

**City of Moorhead  
Adjourned Council Meeting  
Meeting Minutes  
April 04, 2011 at 5:30 PM  
City Hall Council Chambers**

Pursuant to due call and notice thereof, a regular meeting of the Adjourned Council Meeting was held in the City Hall Council Chambers, on April 04, 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

**Adjourned City Council Meeting**

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

Minutes: Mayor Voxland called the meeting to order.

2. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor and Council.

3. [Agenda Amendments](#)

Minutes: No agenda amendments were noted.

4. [Consent Agenda](#) (All items listed with an asterisk ( \* ) are enacted by one motion)

Minutes: The following item was removed from the Consent Agenda:

- #9 – Resolution to Approve a Joint Powers Agreement with the City of Dilworth and Valley Senior Services for Operation of Metro Senior Ride for 2011

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto

**Approve Consent Agenda**

**Motion Passed**

For: 8

5. [Mayor and Council Reports](#)

Minutes: Council Member Wray Williams provided a copy of the, "Universal Declaration of Human Rights" to the Mayor and Council Members.

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

Minutes: City staff clarified the following in response to Mayor and Council questions related to the 2011 Flood event:

- Sandbag deployment will begin April 5<sup>th</sup> in all Flood Zones. Flood-affected property owners should be ready to accept sandbags and build to a top elevation of 42'. Properties will be marked at 43'.
- Volunteers will be needed to construct sandbag dikes on private properties along the river corridor. The Volunteer Center at Nemzek Hall on MSU Moorhead's campus will open April 5<sup>th</sup>. Volunteers will be transported throughout the community. A CodeRED call was made on April 4<sup>th</sup> urging volunteers to assist.
- Residents are encouraged to contact their Zone Leader or the Call Center for questions. Additional information is located on the City's Flood Information Website.
- The City will hold daily News Conferences beginning April 5<sup>th</sup>.
- The National Weather Service has not issued an official crest projection.
- Contractors have already constructed many clay levees throughout the City. None are contingency levees.
- No contingency levees will be built if the crest is projected at 39 feet or below. Any crest prediction above this level may require contingency levees. The need will be evaluated on a day-by-day basis based on reports from the National Weather Service.
- The source of clay for the levees originates from several locations throughout the City. It was recommended that private property owners be acknowledged for their donation of clay to the City.
- Most levees are being constructed in locations where there are planned permanent flood mitigation projects.

A. [Resolution to Approve Metro Flood Study Work Group Recommendations](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams  
**Resolution to Approve Metro Flood Study Work Group Recommendations**  
Motion Passed: **Resolution 2011-0404-1**  
For: 8

Minutes: City staff clarified the following in response to Mayor and Council questions related to permanent flood protection:

- The proposed resolution is a suggested set of recommendations from the Metro Flood Study Work Group.
- The change from the standard cost share of 75 percent Federal and 25 percent non-Federal to a cost share of 50 percent Federal and 50 percent non-Federal is included to more quickly advance the diversion preconstruction and design work. This adjustment will not change the overall cost share for the diversion project.

The Mayor and Council Members stated the following:

- The Technical Advisory Committee of the Metro Flood Study Work Group supports the North Dakota East Diversion due to its:
  - Protection of the greatest amount of land and citizens;

- Strong community support;
  - Reduced risk to loss of life;
  - Greater protection of the economic base; and
  - Mitigated cost for temporary measures.
- A committee of the Metro Flood Work Group has been formed to establish a mitigation plan for Oxbow, Hickson, and Bakke subdivisions related to the impact of the proposed diversion. There will be representation from each elected body, staff, and attorneys from the City of Moorhead, City of Fargo, Cass County, Clay County, and two water resource boards. Mayor Voxland will participate on the committee as the representative of the Moorhead City Council.
  - Any established committees make recommendations to the Metro Flood Work Group. Any official actions must be determined by each elected body.
  - It was noted that there appear to be significant advantages to the North Dakota East Diversion.
  - The Metro Flood Study Work Group intends to mitigate downstream and upstream impacts as much as possible. It is anticipated that there will be additional efforts for smaller downstream and upstream projects to provide additional flood protection.
  - Concerns regarding a Minnesota Diversion include potential damage to the Buffalo Aquifer and added costs to move the rail yard

## Public Hearings

### 7. [Continued Public Hearing to Amend Enabling Resolution of the Economic Development Authority](#)

Minutes: It was noted that the Public Hearing to Amend the Enabling Resolution of the Economic Development Authority (EDA) is continued from the March 28, 2011 City Council Meeting.

