

**City of Moorhead  
Adjourned Council Meeting  
Meeting Minutes  
December 05, 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 December 05, 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	Absent
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Present
Mayor:	Mark Voxland	Present

**Adjourned City Council Meeting**

1. [Consent Agenda](#)

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

- #1.B - Resolution to Approve Changes in Traffic Control - Regulatory & Warning Signs

A. [\\*Resolution to Approve/Deny Changes to Parking Restrictions](#)

Motion to Approve made by Dan Hunt and seconded by Diane Wray Williams

**\*Resolution to Approve/Deny Changes to Parking Restrictions**

Motion Passed: **Resolution 2011-1205-A**

For: 7: Absent: 1 - Brenda Elmer

B. [Resolution to Approve Changes in Traffic Control - Regulatory & Warning Signs](#)

Minutes: It was encouraged that the Mayor and City Council engage in a discussion regarding traffic calming measures at an upcoming City Council meeting.

Motion to Approve made by Luther Stueland and seconded by Dan Hunt

**Resolution to Approve Changes in Traffic Control - Regulatory & Warning Signs**

Motion Passed: **Resolution 2011-1205-1**

For: 7: Absent: 1 - Brenda Elmer

2. [Resolution Accepting Offer on Sale of \\$4,200,000 G.O. Flood Mitigation Bonds, Series 2011C](#)

Minutes: John Shockley, Assistant City Attorney, provided a report on the results of the bond sale. City staff noted that a bond interest rate of 2.889% was received. This competitive rate will allow the City to pass along reduced costs to taxpayers.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution Accepting Offer on Sale of \$4,200,000 G.O. Flood Mitigation Bonds, Series 2011C**

Motion Passed: **2011-1205-2**

For: 7: Absent: 1 - Brenda Elmer

3. [Resolution to Approve Federal Legislative Services Agreement](#)

Minutes: Michael Redlinger, City Manager, provided a report on the proposed federal legislative services agreement. It was noted that there were no changes from the 2011 agreement.

The Mayor and Council Members stated the following:

- It was requested that the Federal Legislative Services representative provide a report to the Moorhead City Council once per year.
- It was suggested that the 11<sup>th</sup> Street underpass be highlighted in the proposed scope of services.
- It is preferred that the agreement be approved following 2012 budget discussions.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve Federal Legislative Services Agreement**

**Motion to Table made by Mark Hintermeyer and seconded by Luther Stueland**  
**Motion to Table Passed**

For: 6; Against: 1 – Diane Wray Williams; Absent: 1 - Brenda Elmer

4. [Discussion: City Attorney Services](#)

Minutes: Michael Redlinger, City Manager, provided a memo regarding City Attorney services and an overview of service costs between the Ohnstad Twichell and Wold Johnson law firms. City staff clarified the following in response to Mayor and Council questions:

- If there is a change in the firm providing City Attorney services, careful file transitioning would need to take place, particularly with regard to the FM Diversion Project and active litigation matters.
- Ohnstad Twichell has provided significant contributions toward the FM Diversion Project and has substantial project experience and knowledge.
- Currently the Diversion Authority is attempting to determine which real estate legal services should transition from the City to the Diversion Authority.
- It is anticipated that a significant amount of time would be needed for any transition and would incur additional expense. Ohnstad Twichell would charge their prevailing hourly rate for any work during the transition period.
- Without a contract in place, the Council would be without a City Attorney as of January 1, 2012.

The Mayor and Council Members stated the following:

- Ohnstad Twichell has more municipal experience and specializes in municipal law, can provide bond counsel services, has the least expensive proposal between the two firms, and has provided quality service to the City.
- Concern was noted in the cost of transition as both firms would be paid for their services during the transition period.
- It is preferred that the City have new representation.
- Added cost for transitioning to a new firm is legitimate for this purpose.

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt  
**Approve a 3-year contract with Ohnstad Twichell for City Attorney Services**  
**Motion Failed**

For: 5 - Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke;  
Against: 2 - Luther Stueland, Mark Hintermeyer; Absent: 1 - Brenda Elmer

Motion to Approve made by Luther Stueland and seconded by Mark Hintermeyer  
**Approve a 1-year contract with Wold Johnson for City Attorney Services**  
**Motion Failed**

For: 2 - Luther Stueland, Mark Hintermeyer; Against: 5 - Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke; Absent: 1 - Brenda Elmer

Motion to Approve made by Diane Wray Williams and seconded by Mark Altenburg  
**Approve a 2-year contract with Ohnstad Twichell for City Attorney Services**  
**Motion Failed**

For: 5 - Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke;  
Against: 2 - Luther Stueland, Mark Hintermeyer; Absent: 1 - Brenda Elmer

Motion to Approve made by Dan Hunt and seconded by Diane Wray Williams  
**Approve a 1-year contract with Ohnstad Twichell for City Attorney Services**  
Motion Passed: **2011-1205-3**

For: 6 – Luther Stueland Nancy Otto, Diane Wray Williams, Mark Altenburg, Dan Hunt, Greg Lemke; Against: 1 - Mark Hintermeyer; Absent: 1 - Brenda Elmer

5. [2011 Truth in Taxation Presentation - 2011 Tax Levy Payable 2012 and the 2012 Operating & Capital Budget](#)

Minutes: Harlyn Ault, Finance Director, provided the 2011 Truth in Taxation Presentation. It was noted that budget adoption of the 2012 Operating & Capital Budget will take place December 12, 2011.

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

- The Holiday Mall TIF 3A/B was a result of special legislation enacted in 2001 that allowed the City to impose a special levy on commercial/industrial property to pay for a deficit in a TIF District that resulted from 2001 property tax changes. This option has since expired.
- Decreases in allocations for capital improvements cannot be relocated to the General Fund but would be transitioned to Capital Improvement (CI) Reserves.

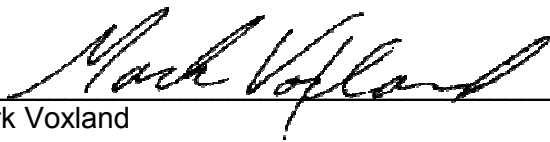
- The Homestead Market Value Exclusion Program which replaced the Market Value Homestead Credit Program has caused an overall reduction in taxable value for the purposes of City of Moorhead taxation.
- The City's debt service is anticipated to increase in years to come and will continue to impact the tax levy.
- Springsted Incorporated provides a review of the City's debt service periodically and values whether bonds can be refunded.

No citizens addressed the Mayor and Council.

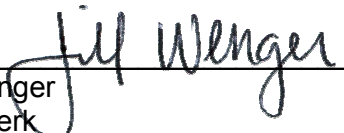
Minutes: Michael Redlinger, City Manager, noted that he would be out of the office on December 7, 2011 to meet with legislators at the State Capital to begin preparing for the upcoming legislative session.

Meeting adjourned at 7:02 p.m.

APPROVED BY:

  
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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*