

**City of Moorhead
City Council Meeting
Meeting Minutes
May 29, 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 May 29, 2012, 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:	Heidi Durand	Present
2nd Ward Council Member:	Mark Altenburg	Present
3rd Ward Council Member:	Mike Hulett	Present
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Steve Gehrtz	Present
Mayor:	Mark Voxland	Present

City Council Meeting

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

Minutes: Mayor Voxland called the meeting to order.

2. [Approve Minutes](#)

A. [May 14, 2012 \(City Council\)](#)

B. [May 21, 2012 \(Committee of the Whole\)](#)

Motion to Approve made by Steve Gehrtz and seconded by Mike Hulett

Approve Minutes of May 14, 2012 (City Council) and May 21, 2012 (Committee of the Whole)

Motion Passed

For: 8

3. [Citizens Addressing the Council](#)

Minutes: No citizens addressed the Mayor and Council.

4. [Agenda Amendments](#)

Minutes: City staff requested that the Council add an additional Executive Session item. The Mayor and Council will receive a brief update on the upcoming Anda trial. No action is requested.

5. [Consent Agenda](#)

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

Minutes: The following items were removed from the consent agenda:

- #8 – Consider Actions Relating to Growth and Development as Recommended by the Home Builders Association of Fargo-Moorhead & City Working Group
- #10 – Resolution of Support for Summit Housing Group
- #12 – Resolution to Approve a Cooperative Construction Agreement and Easement for the TH 10/TH 75 Project.
- #13 – Resolution to Approve an Engineering Services Agreement with Campbell Technologies Corporation for Downtown Railroad Preemption Improvements. Eng. No. 11-13-1
- #16 – Resolution to Approve/Deny Changes in Traffic Control – Regulatory and Warning Signs
- #20 – Resolution to Approve Purchase of Land Adjacent to Public Works Facility

Motion to Approve made by Luther Stueland and seconded by Brenda Elmer

Approve Consent Agenda as Amended

Motion Passed

For: 8

6. [Mayor and Council Appointments](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Approve Mayor and Council Appointments

Motion Passed: See Resolution #'s noted below

For: 8

- [Resolution to Approve Appointment to Human Rights Commission \(Ward 1\)](#)
Resolution 2012-0529-1
- [Resolution to Approve Appointment to Park Advisory Board \(Ward 4\)](#)
Resolution 2012-0529-2
- [Resolution to Approve Appointment to Airport Committee \(Mayor\)](#)
Resolution 2012-0529-3
- [Resolution to Approve Council Appointment to the Heartland Trail Committee \(Mayor\)](#)
Resolution 2012-0529-4

Public Hearings (5:45 p.m.)

7. [Public Hearing to Consider Underground Utilities on Johnson Dr from 16th-20th St South and Approve Related Actions. Eng. No. 12-A6-2](#)

Minutes: Public hearing opened at 5:53 p.m.

Tom Trowbridge, City Engineer, provided a brief overview of the project.

No citizens addressed the Mayor and Council.

Public hearing closed at 5:57 p.m.

Minutes: Concern was noted regarding the exception to City policy being made for this improvement project even though there is minimal financial risk. City staff will conduct internal analysis of the policy and provide a recommendation to the Mayor and Council for consideration.

Motion to Approve made by Luther Stueland and seconded by Brenda Elmer
Motion to Approve Resolutions to install Underground Utilities on Johnson Dr from 16th-20th St South and Approve Related Actions. Eng. No. 12-A6-2

Motion Passed: See Resolution #'s noted below

For: 8

- A. [Resolution to Receive Petitions, Receive the Engineer's Report, Order and Approve the Plans & Specifications, and Authorize Advertisement for Bids](#)
Resolution 2012-0529-5
- B. [Resolution to Order Improvements and Declare Intent to Assess](#)
Resolution 2012-0529-6

Community Services Department

- 8. [Consider Actions Relating to Growth and Development as Recommended by the Home Builders Association of Fargo-Moorhead & City Working Group](#)

Minutes: The Mayor and Council stated the following:

