

**MINUTES OF THE MEETING OF THE CITY COUNCIL  
OF THE CITY OF MOORHEAD, MINNESOTA  
FEBRUARY 4, 2008**

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Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly held in the Council Chambers, City Hall, the 4<sup>th</sup> day of February, 2008, at 7:00 p.m.

The following members were present for roll call: Mayor Voxland, Council Members Otto, Bohmer, Wray Williams, Rowell, Hunt, Winterfeldt-Shanks, Hintermeyer, Lemke; and the following were absent: none.

Council Member Lemke introduced representatives from Adopt-A-Pet of Fargo-Moorhead, which is a non-profit organization whose primary goal is to place rescued pets in loving and responsible homes. Also presented was one of the dogs available for adoption.

Council Member Wray Williams moved, seconded by Council Member Winterfeldt-Shanks, to approve the minutes of September 5, 2006, January 7 and 14, 2008 as submitted, which motion passed by unanimous vote.

**Citizens Addressing the Council** – No one wished to speak at this time.

Council Member Rowell moved, seconded by Council Member Otto, to amend the agenda by adding the following items:

- #31-A – Joint Powers Agreement – Computer Aided Dispatch & Records Management System; and
- #31-B – Resolution to Approve Issuance of Temporary Liquor License – Speak Easy.

Which motion passed by unanimous vote.

The consent agenda was amended by adding the following:

- #31-A – Joint Powers Agreement – Computer Aided Dispatch & Records Management System; and
- #31-B – Resolution to Approve Issuance of Temporary Liquor License – Speak Easy.

And by removing the following items:

- #12 – Ordinance 2008- 2 to Approve Amendments to 10-19-16, Traffic Visibility Standards - 1st Consideration
- #13 – Ordinance 2008- 3 Amendments Pertaining to Temporary Outside Storage Containers 1st Consideration
- #17 – Receive Report, Order Plans & Specifications, and Call for Public Hearing for Street & Underground Utility Improvements on 8th Ave N from TH 75 to 34th St. Eng. No. 08-A2-4
- #20 – Resolution to Approve Budget Adjustment - Police Vehicle Replacements; and
- #21 – Resolution to Approve Budget Adjustment - CAD/RMS Capital Improvement Account.

Council Member Hunt moved, seconded by Council Member Otto, to approve the following licenses/bonds:

**COIN OPERATED AMUSEMENT LICENSES**..... \$ 25.00  
All Star Bowl, 309 17<sup>th</sup> Street N

<b>PAWN BROKER'S LICENSE</b> .....	\$250.00
TLC Pawn & Equity Loans, 3110 8 <sup>th</sup> Street So	
<b>PET SHOP LICENSES</b> .....	\$150.00
K-9 Country Club & Pet Store, 2025 11 <sup>th</sup> Street N	
Tractor Supply Company #296, 3330 Hwy 10 East	
<b>PLACE OF REFRESHMENT/LIMITED FOOD</b>	
Dave's Southside Tap.....	250.00
<b>RESTAURANT</b>	
John Alexander's, .....	\$410.00
<b>TATTOO/BODY PIERCING LICENSE</b> .....	\$ 35.00
Golden Needle Tattoo, 1825 Main Ave	
<b>TAXICAB/LIMOUSINE LICENSE</b> .....	\$ 50.00
Doyle Yellow Checker Cab, Inc., 2704B 5 <sup>th</sup> Ave S, Fargo, ND	
<b>TREE CONTRACTORS LICENSE</b> .....	\$ 50.00
Jay's Tree Service, 3829 270 <sup>th</sup> Ave, Breckenridge, MN	
Jason Fischer Hedge Service, 636 Arlington Ave So, Moorhead	
<b>PORTABLE SIGN LICENSE</b> .....	\$100.00
Impact Adz, 217 Park Drive, Harwood, ND	

Which motion passed by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-A**, seconded by Council Member Otto:

BE IT RESOLVED by the City Council of the City of Moorhead that the special assessment to parcel 58-218-1350 for violation of City Code 9-7-5 and City Code 9-7-13 is herein reduced from \$1,900 to \$100.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-B**, seconded by Council Member Otto:

WHEREAS, the City Council of the City of Moorhead has authorized numerous actions with respect to the relocation of Trollwood Performing Arts School (TPAS); and

WHEREAS, pursuant to an existing Joint Powers Agreement between the City of Moorhead and Fargo Schools, the City as owner of the proposed improvements will formally award bids and enter into construction contracts; and

