

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
December 10, 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 December 10, 2012, 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:	Heidi Durand	Present
2nd Ward Council Member:	Mark Altenburg	Present
Mayor:	Mark Voxland	Present
3rd Ward Council Member:	Mike Hulett	Absent
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Steve Gehrtz	Present

**City Council Meeting**

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

2. Recognitions - Presentations

A. [Recognition: Moorhead Police Volunteers](#)

Minutes: Police Chief Ebinger discussed the Police Volunteers program and stated that since the start of the program, the Volunteers have donated 2,144 hours to the Police Department. He thanked the Volunteers for their dedication. Mayor Voxland also thanked the Volunteers for their many hours of service to the City.

3. [Approve Minutes](#)

Minutes: Motion to Approve made by Nancy Otto and seconded by Brenda Elmer with the following correction to the November 26<sup>th</sup> minutes regarding the Transit public hearing: Ridership increased 25% rather than 50%.

For: 6, Absent: Luther Stueland, Mike Hulett

A. [November 26, 2012 City Council Meeting Minutes](#)

B. [December 3, 2012 Committee of the Whole Meeting Minutes](#)

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

Minutes: James Van Raden stated he was a lifetime resident of the City for 76 years. He said he wanted to make Moorhead a better place to live without harassment of residents by the Police Department. He cited several

incidents in which he felt harassed by the Police Department.

5. [Agenda Amendments](#)

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.

Minutes: The following items were removed from the Consent Agenda:

Item #11: Resolution to Approve an Engineering Services Agreement with Houston Engineering for Various Flood Mitigation Projects

Item #13: Consideration of 2013 Legislative Services Agreements

Item #15: Resolution to Approve Annual Agreement with Moorhead Community Access Media

7. Mayor and Council Appointments

A. [\\*Resolution to Approve an Appointment to the Red River Corridor Advisory Committee](#)

8. [Executive Session - Proposed Flood Buyout Purchase Agreement](#)

Motion to Approve made by Brenda Elmer and seconded by Steve Gehrtz

**Motion to Approve 8. Executive Session - Proposed Flood Buyout Purchase Agreement**

Motion Passed

For: 6 - Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Against: 0 - (None)

Abstain: 0 - (None)

Absent: 2 - Luther Stueland, Mike Hulett

Recused: 0 - (None)

Minutes:

A. [Resolution to Consider Sale of 3506 Riverview Circle South](#)

B. [Resolution to Consider Sale of 3502 Riverview Circle South](#)

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

9. [Public Hearing - Easement Vacation \(Lot 1, Block 1 and Lot 1, Block 2 Menards First Addition\)](#)

A. [Resolution to Approve Easement Vacation](#)

Minutes: City Planner Leshovsky stated the original easement was obtained by the City in 1973 for storm sewers and electrical service. Since those services have been re-routed, the City has no use for the easement. The storm sewer will be capped. Staff recommends approval of the easement vacation.

No one wished to speak at the public hearing.

Motion to Approve made by Steve Gehrtz and seconded by Nancy Otto.

**Motion to Approve 9. Resolution to Approve Easement Vacation in Lot 1, Block 1 and Lot 1, Block 2 of Menards First Addition.**

Motion Passed

For: 6 - Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Against: 0 - (None)

Abstain: 0 - (None)

Absent: 2 - Luther Stueland, Mike Hulett

Recused: 0 - (None)

**Community Services Department**

10. [\\*Resolution to Approve Minor Subdivision \(Menards First Addition\)](#)

**Engineering - Wastewater Treatment**

11. [Resolution to Approve an Engineering Services Agreement with Houston Engineering for Various Flood Mitigation Projects](#)

Minutes: City Engineer Bob Zimmerman explained the three projects which include flood walls, acquisition of property, and backyard levees. A public meeting will be held after the first of the year so residents are aware of the on-going work.

Staff clarified the following in response to Council questions:

- Public hearings will be held early next year on the four properties on River Haven Road that are considering buyouts at this time.
- There are two property owners in the southern half of River Haven Road who are not in favor of granting an easement for construction of backyard levees.

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

**Motion to Approve 11. \*Resolution to Approve an Engineering Services Agreement with Houston Engineering for Various Flood Mitigation Projects**

Motion Passed

For: 6 - Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Against: 0 - (None)

Abstain: 0 - (None)  
Absent: 2 - Luther Stueland, Mike Hulett  
Recused: 0 - (None)

### **Moorhead Public Service**

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

### **Administration**

13. Consideration of 2013 Legislative Services Agreements

Minutes: Michael Redlinger, City Manager, informed the Council that staff met with representatives of Flaherty & Hood, P.A. and Fredrikson & Byron, P.A. to discuss the City's 2013 legislative objectives. Both representatives made it clear that Moorhead should focus efforts on achievable objectives that can be accomplished, including bonding for flood mitigation projects, protecting the disparity reduction credit program, and funding for Border City issues. Other areas cited by the Council could be addressed at a later time.