- It is preferred that alternative language be provided within Ordinance 2012-10 related to sidewalks to permit more options for developers and to allow neighborhood diversity.
- It is believed that sidewalks on both sides of a development provide a safer neighborhood environment.
- Concern was noted in requiring all property owners to amend a sidewalk plan in an existing subdivision

Motion to Amend made by Luther Stueland and seconded by Brenda Elmer
Amend Ordinance 2012-10 as follows: Section 5.A to read, "All new subdivisions within the city shall may provide sidewalks..."; Strike entire Section 6.E; Section 6.F.1 to read, "A written petition, signed by a ~~majority~~ all of the property owners..."

Amendment Failed

For: 1 – Luther Stueland; Against: 7

Motion to Approve made by Mark Altenburg and seconded by Brenda Elmer
Consider Actions Relating to Growth and Development as Recommended by the Home Builders Association of Fargo-Moorhead & City Working Group

Motion Passed: See Resolution #'s noted below

For: 8

- A. [Resolution to Approve Second Reading of Ordinance No. 2012-09: 2012 Fee Schedule](#)
Ordinance 2012-09
 - B. [Resolution to Approve Title and Summary \(Ordinance No. 2012-09\)](#)
Resolution 2012-0529-7
 - C. [Resolution to Approve Second Reading of Ordinance No. 2012-10: Title 11 – Subdivisions](#)
Ordinance No. 2012-10
 - D. [Resolution to Approve Title and Summary \(Ordinance No. 2012-10\)](#)
Resolution 2012-0529-8
9. [*Resolution to Approve Use Agreements with Moorhead Independent School District #152 and the City of Moorhead](#)
Resolution 2012-0529-A
10. [Resolution of Support for Summit Housing Group](#)

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

- Summit Housing Group will apply to Minnesota Housing for Low Income Housing Tax Credits for the project. The application process is competitive statewide.
- Contamination cleanup and management is regulated by State and Federal law.
- The site has been vacant for ten years.

The Mayor and Council noted the following:

- The tax incentive appears to provide a benefit to consumers.
- The project could be a great addition to First Avenue.
- The project could fill a necessary need for affordable family housing.

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand

Resolution of Support for Summit Housing Group

Motion Passed: **Resolution 2012-0529-9**

For: 8

11. [Resolution to Approve Land Lease with Park Christian Schools](#)

Minutes: Council Member Gehrtz and Council Member Stueland announced that they would not be participating in discussion of the resolution to approve a land lease with Park Christian School due to a conflict of interest. Council members Gehrtz and Stueland exited the Council Chambers.

Kent Hannestad, President of Park Christian School, provided a brief description of the project and indicated their optimism in partnering with the

City.

City staff noted that the land lease would require a temporary agreement to place parkland equipment on land currently owned by the school.

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

Resolution to Approve Land Lease with Park Christian Schools

Motion Passed: **Resolution 2012-0529-10**

For: 6; Recused: 2 - Luther Stueland, Steve Gehrtz

Minutes: Council members Gehrtz and Stueland returned to Council Chambers.

Engineering - Wastewater Treatment

12. [Resolution to Approve a Cooperative Construction Agreement and Easement for the TH 10/TH 75 Project.](#)

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

- Data collected through intersection cameras is generic only and not specific to individual vehicles or drivers. Cameras identify the presence of a vehicle and can be used broadly to view intersection operations and collect traffic data
- Remote access to the traffic signal controller can allow staff to adjust signal timing for more efficient operations, particularly during an emergency event.
- Collecting information for “red light camera enforcement” is not legal in Minnesota. Cameras cannot be utilized for this purpose.
- Cameras are not required by state law.

The Mayor and Council stated the following:

- Concern was noted regarding the installation of intersection cameras and loss of privacy.
- It was noted that City streets are public.

Motion to Approve made by Mike Hulett and seconded by Nancy Otto

Resolution to Approve a Cooperative Construction Agreement and Easement for the TH 10/TH 75 Project.

