

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
October 11, 2010 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 October 11, 2010, 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	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Present until 6:46 p.m.
Mayor:	Mark Voxland	Present

**City Council Meeting**

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

Minutes: Mayor Voxland called the meeting to order.

2. Recognitions - Presentations

A. [Presentation of "Secure Cities Award" to the City of Moorhead](#)

Minutes: Mayor Voxland accepted an award on behalf of the City of Moorhead for receiving a No. 1 rating of mid-size cities in the annual Farmers Insurance "Most Secure U.S. Places to Live."

3. [Approve Minutes](#)

A. [September 20, 2010 \(Committee of the Whole\)](#)

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

**Approve Minutes of September 20, 2010 (Committee of the Whole)**

Motion Passed by unanimous vote

4. [Citizens Addressing the Council](#)

Minutes: Dara Lee, Executive Director of the Clay County Housing & Redevelopment Authority (HRA) announced that there will be a grand opening event for Gateway Gardens Apartments on Thursday, October 14.

A. Request to Address City Council: Cultural Diversity Resources

B. Request to Address City Council: The Arts Partnership

C. Request to Address City Council: Rourke Art Gallery Museum

D. Request to Address City Council: Metro Youth Partnership

Minutes: Michael Redlinger, City Manager, stated that a straw poll was conducted at the October 4, 2010 Committee of the Whole meeting. Results of the poll showed that there was not consensus for the financial support of five "Community Partners/Outside Agencies" in the 2011 Operating and Capital Budget: Cultural Diversity Resources, The Arts Partnership, Rourke Art Gallery Museum, Metro Youth Partnership, and Minn-Kota PAAWS. The total amount of funding currently designated to these five organizations is approximately \$72,000.

The following individuals addressed the Mayor and Council regarding their support for the organizations they represent and/or endorse. They requested that the City Council continue to provide financial support as part of the City of Moorhead 2011 Operating and Capital Budget.

Cultural Diversity Resources

- Yoke-Sim Gunaratne, Executive Director

The Arts Partnership

- Dayna Del Val, Executive Director

Rourke Art Gallery Museum

- John Rowell, Board Member

Metro Youth Partnership

- Denise Peterson, Coordinator
- Lynn Kovash, Moorhead Public Schools / Supporter
- Claire Benson, Supporter
- Mardy Dovre, Supporter
- Del Rae Williams, Supporter
- Sonia Hohnadel, Supporter
- Yoke-Sim Gunaratne, Supporter
- Dawn Tommerdahl, Clay County Collaborative / Supporter

Minn-Kota PAAWS

- Jill Frederick, Shelter Co-Director

The Mayor and Council Members stated the following:

- Concern was noted regarding the process currently used to determine Community Partnership funding. It was suggested that the City identify needs prior to designating funds to organizations.
- It is preferred that the City Council make a clear decision on the funding of these five Community Partners at the earliest possibility, as delays could be harmful to the organizations and may delay the budget approval process.
- It was noted that the organizations that are currently funded were selected and supported by earlier City Councils to provide an

identified community need. All appear to fulfill an integral role in the community.

By consensus the following process was determined by the Mayor and City Council:

- The Mayor and Council Members will forward any clarifying questions to the City Manager to conduct follow-up with Community Partners.
- The Council will formally vote on the inclusion of "Community Partners/Outside Agencies" as part of the 2011 Operating and Capital Budget at the October 25, 2010 City Council meeting.
- The Council will agree to honor the results of the October 25<sup>th</sup> vote when the budget is formally approved at the December 13, 2010 City Council Meeting.

5. [Agenda Amendments](#)

Minutes: The following agenda item was added:

- #27.A - Resolution to Approve Budget Adjustment for Library Basement Wall Repair

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams

**Approve Agenda Amendments**

Motion Passed by unanimous vote

6. [Consent Agenda](#)

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

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

- #15 - Resolution to Approve/Deny Changes in Traffic Control - Parking Restriction Requests
- #17 - Resolution to Approve Easement Acquisitions for the 40th Ave. South Flood Mitigation Project. Eng. No. 09-A5-1A
- #21 - Approve Budget Adjustment from General Fund Reserves and Capital Improvement Fund for Purchase and Training of K-9 Dog
- #24 - Resolution to Authorize 2011 Legislative Services Agreements with Fredrikson & Byron and Flaherty & Hood

