

**City of Moorhead
City Council Meeting
Meeting Minutes
July 11, 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 July 11, 2011, 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
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. Tom McSparron - Donor Services Officer, West Central Initiative Foundation

Minutes: Tom McSparron, Donor Services Officer, thanked the City for their partnership with the West Central Initiative Foundation over the past 25 years.

3. Approve Minutes

A. [May 16, 2011 \(Committee of the Whole\)](#)

B. [June 27, 2011 \(City Council Meeting\)](#)

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

Approve Minutes of May 16, 2011 (Committee of the Whole) and June 27, 2011 (City Council Meeting)

Motion Passed

For: 8

4. Citizens Addressing the Council

Minutes: No citizens addressed the Mayor and Council.

5. Agenda Amendments

Minutes: The following agenda item was added:

- #19A - First Reading of Ordinance 2011-10: An Ordinance to Create and Enact Chapter 2-11 of the Moorhead Municipal Code Relating to the Minnesota Electrical Act

Motion to Approve made by Mark Altenburg and seconded by Luther Stueland

Approve Agenda Amendments

Motion Passed

For: 8

6. Consent Agenda

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

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

Approve Consent Agenda

Motion Passed

For: 8

7. Mayor and Council Appointments

Minutes: No appointments were presented by the Mayor and Council.

8. Mayor and Council Reports

Minutes: No reports were made by the Mayor and Council.

9. [Permanent Flood Protection Discussion/Update](#)

A. [Resolution to Approve the Fargo-Moorhead Metro Flood Risk Management Project Design Agreement, Financial Self-certification, and Project Management Plan](#)

Minutes: Bob Zimmerman, City Engineer, provided a brief report on the following: 1) Design Agreement between the USACE, City of Fargo, and City of Moorhead for design of the F-M Metropolitan Area Flood Risk Management Project; 2) Financial Self-Certification of Financial Capability for Agreements; and 3) Project Management Plan.

- Approval of the presented documents is required by August 1, 2011 to adhere to project timelines.
- The Limited Joint Powers Agreement provides some protection for the City of Moorhead from financial culpability in approving the Design Agreement.
- A supplemental design agreement may be necessary at a future time.

The Mayor and Council Members stated the following:

- There are financial risks of approving the Design Agreement if the

State of Minnesota does not designate funds for the Project.

- It was suggested that City staff provide an update to the City's Legislative and Congressional Delegation regarding recent Project developments and encourage financial participation by the State of MN.

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt

Resolution to Approve the Fargo-Moorhead Metro Flood Risk Management Project Design Agreement, Financial Self-certification, and Project Management Plan

Motion Passed: **Resolution 2011-0711-1**

For: 6; Against: 2 – Luther Stueland, Mark Hintermeyer

Community Services Department

10. [*Resolution to Approve Minor Subdivision \(parcel 58.637.0040\)](#)
Resolution 2011-0711-A
11. [*Resolution to Approve Minor Subdivision \(parcel 10.021.4500\)](#)
Resolution 2011-0711-B
12. [*Resolution to Approve Minor Subdivision \(parcel 21.035.3000\)](#)
Resolution 2011-0711-C

Engineering - Wastewater Treatment

13. [Riverfront Property Flood Mitigation Program Update](#)

Minutes: Bob Zimmerman, City Engineer, discussed a draft Riverfront Property Flood Mitigation Program based on Phase 1 report results and clarified the following in response to Mayor and Council questions:

- A geotechnical setback line was used to determine whether or not properties were “likely feasible” for flood mitigation.
- Of the 220 properties that were evaluated, there are 74 that are “likely feasible.”
- There are 53 properties at a 39 ft. flood stage or lower. The majority are “unlikely feasible” for flood mitigation projects. It is staff's recommendation that these properties be acquired and removed. Acquisition of these 53 properties would be approximately \$12.9M. Some of the homes would be eligible for MN Department of Natural Resources (DNR) grant funding.
- There are 201 properties at a 40 ft flood stage or higher. Flood mitigation projects are “likely feasible” or “may be feasible” for 84 of these properties. It is staff's recommendation that the City develop backyard mitigation protection alignments on these properties in coordination with property owners. Backyard mitigation would not be feasible for 117 properties. Acquisition costs for these properties would be \$31.1M. Some of the acquisition costs could be eligible for DNR grant funding.

- City staff recommends moving forward with a Phase 2 evaluation to determine backyard flood mitigation strategies, level of protection, and cost share options. Analysis will take into account floodway impacts and structure locations on individual properties.
- Staff anticipates individual conversations with property owners to develop preliminary flood protection alignments.
- The City does not have a river setback requirement for construction. The only requirement is that no fill or structures be allowed in the floodway. The City may want to adopt a setback requirement in the future.
- Approximately 85% of property owners who previously received a flood buyout (103 total from 2009 to May 2011) relocated in the City of Moorhead, City of Dilworth, or greater Clay County.
- The City plans to explore financing options for a full range of future City infrastructure projects, acquisitions, and backyard mitigation options which will likely require some type of special assessment.
- Estimated duration for Phase 2 analysis is 8-10 weeks or sooner.
- The City will not likely remove all need for temporary measures. The goal is to reduce the number of required sandbags to a more manageable amount.