WHEREAS, pursuant to said Joint Powers Agreement, Fargo Schools is responsible to pay costs associated with the design, development, and construction of TPAS.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council finds, determines and declares the following bidder to be the lowest responsive

and responsible bidder meeting specifications:

Bid Package	Contractor	Base Bid	Alternates	Adjustment	Total
91 – Painting/Wallcovering	Craig Geron Decorating Artists	\$94,685.00	0	0	\$94,685.00

BE IT FURTHER RESOLVED, by the City Council of the City of Moorhead that the Mayor and Acting City Manager are herein authorized and directed to enter into and execute contracts for and on behalf of the City of Moorhead with the aforementioned selected bidders.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced for first consideration, seconded by Council Member Otto:

**ORDINANCE NO. 2008-4**

**AN ORDINANCE AMENDING CHAPTERS 10-18-1 AND 10-18-2 OF THE MOORHEAD CITY CODE TO INCLUDE ADDITIONAL USES IN SPECIFIED DISTRICTS**

Which ordinance passed first consideration by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-C**, seconded by Council Member Otto:

WHEREAS, pursuant to a resolution by the City Council on October 15, 2007, a report has been prepared to consider Construction of a Utility Extension for a parcel at SE Main Ave/34<sup>th</sup> St (Eng. No. 07-A6-4); and

WHEREAS, said report, a copy of which is on file in the City Engineer's Office, finds that the proposed improvements are necessary, cost-effective and feasible; and

WHEREAS, it is proposed to finance the improvements through the PIR fund and to assess benefiting properties in accordance with MSA 429 and the City's Assessment Policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead as follows:

1. Such improvements are necessary, cost effective, and feasible as detailed in the Preliminary Engineering Report.
2. Such improvements are hereby ordered as proposed in the Council Resolution adopted October 15, 2007.
3. The City Engineer is hereby designated as the engineer for the improvement and shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for the costs of the improvements from the proceeds of a tax-exempt bond.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-D**, seconded by Council Member Otto:

WHEREAS, the Police Department has several aging radar speed detection devices, which are in need of replacement and wishes to install additional emergency lighting on the Police patrol vehicles; and

WHEREAS, there are not adequate funds in the Police Small Tools and Minor Equipment and Equipment Repair Accounts for these purchases; and

WHEREAS, the Police Department does have adequate funds in the DWI Forfeiture Restricted Account, which can be used to replace this equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby authorize Budget Adjustment No. 08-003.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-E**, seconded by Council Member Otto:

BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the issuance of a Minnesota Lawful Gambling Exempt Permit to the applicant listed below:

Red River Chapter National Wild Turkey Federation  
1110 South 16<sup>th</sup> Street  
Moorhead MN 56560

**Site:**

Courtyard by Marriott (March 6, 2008)  
1080 28<sup>th</sup> Ave So  
Moorhead MN 56560

**Gambling Manager:**

Mark Wasfaret  
1110 South 16<sup>th</sup> Street  
Moorhead, MN 56560

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-F**, seconded by Council Member Otto:

BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the renewal of a two-year Minnesota Lawful Gambling License to the applicant listed below:

American Legion Post #21  
PO Box 442  
Moorhead MN 56560

**Site:**

American Legion Post #21  
303 30<sup>th</sup> Street North  
Moorhead MN 56560

**Gambling Manager:**

Dennis Beckerleg  
3206 4<sup>th</sup> Ave N  
Moorhead, MN 56560

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-G**, seconded by Council Member Otto:

WHEREAS, on January 18, 2008, bids were opened for 2008 electrical materials; and

WHEREAS, the Electric Division Manager has evaluated the bids and submitted a bid tabulation with his recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, upon recommendation and approval by the Public Service Commission at its January 29, 2008, meeting, that the award of the bids received for 2008 electrical materials be made to the lowest qualified bidders as depicted on the bid tabulation sheet on file in the office of the City Clerk.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-H**, seconded by Council Member Otto:

WHEREAS, City of Moorhead entered into the Joint Powers Agreement (Joint Dispatch Center) in 2001 Agreement – Computer Aided Dispatch And Records Management System; and

WHEREAS, the City of West Fargo has requested permission to be added as a party to the Joint Powers Agreement (Joint Dispatch Center) and Agreement - Computer Aided Dispatch And Records Management System; and