Motion Passed: See Resolution #'s noted below

For: 7; Against: 1 - Luther Stueland

A. [*Resolution to Approve Cooperative Construction Agreement with Mn/DOT](#)
Resolution 2012-0529-11

B. [*Resolution to Approve Easement Agreement](#)
Resolution 2012-0529-12

13. [Resolution to Approve an Engineering Services Agreement with Campbell Technologies Corporation for Downtown Railroad Preemption Improvements. Eng. No. 11-13-1](#)

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

- Detailed traffic models developed by Campbell Technologies will be extremely beneficial in determining more efficient traffic operations.
- A significant portion of the study cost is to work cooperatively with Burlington Northern Santa Fe (BNSF) railroad to find ways to modify their controls.

The Mayor and Council stated the following:

- Concern was noted regarding the value of the study in relation to the cost.
- It was noted that the study will provide meaningful data to assist in determining how the City can improve traffic flow downtown.

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto

**Resolution to Approve an Engineering Services Agreement with Campbell Technologies Corporation for Downtown Railroad Preemption Improvements.
Eng. No. 11-13-1**

Motion Passed: **Resolution 2012-0529-13**

For: 6; Against: 2 - Luther Stueland, Mike Hulett

14. [*Resolution to Award Bid for the Reconstruction of 20th St from 6th to 12th Ave S. Eng. No. 12-A2-2](#)

Resolution 2012-0529-B

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

Resolution 2012-0529-C

16. [Resolution to Approve/Deny Changes in Traffic Control – Regulatory and Warning Signs](#)

Minutes: Scott Burtsfield, Moorhead resident, addressed the Mayor and Council regarding traffic concerns on Village Green Boulevard (request #12-7). It is requested that the City install larger speed limit 30 signs to notify motorists of the reduced speed zone and in-street crosswalk delineators to notify motorists of the pedestrian crosswalk.

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

- City staff recommends replacement of the eastbound 40 mph speed limit sign approximately 700 feet west of 28th St with a 30 mph sign and have the police department increase enforcement of the speed limit and pedestrian rights.
- In-street crosswalk delineators are not recommended. There are many intersections in the City with similar characteristics. If permission is granted in this circumstance a unique rationale should be clarified or it is recommended that crosswalk delineators be implemented throughout the City as part of a city-wide traffic calming policy.
- Crosswalk delineators can create issues for street maintenance and

snow removal.

- Installation location of crosswalk delineators is determined by the Federal Highway Administration (FHWA).

The Mayor and Council stated the following:

- It is preferred that the City conduct a 12-month trial installation of crosswalk delineators at Village Green Boulevard to determine traffic calming potential.

Motion to Amend made by Mark Hintermeyer and seconded by Steve Gehrtz
Amend Resolution as follows – Request #12-7: 1) Deny larger speed limit signs along segment of Village Green Blvd between 20th and 28th St.; 2) Approve in-street pedestrian crossing delineators installed at the existing marked crosswalks across Village Green Blvd at 33rd Avenue South and again at 26th Street Circle South as a 12 month trial installation; and 3) Approve replacement of existing 40 MPH sign with 30 MPH sign at horizontal curve for southbound traffic.

Amendment Passed:

For 8

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto

Resolution to Approve/Deny Changes in Traffic Control – Regulatory and Warning Signs as Amended

Motion Passed: **Resolution 2012-0529-14**

For: 8

17. [*Resolution to Approve Engineering Services Agreement with Houston Engineering for a Flood Mitigation Internal Drainage and Lift Station Analysis](#)
Resolution 2012-0529-D
18. [*Resolution to Approve Change Order #8 for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B](#)
Resolution 2012-0529-E

Fire Department

19. [*Resolution for Authorization to Submit a Request for Proposal for a Chemical Assessment Team](#)
Resolution 2012-0529-F

Operations Department

20. [Resolution to Approve Purchase of Land Adjacent to Public Works Facility](#)

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

- The City was approached by the developer to purchase a very small parcel of property adjacent to city-owned property.
- There are no immediate plans for use of the parcel.

The Mayor and Council stated the following:

- Purchase of the property is not necessary and adds to City costs.