The Mayor and Council Members stated the following:

- Public education is needed to inform residents of the City's plan if temporary measures fail in a catastrophic flood event.
- Council discussion is needed regarding various cost-sharing options for flood mitigation efforts.
- There is some concern about dropping property values along the river corridor.

City staff was directed to bring forward a proposal for Phase 2 evaluation for Council consideration on July 18, 2011.

Police Department

14. [*Resolution approving the renewal of the Multi-Agency Law Enforcement Joint Powers Agreement for the Minnesota Internet Crimes Against Children Task Force \("ICAC"\)](#)
Resolution 2011-0711-D

Administration

15. [Resolution to Approve Rourke Art Gallery Museum Lease Agreement](#)

Minutes: Michael Redlinger, City Manager, provided a brief update on the proposed lease agreement for the Rourke Art Gallery Museum. It was noted that additional expenditures for snow removal and insurance included in the lease requires six affirmative votes of the City Council.

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

- According to State law, the City does not have the authority to donate property to a charitable or nonprofit organization.
- The Rourke is required to maintain the building. The City has the right to regularly inspect the property to ensure the building does not fall into disrepair.
- The City could terminate the lease for breach of contract.
- The advantage of a longer lease is that the Rourke would be required to make all repairs and capital improvements.

The Mayor and Council Members stated the following:

- It is preferred that the Rourke, or other private property owner, take ownership of the building.
- Concern was noted on the long length of the lease.
- It is believed that support of this lease will assist Rourke and promote quality of life in Moorhead.

Motion and Second to Approve were previously made at the June 27, 2011 meeting, but action was tabled for reconsideration

Resolution to Approve Rourke Art Gallery Museum Lease Agreement

Motion Failed:

For: 5 – Diane Wray Williams, Dan Hunt, Brenda Elmer, Mark Hintermeyer, Greg Lemke; Against: 3 – Luther Stueland, Nancy Otto, Mark Altenburg

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

Approve a revised Rourke Art Gallery Museum Lease Agreement to include all conditions of the previously proposed lease agreement with the following exceptions: 1) strike sentence two of section 6.A. regarding snow removal; and 2) require the tenant to provide all property and fire insurance for the building.

Motion made by Diane Wray Williams and seconded by Dan Hunt

Motion Passed: **Resolution 2011-0711-2**

For: 5 – Diane Wray Williams, Dan Hunt, Brenda Elmer, Mark Hintermeyer, Greg Lemke; Against: 3 – Luther Stueland, Nancy Otto, Mark Altenburg

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

A. [*Resolution to Approve Licenses – Permits](#)
Resolution 2010-0711-E

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

Minutes: Michael Redlinger, City Manager, provided a brief report on recent Local Government Aid proposals. Redlinger also reported that the State of Minnesota bond rating has been lowered.

Redlinger clarified the following in response to Mayor and Council questions:

- The City will conduct additional ground spraying this weekend for mosquitoes and discuss future plans for aerial spraying with Fargo.

- The Council has full discretion to lower the threshold count to initiate City mosquito spraying.
- Mosquito trap counts have been comparable between Moorhead and Fargo.
- Larviciding is the most cost-effective way to reduce mosquito counts.

The Mayor and Council Members stated the following:

- Concern was noted on the high level of mosquitoes in residential neighborhoods and the inadequacy of ground spraying.
- It was noted that there is a need to educate citizens on how to diminish mosquitoes on private property.

Staff was directed to provide a report to the Mayor and Council on all pest control costs and comparative costs of aerial and ground spraying.

18. Executive Session

Minutes: No Executive Session was conducted.

19. [New Business](#)

A. First Reading of Ordinance 2011-10: An Ordinance to Create and Enact Chapter 2-11 of the Moorhead Municipal Code Relating to the Minnesota Electrical Act

Minutes: Michael Redlinger, City Manager, stated that due to the State of MN government shutdown electrical inspections will not be conducted. The proposed ordinance is intended to allow the City temporary authority to hire an electrical inspector by contract until the State resumes so local projects could continue. The proposed ordinance was drafted based on recommendations of the League of MN Cities.

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

First Reading of Ordinance 2011-10: An Ordinance to Create and Enact Chapter 2-11 of the Moorhead Municipal Code Relating to the Minnesota Electrical Act

Motion Passed: **Ordinance 2011-10**

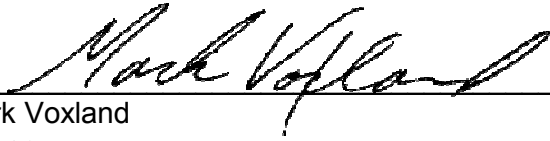
For: 8

Minutes: It was noted that there is a preference to discuss the tabled resolution to approve a five-year extension to the Bridge Company Operating Agreement (15th Ave N. Toll Bridge) at the next City Council Meeting.

The meeting was adjourned to July 18, 2011.

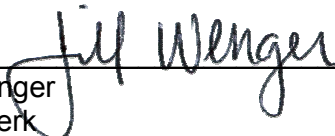
Meeting Adjourned at 8:10 p.m.

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