The following item was added to the Consent Agenda:

- #27.A - Resolution to Approve Budget Adjustment for Library Basement Wall Repair

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

**Approve Consent Agenda**

Motion Passed by unanimous vote

7. [\\*Approve Licenses - Permits](#)

A. [\\*Permits](#)  
**Resolution 2010-1011-A**

8. [Mayor and Council Reports - Appointments](#)

Minutes: Council Member Wray Williams provided a brief report on the Moorhead Public Service Commission. Wray Williams stated that the Commission has challenged the City Council to drink Moorhead City water instead of bottled water in honor of Moorhead's "Best Tasting Water" award.

Council Member Elmer expressed a "Welcome Home" to the Grommesh Family following completion of the *Extreme Makeover: Home Edition* project.

9. Permanent Flood Protection Discussion/Update

Minutes: Council Member Otto provided a brief report on the Metro Flood Study Work Group. Otto stated that a Red River Retention Authority has been formed and will be dedicated to identifying retention options with the goal of reducing the flow of the Red River by 20%.

**Public Hearings**

10. [Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects](#)

Minutes: Public Hearing opened at 7:05 p.m.

Jody Bertrand, Senior Engineer, provided a brief overview of the proposed assessments. Bertrand noted that the assessments encompass 22 different projects completed in 2009 and 2010. The total cost for all projects is \$28 million. The City is assessing \$9.3 million. A public information meeting was previously held.

The following individuals addressed the Mayor and Council regarding their opposition to the proposed assessments:

- James Van Raden, resident
- Monica Douglas, resident
- Donald Wirries, resident

The following individuals addressed the Mayor and Council regarding their opposition to any changes to the 34<sup>th</sup> Street/I-94 Interchange Project that would result in a modification to the current assessment district:

- Mark Hanson, Nilles Law Firm, representing RD Offutt Company / PROffutt Limited Partnership / Lida Offutt Trust / Ronald D. Offutt / PROffutt-Welle
- Jeff Schaumann, PROffutt, LP / RD Offutt Co.

John Hough, JV Hough Inc., noted concern regarding flawed manhole construction in several areas throughout the City.

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

#### Various Flood Mitigation Improvements

- The area being assessed includes all properties served by a sanitary sewer at risk of flooding during a 500-year flood event, generally including all properties west of 20<sup>th</sup> Street.
- Cost is based on a per lot rate for all single-family homes. Multiple family dwellings are based on acreage.
- This will be a one time assessment. Citizens can make payments over a period of five years. Payments are interest free if made prior to November 15<sup>th</sup> and can be directed to the Finance Department located at Moorhead City Hall, 500 Center Avenue, 3rd Floor.

#### Street Improvements 34<sup>th</sup> St S (12<sup>th</sup> Ave. to I-94)

- The area being assessed includes properties east of SE Main Ave.
- There is a deliberate attempt to reduce the assessment cost. In order to maintain assessment rates in line with those for other collector streets, slightly less than 50% of the street improvement costs for this project are proposed to be assessed.
- The project as defined includes the removal of the I-94/SE Main Ave. eastbound off-ramp and westbound on-ramp.
- Currently technical analysis is being conducted to determine the benefits of retaining ramps. Results will be available in January or February 2011.
- Only the Minnesota Department of Transportation and the Federal Highway Administration can approve construction of ramps.
- Future construction of ramps would be considered as a new project and would require various Council actions to proceed. The assessment district for ramp construction would likely be properties west of SE Main Ave.

#### Manhole Construction Flaws

- Flawed construction projects are not included in the current assessment hearing. These costs will not be assessed to property owners and will be fully paid by the City of Moorhead as was approved by a change order previously authorized by the City Council.
- Construction flaws are due to material that was not sealed properly. Problems were noticed well after construction and were not under warranty.

- Flaws occurred in eight different contracts involving at least four different contractors. Some contracts were administered by the City and others by consultants.

Public Hearing closed at 8:08 p.m.

A. [Resolution to Approve Adoption of Assessments for Various Projects](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted regarding the lack of specificity in the assessment notice provided to residents.
- Approximately 4% of the total costs for the Various Flood Mitigation Improvements are being assessed.
- It was noted that retaining ramps for the 34<sup>th</sup> Street S / SE Main Ave./ I-94 Interchange is very important.