WHEREAS, the City of West Fargo will become a party to the Joint Powers Agreement (Joint Dispatch Center) and Agreement - Computer Aided Dispatch And Records Management System and utilize the services provided within these agreements; and

WHEREAS, by allowing the City of West Fargo to become a party to the Joint Powers Agreement (Joint Dispatch Center) and Agreement - Computer Aided Dispatch And Records Management System will reduce the annual financial contribution and obligation of the City of Moorhead from 22% to 19.6%.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the City entering into the Joint Powers Agreement (Amended And Reconstituted) (Joint Dispatch Center) and Second Amendment to Agreement – Computer Aided Dispatch And Records Management System.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hunt introduced the following resolution **#2008-201-I**, seconded by Council Member Otto:

WHEREAS, the Speak Easy Restaurant submitted an application for issuance of a special event intoxicating liquor license for the conduct of a wedding reception at the Hjemkomst Center on February 16, 2008;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve issuance of a Special Event Intoxicating Liquor License to the Speak Easy Restaurant for the conduct of a wedding reception at the Hjemkomst Center on February 16, 2008 from 6:00 p.m. to 12:30 a.m.

Which resolution was declared duly adopted by unanimous vote.

Council Member Hintermeyer introduced the following resolution **#2008-202**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead that the following individuals are hereby appointed/reappointed to the committees so noted:

**Moorhead Public Service Commission**

1. Corinne Stefanson, representing the 2<sup>nd</sup> Ward, is reappointed for a second term commencing February 1, 2008 and ending January 31, 2011.
2. Robert H. Swenson, 3303 South Rivershore, representing the 3<sup>rd</sup> Ward, is reappointed for a third term commencing February 1, 2008 and ending January 31, 2011.

**Planning Commission / Board of Adjustment**

1. Brian Gramer, 4041 2½ Street South, representing the 3<sup>rd</sup> Ward, is appointed for a term commencing February 4, 2008 and ending January 31, 2011.
2. Tod Dahle, 3134 22<sup>nd</sup> Street So. Chelsea, representing the 4<sup>th</sup> Ward, is reappointed for a term commencing February 1, 2008 and ending January 31, 2011.

Which resolution was declared duly adopted by unanimous vote.

Council Member Rowell introduced for first consideration, seconded by Council Member Winterfeldt-Shanks:

**ORDINANCE NO. 2008-2**

AN ORDINANCE AMENDING CHAPTER 10-19-16 OF THE MOORHEAD CITY CODE  
RELATING TO TRAFFIC VISIBILITY STANDARDS

Which ordinance passed first consideration by unanimous vote.

Council Member Rowell introduced for first consideration, seconded by Council Member Wray Williams:

**ORDINANCE NO. 2008-3**

AN ORDINANCE AMENDING CHAPTERS 10-18-3, 10-19-7 and 10-19-8 OF THE  
MOORHEAD CITY CODE RELATING TO TEMPORARY OUTSIDE STORAGE CONTAINERS

Which ordinance passed first consideration by unanimous vote. During the Mayor and Council discussion of this ordinance, it was suggested the ordinance be revised, prior to second consideration, to address the concerns raised regarding the utilization of temporary storage units in conjunction with the issuance of building permits.

Council Member Otto moved, seconded by Council Member Wray Williams, to open the public hearing to consider the 2008 Consolidated Action Plan Amendment #1 (Churches United for the Homeless), which motion passed by unanimous vote.

Loretta Szweduk, Community Development Specialist, explained the purpose of the public hearing is to consider an amendment to the 2008 CDBG Consolidated Annual Action Plan. The City of Moorhead received a request from Churches United for the Homeless to grant funds for the renovation and repair of the shelter's elevator. The operation of this elevator was recently halted by the state inspector until the required repairs and code corrections are made. The proposed amendment (\$10,000) is to assist Churches United for the Homeless to renovate and repair the existing elevator within the facility to meet the Americans with Disabilities Act (ADA) requirements and safety standards. The City's CDBG funds will be partnered with \$50,000 raised through other non-profit and government contributions toward this project. Ms. Szweduk noted a resolution regarding such will be forwarded to the Mayor and Council for consideration on February 19, 2008.

No one else wished to speak regarding this hearing. Council Member Wray Williams moved, seconded by Council Member Otto, to close the public hearing, which motion passed by unanimous vote.