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

- The EDA Enabling Resolution is governed by the City Council whereas the EDA Bylaws are governed by the EDA Board. The City Attorney recommends that the Bylaws and Enabling Resolution be consistent.
- In 1996 the EDA had an interest in expanding from seven commissioners to eleven commissioners, with the option of two living outside of the City.
- The EDA recently reconsidered this policy and has recommended that all EDA commissioners be residents of the City. This recommendation requires that the City Council amend the Enabling Resolution.
- The EDA has adopted a transition plan. No commissioners will be put out of service before their term ends.

No citizens addressed the Mayor and Council.

Public Hearing closed at 6:13 p.m.

A. [Resolution to Amend Enabling Resolution of the Economic Development Authority](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted with the residency requirement. There may be limitations on the ability to fill all positions and that it precludes non-residents with Moorhead businesses from serving.
- It is preferred that EDA commissioners be Moorhead residents. It is believed that appropriate members can be identified that are Moorhead residents and affiliated with Moorhead businesses.
- The EDA provides recommendations to the City Council regarding the annual tax levy and should have a vested interest as a Moorhead resident.
- It is recommended that the two Chamber designees be eliminated and replaced with at-large appointments.
- It is preferred that a Ward 1 designee be assigned as soon as possible in the current transition plan.
- It was noted that the EDA is the only City Committee with two appointed Council Members. It is preferred that this designation remain unchanged.
- It was recommended that a Council Member alternate to the EDA be assigned by the Mayor.

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer  
**Resolution to Amend Enabling Resolution of the Economic Development Authority**

Motion to Amend made by Mark Altenburg and seconded by Mark Hintermeyer  
Amend Exhibit A as follows:

- The Mayor shall nominate two City Council members, one member of the Moorhead Public Service Commission, ~~two members of The Chamber~~, one member of the Moorhead Business Association, and ~~one~~ three members at large.
- ~~At least nine (9) of the commissioners shall be residents of the City; and both or either of the remaining commissioners may be residents of any other political subdivision outside the boundaries of the City and within which the Authority may exercise its powers pursuant to Section 8 or 9 of the Enabling Act.~~
- To most effectively undertake this mission and role, the governing body of the Authority to the extent practicable, will strive to reflect the diverse economic interests of the community, including but not limited to owners and operators of small, medium and large businesses and business advisors, representatives of the financial services sector and others.

**Amendment Passed**

For: 8

Motion Passed: **Resolution 2011-0404-2**

For: 8

**Community Services Department**

8. [\\*Resolution to Approve Title and Summary for Ordinance No. 2011-2](#)

**Resolution 201-0404-A**

9. [Resolution to Approve a Joint Powers Agreement with the City of Dilworth and Valley](#)

### Senior Services for Operation of Metro Senior Ride for 2011

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

- Many seniors do not fully qualify for Paratransit Services or prefer to use Metro Senior Ride Service.
- Metro Senior Ride is more cost effective than Paratransit Services.
- Populations of all ages are eligible to use Metro Senior Ride; however, there is a significant cost difference for those younger than 60 years.
- The average age of riders utilizing Metro Senior Ride is 80 years.

The Mayor and Council Members stated the following:

- Concerns were noted regarding the increased cost per rider and the exclusive nature of the age served through Metro Senior Ride.
- It is preferred that all City taxpayers not be required to subsidize this service.
- It is believed that the City should consistently provide this affordable service in order for seniors to maintain a private residence and sustain their quality of life.
- The annual expense to maintain the service appears reasonable.

Motion and second to Approve were previously made at the 3/28/2011 meeting, but action was tabled for reconsideration

#### **Resolution to Approve a Joint Powers Agreement with the City of Dilworth and Valley Senior Services for Operation of Metro Senior Ride for 2011**

Motion Passed: **Resolution 201-0404-3**

For: 7; Against: 1 – Luther Stueland

### **Engineering - Wastewater Treatment**

#### 10. Consider Actions Related to Final Bituminous Overlay Project. Eng. No. 11-A2-1

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

- Deletion of one or more subdivisions could result in higher prices for the balance of the proposed improvements with the current contractor.
- Rebidding the project could result in higher bid prices and would likely delay project completion.
- Developer's Agreements are solely between the developer and the City. Subsequent property owners do not have any legal right to enforce a Developer's Agreement.
- The City would be unable to properly complete or assess a project with individual property owners opting out of pieces of the proposed project.
- Language in Developer's Agreements loosely state that final bituminous overlay projects are anticipated within five years after initial road construction.
- Input from developers will be collected as part of the Housing

Study and Market Analysis being conducted by Maxfield Research Inc.