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

**Resolution to Approve Adoption of Assessments for Various Projects**

Motion Passed: **Resolution 2010-1011-1**

For: 7; Absent: 1 – Lemke

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

**Resolution to bring forward change order affecting removal of the demolition contract for the SE Main Ave. ramps at I-94, as outlined in the 34th St./I-94 Interchange Project directly before the Mayor and Council for consideration**

Motion Passed: **Resolution 2010-1011-2**

For: 7; Absent: 1 – Lemke

11. [Public Hearing to Consider Adoption of Assessments - Nuisance Penalties/Fees](#)

Minutes: Public Hearing opened at 8:28 p.m.

No citizens addressed the Mayor and Council.

Public Hearing closed at 8:29 p.m.

A. [Resolution to Adopt Assessments for Various Projects](#)

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

**Resolution to Adopt Assessments for Various Projects**

Motion Passed: **Resolution 2010-1011-3**

For: 7; Absent: 1 – Lemke

**Community Services Department**

12. [\\*Resolution to Approve Request of City of Moorhead for a Conditional Use Permit to Relocate Storm Water Pond and Construct a Berm within the Floodway Overlay District at 1002 7th St. N.](#)  
**Resolution 2010-1011-B**

13. [\\*Resolution to Approve Request of the City of Moorhead for a Moving Permit to Move the Log Cabin from 319 4th Street South to 700 1st Avenue North](#)  
**Resolution 2010-1011-C**
14. [\\*Resolution to Approve Minor Subdivision Request \(No Planning Commission Review\)](#)  
**Resolution 2010-1011-D**

### **Engineering - Wastewater Treatment**

15. [Resolution to Approve/Deny Changes in Traffic Control - Parking Restriction Requests](#)

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

- Staff recommends denial of “No parking” signs along 3<sup>rd</sup> St between 12<sup>th</sup> Ave and 13<sup>th</sup> Ave until further discussions regarding a comprehensive campus area parking plan are made with Concordia College, Minnesota State University Moorhead (MSUM), the City, and local residents.
- Citizens are encouraged to make requests for changes in traffic control by submitting a form available on the City’s website contained on the Engineering Department webpage.

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

#### **Resolution to Approve/Deny Changes in Traffic Control - Parking Restriction Requests**

Motion Passed: **Resolution 2010-1011-4**

For: 7; Absent: 1 - Lemke

16. [\\*Resolution to Approve/Deny Changes in Traffic Control - Regulatory Signs](#)  
**Resolution 2010-1011-E**

17. [Resolution to Approve Easement Acquisitions for the 40th Ave. South Flood Mitigation Project. Eng. No. 09-A5-1A](#)

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

- This project will raise the elevation of the dike to protect the neighborhood up to a 38 ft. river crest.

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

#### **Resolution to Approve Easement Acquisitions for the 40th Ave. South Flood Mitigation Project. Eng. No. 09-A5-1A**

Motion Passed: **Resolution 2010-1011-5**

For: 7; Absent: 1 - Lemke

### **Operations Department**

18. [Resolution to Authorize Building Lease - Richards Transportation](#)

Minutes: Chad Martin, Operations Director, provided a brief overview of the proposed collaborative building construction and lease with Richards Transportation.

Martin noted that the \$60,000 City investment would allow for lease of the facility for storage of roll off boxes of sandbags and the guaranteed availability of high bay heated storage during a flood emergency. A flat rate usage cost of \$.10 per square foot per week payment has been proposed. Lease costs would be reimbursable from FEMA in a disaster declaration.

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

- The proposed lease fee is at a comparable market rate.
- It is anticipated that Richards Transportation would be agreeable to a 15-year lease with the option of additional 5-year extensions.
- The City could store approximately 50,000 sandbags in this space.
- Storage of 500,000 sandbags is required in a 38 ft. flood event. This storage space will not be adequate to serve all of the City's sandbag storage needs.

The Mayor and Council Members stated the following:

- Further discussion is needed regarding additional sandbag storage needs.
- It was noted that partnership with the private sector for sandbag storage is a creative option.

