voting Equipment](#)  
**Resolution 2012-0409-K**

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

- A. [\\*Resolution to Approve Renewal of Red River Valley Softball Association 3.2 On-Sale / Sunday Liquor License](#)  
**Resolution 2012-0409-L**

- B. [\\*Resolution to Approve Licenses – Permits](#)  
**Resolution 2012-0409-M**

23. [Mayor and Council Reports](#)

Minutes: Council Member Elmer provided a report on public hearing held in Hickson, North Dakota related to the F-M Diversion Authority.

Mayor Voxland reported that a number of integrated leadership teams have been developed related to the F-M Diversion Authority: Technical Work Group, Design Board, Program Management Board, and Executive Leadership Council.

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

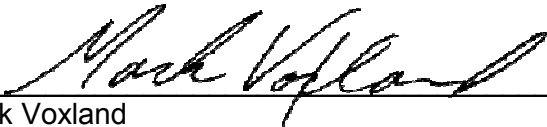
Minutes: Michael Redlinger, City Manager, provided the following updates:

- At Redlinger's request, F-M Diversion Authority meeting agenda packets will be posted on their website.
- City staff will be providing the Mayor and Council with a Diversion Authority and Limited Joint Powers Agreement Overview report.
- During "Severe Weather Awareness Week" the Moorhead Fire Department will be requesting emergency sheltering plans from all mobile home parks and encouraging that the plans be posted. This will become an annual practice.
- The Mayor and Council were encouraged to RSVP for the building and development summit. A number of City staff members will provide presentations at the event.

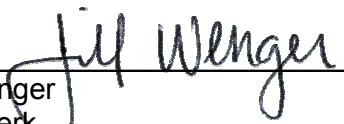
Jill Wenger, City Clerk, stated that the City is in receipt of a possible Special Event Community Festival liquor license application which would require City Council approval and could incur City oversight and expense. Additional information regarding the event will be provided to the Mayor and Council when plans are finalized by event organizers.

Meeting adjourned at 8:02 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*