

**City of Moorhead
City Council Meeting
Meeting Minutes
May 23, 2011 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 May 23, 2011, at 5:30 PM.

Roll call of the members was made as follows:

1st Ward Council Member:	Luther Stueland	Absent
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	Absent

City Council Meeting

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

Minutes: Mayor Pro Tem, Greg Lemke, called the meeting to order.

2. Citizens Addressing the Council

Minutes: No citizens addressed the Mayor and Council.

3. [Agenda Amendments](#)

Minutes: The following agenda item was removed:

- #8 – Resolution Calling for Public Hearing with Respect to the Establishment of the 1st Ave N (Central Corridors) Redevelopment Tax Increment Financing District

4. [Consent Agenda](#)

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

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

Approve Consent Agenda

Motion Passed

For: 7; Absent: 1 - Luther Stueland

5. Mayor and Council Appointments

Minutes: No appointments were conducted.

6. [Mayor and Council Reports](#)

Minutes: Council Member Elmer provided a brief report on the “Beyond the Yellow Ribbon” presentation conducted at Minnesota State University Moorhead.

Council Member Hintermeyer provided a brief report on the Economic Development Authority.

Council Member Altenburg provided a brief report on the Park Advisory Board.

Public Hearings

7. [Public Hearing to Consider Sale of Property - Kovash Marine](#)

Minutes: Public hearing opened at 5:34 p.m.

Scott Hutchins, Community Services Director provided a brief overview regarding the sale of property to Kovash Marine for purposes of business expansion.

No citizens addressed the Mayor Pro Tem and Council.

Public hearing closed at 5:36 p.m.

A. [Resolution Authorizing Sale of Property](#)

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

Resolution Authorizing Sale of Property

Motion Passed: **Resolution 2011-0523-1**

For: 7; Absent: 1 - Luther Stueland

Community Services Department

8. REMOVED

9. [*Resolution to Support Renovation Financing Application for Park View Terrace Apartments](#)

Resolution 2011-0523-A

10. [*Resolution to Set Public Hearing to Consider Adoption of Proposed Assessments for Various Projects](#)

Resolution 2011-0523-B

Engineering - Wastewater Treatment

11. [*Resolution to Approve a Permanent Utility Easement Agreement for the Street Rehabilitation Project on 19th St from 8th to 12th Ave S. Eng. No. 11-A2-3](#)

Resolution 2011-0523-C

12. [*Resolution to Award Quote for Environmental Remediation & Demolition \(1900 & 1906 1st Ave S\). Eng. No. 02-2-2C](#)

Resolution 2011-0523-D

Moorhead Public Service

13. [*Resolution to Award Bids for 2011 Extension and Upgrade Projects](#)
Resolution 2011-0523-E

Administration

14. [Resolution to Approve First Reading of Ordinance 2011-07, An Ordinance to Amend and Reenact Section 2.06 and to Repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead](#)

Minutes: Charter Commission Chair, Jim Danielson, provided a brief report regarding recommendations to changes in the Moorhead City Charter as unanimously proposed by the Moorhead Charter Commission.

City staff clarified the following to the Mayor Pro Tem and Council:

- A public hearing will be held prior to second reading of the ordinance.
- Approval of charter amendments requires a unanimous vote of the City Council and Mayor at the second reading of the ordinance.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Resolution to Approve First Reading of Ordinance 2011-07, An Ordinance to Amend and Reenact Section 2.06 and to Repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead

Motion Passed: **Resolution 2011-0523-2**

For: 7; Absent: 1 – Luther Stueland

15. [*Resolution to Approve License Agreement for GIS Software](#)
Resolution 2011-0523-F
16. [*Resolution to Approve Public Housing Authority \(PHA\) Interim Executive Director Employment Agreement](#)
Resolution 2011-0523-G
17. Permanent Flood Protection Discussion/Update
- A. [*Resolution to Approve Engineering Services Agreement for Underwater Bridge Inspections](#)
Resolution 2011-0523-H
- B. [*Resolution to Approve Intergovernmental Emergency Assistance Policy](#)
Resolution 2011-0523-I
- C. [Discuss Draft Fargo-Moorhead Diversion Project Joint Powers Agreement](#)

Minutes: Brian Neugebauer, City Attorney, provided a brief overview of the Draft Limited Joint Powers Agreement for the Metro Flood Diversion Project.

City staff clarified the following to the Mayor Pro Tem and Council:

- The parties intend to form a separate entity to assist in the planning,

design, and management of the Metro Flood Diversion Project prior to its authorization.

- This Board will not have the authority request funds, but can design a budget from funds designated by the Fargo-Moorhead Metro Flood Management Committee.
- The Minnesota share in this agreement is proposed at 10% and the Minnesota members would determine, by separate agreement, the share of the Minnesota cost of which each unit of government will be responsible.
- Discussion of the draft agreement is currently being conducted by each elected body for feedback and input. A final document will be formally approved by each elected body following the review period.
- It is proposed that the Board be made up of nine total members and that Minnesota have two representatives. Two members would comprise 22% of the board, and that is greater than the proposed 10% cost share being requested by Minnesota.
- The three Minnesota members will determine who will serve in these two positions.
- It is proposed that decisions of the Board would be determined by majority vote.
- The agreement includes budgetary resources to hire a Project Manager, Lobbyist, and other support personnel to assist in the design of the project.
- Some costs outlined in the agreement will not likely be reimbursable by the State. The three Minnesota members would need to determine an agreement to acquire funds for Minnesota's 10% cost share.
- There have been no discussions of sub-agreements with Clay County or the Buffalo Red River Watershed District regarding the 10% cost share or specific commitments for future study work at this point.
- The intent of the agreement is to require that new budget resources be approved by each elected body beyond those outlined in the original Joint Powers Agreement. It was noted that this language needs to be more clearly defined in the final version of the agreement.
- A Lobbyist is proposed due to desired expertise with USACE projects and understanding of water law.
- A contracted Project Manager is proposed to be the lead spokesperson for the project, separate from each entity.
- The number of allowable ex-officio members to the Board has not yet been determined.
- It will be important for the Governors of North Dakota and Minnesota to reach agreement on a cost share amount for the project beyond the design phase.