Motion to Approve made by Diane Wray Williams and seconded by Mark Altenburg  
**Resolution to Authorize Building Lease - Richards Transportation**  
Motion Passed: **Resolution 2010-1011-6**  
For: 7; Absent: 1 - Lemke

19. [Resolution to Authorize Purchase of 120 Nursery Trees from Buffalo-Red River Watershed District](#)

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

- There will be no cost for the purchase of the trees. Costs will be related to exhuming, moving, and planting only.
- Trees will need to be removed this fall.
- City staff has identified several locations where the trees will be planted and is receptive to other suggestions.

Motion to Approve made by Diane Wray Williams and seconded by Brenda Elmer  
**Resolution to Authorize Purchase of 120 Nursery Trees from Buffalo-Red River Watershed District**  
Motion Passed: **Resolution 2010-1011-7**  
For: 7; Absent: 1 - Lemke

**Police Department**



20. [\\*Resolution Approving State of Minnesota Joint Powers Agreements with the City of Moorhead on behalf of its Police Department and City's Prosecuting Attorney](#)  
**Resolution 2010-1011-F**
21. [Approve Budget Adjustment from General Fund Reserves and Capital Improvement Fund for Purchase and Training of K-9 Dog](#)

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

- Acquisition and training of K-9 dogs are not typically part of the normal budgeting process. Nor has the replacement of dogs ever timed perfectly with the annual capital budget cycle.
- The timing of training availability provides a prime opportunity for this purchase.
- The City has working agreements with all local law enforcement agencies to assist and share resources when needed.

Motion to Approve made by Luther Stueland and seconded by Dan Hunt  
**Approve Budget Adjustment from General Fund Reserves and Capital Improvement Fund for Purchase and Training of K-9 Dog**

Motion Passed: **Resolution 2010-1011-8**

For: 6; Absent: 2 – Elmer, Lemke

### **Moorhead Public Service**

22. [\\*Approve Change Order No. 3 with MVM Contracting Inc. for 2010 Underground Cable Replacement Projects](#)  
**Resolution 2010-1011-G**

### **City Manager Reports**

23. [\\*Second Reading of Ordinance 2010-10: An Ordinance to Amend and Reenact Section 2-2B-6 of the Moorhead City Code Relating to Gambling Site Manager and Approve Title and Summary](#)  
**Resolution 2010-1011-H & 2010-1011-I**
24. [Resolution to Authorize 2011 Legislative Services Agreements with Fredrikson & Byron and Flaherty & Hood](#)

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

- Tabling this item until the results of the November 2<sup>nd</sup> election are known is not advised. Regardless of the election outcome there is important work to be conducted in the fall and winter months in advance of the 2011 Legislative Session.
- The agreement proposed is similar to last year. The firms are willing to work within the financial constraints of the City.
- The City has worked with both firms for a number of years. Their representation has shown good outcomes.

The Mayor and Council Members stated the following:

- Concern was noted regarding the cost and measurable benefits gained through this agreement.
- The firms are able to closely watch legislation and educate legislators, a task that City staff and elected officials are often unable to perform.
- By utilizing two separate firms, the City is able to capitalize on relationships with legislators in all political parties.
- Representation by both firms has been a tremendous asset and, in some instances, has saved costs to the City.

Motion to Approve made by Dan Hunt and seconded by Diane Wray Williams  
**Resolution to Authorize 2011 Legislative Services Agreements with Fredrikson & Byron and Flaherty & Hood**

Motion Passed: **Resolution 2010-1011-9**

For: 6; Against: 1 – Stueland; Absent: 1 – Lemke

25. [Reports – Updates](#)

Minutes: Redlinger clarified that the vote regarding Community Partners/Outside Agencies will be placed on the October 25, 2010 City Council Agenda under the “Mayor and Council Reports.”

Redlinger thanked the City Council, City staff, and community volunteers who played a role in the *Extreme Makeover: Home Edition* project completed on Sunday, October 10<sup>th</sup>.

26. Executive Session (if needed)


27. New Business

A. [\\*Resolution to Approve Budget Adjustment for Library Basement Wall Repair](#)  
**Resolution 2010-1011-J**


Meeting adjourned at 9:54 p.m.

APPROVED BY:

ATTEST:



Mark Voxland  
Mayor



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