- In January the Engineering Department provided the Mayor and City Council with the, "2011-2015 Pavement Management and Transportation Improvement Plan" that outlined all proposed 2011 projects. This plan was approved at the January 11, 2011 City Council meeting.
- It is requested that concerns with planned projects be clarified earlier in order for those projects to be deleted from the plan and to prevent undue staff time and costs.

The Mayor and Council Members stated the following:

- It may be beneficial to draft future Developer's Agreements with a stipulation that final bituminous overlays only be considered if a certain percentage of development is completed.
- It is preferred that the Mayor and Council Members receive additional notification of planned projects well in advance of the proposed work in order to solicit feedback from developers.
- The project should be conducted as planned due to the fact that it was planned in advance and outlined in the Developer's Agreement.
- It is anticipated that completing the project this year will likely be more cost effective.
- City staff is encouraged to engage in more discussions with developers and consider more diversity in future Developer's Agreements.
- Concern was noted on whether the proposed project is critical at this time. It is preferred that the project be delayed.

Motion and second to Approve were previously made at the 3/28/2011 meeting, but action was tabled for reconsideration

**Consider Actions Related to Final Bituminous Overlay Project. Eng. No. 11-A2-1**

Motion Passed: Resolution #'s noted below

For: 6; Against: 2 – Brenda Elmer, Mark Hintermeyer

- A. [Resolution to Order Improvement](#) for the Final Bituminous Overlay Project. Eng. No. 11-A2-1  
**Resolution 201-0404-4**
  - B. [Resolution to Award Bid](#) for the Final Bituminous Overlay Project. Eng. No. 11-A2-1  
**Resolution 201-0404-5**
11. [\\*Consider Actions Related to Rehabilitation of 19th St from 8th to 12th Ave S. Eng. No. 11-A2-3](#)
- A. [\\*Resolution to Order Improvement](#)  
**Resolution 201-0404-B**
  - B. [\\*Resolution to Award Bid](#)  
**Resolution 201-0404-C**

12. [\\*Consider Actions Related to Rehabilitation and Mill & Overlay on 11th St from 24th to 28th Ave S, 24th Ave S from 8th to 10th St & Village Green Area, Phase 2. Eng. No. 11-A2-2](#)
- A. [\\*Resolution to Order Improvement](#)  
**Resolution 201-0404-D**
- B. [\\*Resolution to Award Bid](#)  
**Resolution 201-0404-E**
13. [Consider Actions Related to City-Wide Sidewalk Project. Eng. No. 11-A7-1](#)

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

- None of the contractors affiliated with the proposed project requested that the project be delayed.
- Developers did indicate concern related to costs associated with American Disability Act (ADA) ramp crossings.

Motion and second to Approve were previously made at the 3/28/2011 meeting, but action was tabled for reconsideration

**Consider Actions Related to City-Wide Sidewalk Project. Eng. No. 11-A7-1**

Motion Passed: Resolution #'s noted below

For: 8

- A. [Resolution to Order Improvement](#) for City-Wide Sidewalk Project. Eng. No. 11-A7-1  
**Resolution 2011-0404-6**
- B. [Resolution to Award Bid](#) for City-Wide Sidewalk Project. Eng. No. 11-A7-1  
**Resolution 2011-0404-7**

**Administration**

14. [City Manager Reports](#)

Minutes: City staff will be responding to a data request from *The Forum* related to overall flood expenditures and evacuation information.

The City maintains contact with institutional leaders. Public Schools, Colleges, and Universities plan to keep students in classrooms as long as possible. Making students available during class time will be evaluated later in the week.

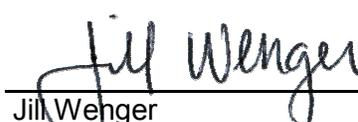
Meeting adjourned at 7:53 p.m.

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*