Kevin Campbell, Clay County Commissioner, addressed the Mayor and

Council regarding support of the Metro Flood Diversion Project and the Clay County Commission's intent to partner with the City of Moorhead to pay for the Minnesota cost share. Campbell encouraged the Council to leave open the option for a Clay County Commissioner to serve as a representative of the Board as the project would affect citizens well outside the boundaries of the City of Moorhead. Campbell stated that he would welcome negotiations for a cost share agreement between the City of Moorhead and Clay County Commission to secure this agreement.

The Mayor and Council Members stated the following:

- It is preferred that Moorhead City Council members fill the two proposed Board positions.
- It may be beneficial to consider other elected officials representing the Minnesota side as they have taxing authority beyond City limits.
- It was advised that negotiations begin between the City of Moorhead, Clay County Commission, and Buffalo Red River Watershed District regarding a cost share agreement.
- Concern was noted that the State of Minnesota's funding commitment toward this project is yet unknown.
- It is preferred that special vote requirements be a prerequisite for some decisions under the agreement, such as hiring the Project Manager and Lobbyist.

D. [Discuss Sandbag Storage/Disposal](#)

Minutes: Chad Martin, Operations Director, provided an update on indoor and outdoor storage options for unused sandbags from the 2011 flood.

City staff clarified the following to the Mayor Pro Tem and Council:

- The City currently possesses 644,000 unused sandbags. City staff recommends that 400,000 be stored for future use and the remaining amount be shredded.
- Cost of shredding is anticipated at up to \$200,000. A budget adjustment from general fund reserves would be necessary in order to conduct this work. The cost of shredding would be reimbursable by FEMA in a disaster declaration.
- The lifespan of sandbags stored outdoors is estimated at three years.
- The contractor recently advised that sandbags could be stored on top of pallets and over asphalt millings. Skid steers would be used instead of forklifts to accommodate the storage surface. This change would significantly reduce the cost of outdoor storage as it would prevent the need for construction of a concrete slab.
- Indoor storage options would be significantly higher in cost than outdoor storage.
- The City of Fargo previously stored sandbags outdoors and they fared well. Sandbags stored indoors produced building damage.
- Sandbags stored outdoors would need to be thawed indoors prior to

placement in the field. FEMA reimbursement may only pay for transportation costs from the heated storage area to the field and not from the outdoor storage location to the heated storage area.

- Options for long-term indoor storage may be necessary if it is the policy of the Mayor and Council to continue to provide sandbags to private properties along the river.

The Mayor and Council Members stated/noted the following:

- It is preferred that the contractor shred the 244,000 excess bags while they are in the area.

It was noted that the City is working to have FEMA's reimbursement policy for non-deployed sandbags clarified.

Motion to Approve made by Mark Altenburg and seconded by Mark Hintermeyer
Resolution to Approve Budget Adjustment not to Exceed \$200,000 for the Shredding of up to 244,000 sandbags.

Motion Passed: **Resolution 2011-0523-3**

For: 7; Absent: 1 - Luther Stueland

18. Approve Licenses - Permits

- A. [*Resolution to Approve Licenses – Permits](#)
Resolution 2011-0523-J

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

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

- A Moorhead flood mitigation bill was recently defeated by a margin of five votes in the Minnesota Legislature.
- Four separate public meetings will be held in the area to receive public feedback regarding information contained in the Supplemental Draft Feasibility Report and Environmental Impact Statement of a Fargo-Moorhead Flood Diversion Project.
- Background and updates on recent actions of the Fargo City Commission was distributed to the Mayor and Council regarding the 15th Ave. N. toll bridge. City staff will wait for further City Council direction on this matter.

20. Executive Session - Labor Negotiations

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt
Enter into Executive Session regarding Law Enforcement Labor Services
Motion Passed

For: 7; Absent: 1 - Luther Stueland

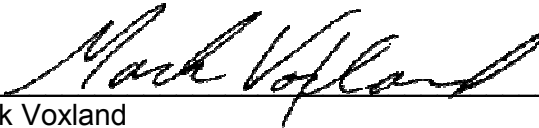
21. New Business

22. [Citizens Addressing the Council \(continued, if necessary\)](#)

Minutes: Sel Nygard, Moorhead Resident, addressed the Mayor Pro Tem and Council regarding the retirement of Byron Brink and encouraged that Brink be acknowledged for his 30 years of service and all that he has accomplished for the City and County.

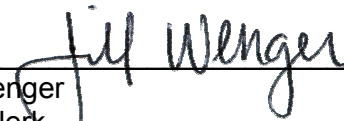
Meeting adjourned at 7:38 pm.

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