Council Member Lemke introduced the following resolution **#2008-203**, seconded by Council Member Wray Williams:

BE IT RESOLVED by the City Council of the City of Moorhead, upon consideration of information submitted by the property owner, that the special assessment against City Parcel 58-055-0330 in the amount of \$74.55 is herein affirmed.

Which resolution was declared duly adopted by unanimous vote.

Council Member Rowell introduced the following resolution **#2008-204**, seconded by Council Member Winterfeldt-Shanks:

WHEREAS, by a December 10, 2007 resolution of the City Council, the City Engineer was directed to prepare a Preliminary Engineering Report to consider the proposed improvements (Eng. No. 08-A2-4); and

WHEREAS, said report has been prepared by City Engineering Staff, and finds that the improvements are necessary, cost-effective and feasible; and

WHEREAS, it is proposed to finance the improvements through the PIR fund and to assess benefiting properties in accordance with Minnesota Statutes Annotated Chapter 429 and the City's Assessment Policy.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Moorhead as follows:

1. The report has been received by the City Council on February 4, 2008, and such improvement is necessary, cost effective, and feasible as detailed in the Preliminary Engineering Report.
2. The City Engineer is hereby designated as the engineer for the improvement and City Engineering Staff shall prepare plans and specifications for the making of such improvements under the direction of the City Engineer.
3. The City Council will consider the proposed improvements in accordance with the

report and the assessment of benefiting property for all or a portion of the cost of the improvement pursuant to MN Statutes, Chapter 429 at an estimated total cost of \$2,636,600.

4. A public hearing shall be held on such proposed improvement on the 3<sup>rd</sup> day of March, 2008 in the Council chambers of City Hall at 7:15 pm and the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

Which resolution was declared duly adopted by unanimous vote.

Council Member Winterfeldt-Shanks introduced the following resolution **#2008-205**, seconded by Council Member Rowell:

WHEREAS, the Police Department has identified four vehicles in need of replacement; and

WHEREAS, two vehicles were scheduled for replacement in 2008, but were not included in the 2008 vehicle replacement schedule when the 2008 Fleet Budget was prepared; and

WHEREAS, two vehicles were not scheduled for replacement in 2008 and have \$19,000 remaining in uncollected rent; and

WHEREAS, the Police Department is desirous of transferring funds from the Federal and State Forfeiture Account for the uncollected rent; and

WHEREAS, the City Fleet Manager has approved the replacement of these vehicles and requested the transfer of \$71,000 from the Fleet Reserve Account to the 2008 City Fleet Account;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby authorize Budget Adjustment No. 08-002.

Which resolution was declared duly adopted by unanimous vote.

Council Member Rowell introduced the following resolution **#2008-206**, seconded by Council Member Winterfeldt-Shanks:

WHEREAS, the Fargo Police Department has been awarded the COPS FY 2007 Technology Grant for the Fargo-Moorhead Metropolitan Statistical Area (MSA); and

WHEREAS, the grant is for the purchase of a Computer Aided Dispatch and Records Management System for the Red River Regional Dispatch Center and the agencies utilizing the Red River Regional Dispatch Center; and

WHEREAS, the Moorhead Mayor and City Council authorized Police and Fire Departments participation in the grant; and

WHEREAS, the grant requires 25% in matching funds; and

WHEREAS, the funding source for the \$150,000 matching funds needs to be established;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby authorize Budget Adjustment No. 08-004.



Which resolution was declared duly adopted by unanimous vote.

Council Member Rowell introduced a resolution **#2008-207**, seconded by Council Member Otto, to accept the bid, received from Cronin & Company, Inc. (true interest rate of 3.3489%) on the sale of \$1,340,000 General Obligation Improvement Refunding Bonds, Series 2008A, providing for their issuance and levying a tax for the payment thereof, which resolution was declared duly adopted by unanimous vote.

**Citizens Addressing the Council:**

Leigh Holzer, 1903 10<sup>th</sup> Avenue North, requested the issuance of a proclamation regarding 'Congenital Heart Defects Awareness Week', which is February 7-14, 2008. Mr. Holzer was requested to attend the next regularly scheduled meeting (2/19/08) to receive this proclamation.

It was announced there was no need for an executive session tonight.

The proceedings of this meeting are mechanically recorded and said cassette tape is available for public review.

Meeting adjourned at 7:57 p.m.

APPROVED:

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MARK VOXLAND, Mayor

ATTEST:

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KAYE BUCHHOLZ, City Clerk