Scott Hutchins, Community Services Director, stated that Eide Bailly was continuing work on the tip credit study and that a draft report should be ready soon.

Mayor and Council Members stated the following:

- They want to set the City's priorities before staff meets with legislators and/or consultants.
- Legislators want to meet with the Mayor and Council, but they don't have their committee assignments yet.

Council Member Altenburg moved, seconded by Council Member Elmer, to table this item until the December 17<sup>th</sup> meeting; motion passed by unanimous vote.

- A. Resolution to Approve Agreement with Flaherty & Hood, P.A.  
B. Resolution to Approve Agreement with Fredrikson & Byron, P.A.

14. [\\*Resolution to Consent to Proposed Rourke Art Gallery Museum Improvement Project](#)  
15. [Resolution to Approve Annual Agreement with Moorhead Community Access Media](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Motion to Approve 15. \*Resolution to Approve Annual Agreement with Moorhead Community Access Media**

Motion Passed

For: 6 - Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Against: 0 - (None)

Abstain: 0 - (None)

Absent: 2 - Luther Stueland, Mike Hulett

Recused: 0 - (None)

Minutes: Michael Redlinger, City Manager, stated the City will work with the cable providers on new franchise agreements in the future.

16. Approve Licenses - Permits

A. [\\*Resolution to Approve Business Renewal Licenses](#)

B. [\\*Resolution to Approve Licenses - Permits](#)

C. [\\*Resolution to Authorize Pre-approval for the Issuance of Special Event Intoxicating Liquor Licenses](#)

17. Mayor and Council Reports

Minutes: Council Member Altenburg said a meeting would be held in January or February with State and Federal representatives to discuss the aquifer and the current drought situations.

Council Member Otto reminded the Council of the Diversion Authority meeting on Thursday at 3:30 p.m.

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

Minutes: City Manager Michael Redlinger told the Council he would provide any additional information requested regarding the legislative services agreements.

19. [Bluestem Contract for Deed Discussion](#)

Minutes: City Manager Michael Redlinger explained that this resolution authorizes staff to request that Bluestem terminate the existing Contract for Deed before their dissolution, begin negotiations with Fargo Public Schools (FPS) on a new lease agreement for the former Bluestem contract property, prepare a resolution outlining Trollwood's compliance with State guidelines, and arrange a meeting between the Council and Fargo Public Schools Board of Education.

FPS does not intend to own property in Moorhead, but would like to lease some of the Bluestem contract property for the Trollwood Performing Arts School (TPAS) program. Terminating the current Bluestem contract for deed allows staff to work with FPS to negotiate a new agreement.

Council Member Elmer moved, seconded by Council Member Otto, to authorize various actions regarding Bluestem Center for the Arts.

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

- An amendment, agreeable to the original motioners, would add the following to Section C of the resolution: "state grant/lease agreements."

- Noted Council's concerns regarding a long-term (30 year) lease including upkeep and maintenance, replacement of equipment, payment for signage changes, naming rights, collaboration with the City on usage of the facility, and an apparent discrepancy in the total number of acres involved in the lease.
- Staff will research the difference in the cost of Trollwood tuition between Moorhead and Fargo students.

The resolution, as amended, passed by unanimous vote.

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto  
**Motion to Approve Resolution to Authorize Various Actions – Bluestem Center for the Arts,**

Motion Passed

For: 6 - Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz

Against: 0 - (None)

Abstain: 0 - (None)

Absent: 2 - Luther Stueland, Mike Hulett

Recused: 0 - (None)

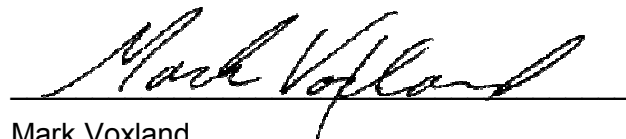
Minutes: Michael Redlinger stated the meeting would be held open until December 17.

20. Executive Session (If needed)
21. New Business
22. Citizens Addressing the Council (continued, if necessary)

The meeting adjourned at 7:19 p.m. to December 17.

APPROVED BY:

ATTEST:



Mark Voxland  
Mayor



Becky Jahnke  
Deputy City Clerk

The proceedings of this meeting are digitally recorded and are available for public review.

*Respectfully submitted by:*  
 Becky Jahnke, Deputy City Clerk