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Resolution to Approve Purchase of Land Adjacent to Public Works Facility
Motion Failed

For: 1 - Mark Altenburg; Against: 7

Administration

21. [*Approve Licenses - Permits](#)

A. [*Resolution to Approve Licenses – Permits](#) **Resolution 2012-0529-G**

22. [Mayor and Council Reports](#)

Minutes: Council Member Altenburg provided a report on the American Legion Post 21 Memorial Dedication event.

Council Members Gehrtz and Elmer provided a report on a recent meeting of the Economic Development Authority.

Council Member Otto provided a report on a recent meeting of the Oakport Joint Powers Committee.

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

A. [*Resolution to Approve Budget Adjustment - Administrative Services](#) **Resolution 2012-0529-H**

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

- The Oakport Township board has indicated that they would like to move forward with a bid award for a special assessment project and have asked if the City would be willing to inherit assessments when annexation occurs in 2015. It would involve a narrow joint powers agreement in which there would be no City expenditure. The City would continue collecting assessments following the 2015 annexation.
- The Mayor and Council will receive an update on labor negotiations in June.

The Mayor and Council requested that the City Manager elaborate on staffing changes under the “Resolution to Approve Budget Adjustment – Administrative Services.”

- It is recommended that additional administrative resources be provided through the following:
 - Augment the current Community Services Director position and add Deputy City Manager duties to provide additional *external* administrative functions in the areas of marketing,

communications, legislative/agency affairs, development projects, planning, budget, etc.

- Hire an Assistant City Manager position to provide *internal* administrative duties in the areas of Human Resources/Labor Human Resources/Labor Negotiations, Finance, IT Website, and the City Clerk's Office/Elections
- A Business Outreach & Relations position is also being considered. Funding would be accommodated in the 2013 Economic Development Authority (EDA) levy and budget.
- This staffing configuration provides the most cost effective approach and can be implemented more immediately.
- City staff will discuss a possible shared Communications Position with Moorhead Public Service and report back to the Mayor and Council with their interest.

24. [Executive Session - Southfield Proposed Settlement](#) & Anda Trial Preview

Motion to Approve made by Brenda Elmer and seconded by Nancy Otto
Enter into Executive Session to receive information related to the Southfield Proposed Settlement Agreement and Anda trial preview
Motion Passed

For: 8

Minutes: The Mayor and Council entered into Executive Session at 7:36 p.m.

The Mayor and Council exited Executive Session at 8:00 p.m.

Motion to Approve made by Nancy Otto and seconded by Heidi Durand
Resolution to Approve Southfield Proposed Settlement Agreement

Motion Passed: **Resolution 2012-0529-15**

For: 8

25. New Business

A. Bluestem Center for the Arts

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

- On June 11 Jim Johnson, Fargo School Board, will provide a Bluestem Center for the Arts update.
- Bluestem and Fargo Schools has provided necessary budget reports as outlined in their agreement with the City of Moorhead. A report of activity could be requested.
- The City of Moorhead does not need to take any immediate actions related to lease agreements but will keep apprised of ongoing discussions between Bluestem and Fargo Schools.

B. Bike Night in Moorhead

Minutes: Council Member Otto requested that the City Council consider an exception to the City of Moorhead Street Closing Policy which provides that traffic control device rental and placement are the sole responsibility of the applicant. Council Members may opt to donate funds from their Council Discretionary account toward Bike Night event expenses if desired.

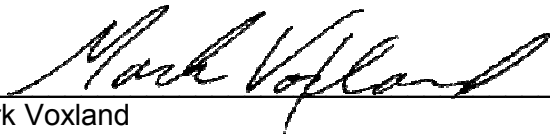
Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto
Provide exception to the City of Moorhead Street Closing Policy and allow City barricades to be provided at no charge for the scheduled "Bike Night in Moorhead" events which are considered quasi-City events

Motion Passed: **Resolution 2012-0529-15**

For: 7; Against: 1 – Luther Stueland

Meeting adjourned at 8:02 p.m.

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