

**MINUTES OF THE MEETING OF THE CITY COUNCIL  
OF THE CITY OF MOORHEAD, MINNESOTA  
May 11, 2009**

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, May 11, 2009, at 5:30 PM.

The following were present for roll call:

1st Ward Council Member:	Nancy Otto	Present
1st Ward Council Member:	Dan Bohmer	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	John Rowell	Present
3rd Ward Council Member:	Dan Hunt	Present
3rd Ward Council Member:	Lauri Winterfeldt	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](#)
2. [Recognitions/Presentations/Introductions](#)
  - A. [Proclamation: American Legion Auxiliary "Poppy Day" - May 16, 2009](#)  
**Minutes: Mayor Voxland proclaimed May 16, 2009 as "American Legion Auxiliary Poppy Day" and presented such to a representative from the Auxiliary. 5:30 PM**
  - B. [Presentation: Moorhead Citizens Policy Academy Alumni Association \(Uniform Sleeve Chevrons\)](#)  
**Minutes: David Ebinger, Police Chief, and members of the Moorhead Citizen's Policy Academy Alumni Association presented chevrons to officers of the Moorhead Police Department. The Alumni Association purchased the chevrons for the officers' uniforms. One chevron is earned for each five years of service. 5:32 PM**
3. [Approve Minutes of April 20 and 27, 2009](#)  
**Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams 5:37 PM**  
**Motion to Approve Minutes of April 20 and 27, 2009**  
**Passed For: 8; Against: 0; Abstain: 0; Absent: 0**
4. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)
  - A. [Ed Williams, Small Business Administration](#)

**Minutes:** Ed Williams, U.S. Small Business Administration (SBA), provided a brief report concerning available SBA loans, which include: Home Disaster Loans; Business Physical Disaster Loans; and Economic Injury Disaster Loans. These loans are for businesses/individuals that suffered property damage and/or 'economic injury' due to the recent flood. He reported as of this morning, they have approved approximately \$1,700,000 in applications/loans. Mr. Williams announced the deadline to file for physical loss is June 9, 2009 and January 11, 2010 for economic injury. **5:38 PM**

5. [Agenda Amendments](#)

**Minutes:** There were no agenda amendments. **5:59 PM**

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.

**Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto** **5:59 PM**

**Motion to Approve Consent Agenda**

**Passed For: 8; Against: 0; Abstain: 0; Absent: 0**

**Minutes:** The consent agenda was amended by removing the following items: #10, #15, and #17. **5:59 PM**

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

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

**Minutes:** Council Member Wray Williams provided a brief report concerning Mass Transit ridership. **6:01 PM**

9. [Public Hearing to Consider the Installation of Boulevard Trees in Prairie Sun Addition, Cottonwood Addition, Arbor Park 2nd Addition, and Richards 1st Addition; Operations/Eng. No. 09-A13-1 - 5:45 p.m.](#)

**Motion made to Approve made by Nancy Otto and seconded by Diane Wray Williams** **6:01 PM**

**Motion to open public hearing made by Nancy Otto and seconded by Diane Wray Williams.**

**Passed For: 8; Against: 0; Abstain: 0; Absent: 0**

**Minutes:** Chad Martin, Operations Director, explained the purpose of the public hearing, which is to consider **6:02 PM**

the installation of boulevard trees in Prairie Sun Addition, Cottonwood Addition, Arbor Park 2nd Addition, and Richards 1st Addition (Ops/Eng. No. 09-A13-1). In accordance with City policy at time of development, the City plants boulevard trees in new developments two years after the installation of sidewalks and 80% development of the area. This project will be assessed to benefiting properties.

No one else wished to speak regarding this hearing.

Motion made to Close Public Hearing made by Nancy Otto and 6:03 PM  
seconded by Diane Wray Williams

Motion to close public hearing made by Nancy Otto and seconded by Diane Wray Williams.

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

- A. [Resolution to Order and Receive Report for the Installation of Boulevard Trees, Ops/Eng. No. 09-A13-1](#)

Motion made to Approve made by Nancy Otto and seconded 6:04 PM  
by Diane Wray Williams

Motion to Approve Resolution to Order and Receive Report for the Installation of Boulevard Trees, Ops/Eng. No. 09-A13-1

Passed For: 8; Against: 0; Abstain: 0; Absent: 0

#### Community Services Department

10. [\\*Resolution to Amend Tax Incentive Agreement for Mace Holdings LLP and D & M Industries Inc.](#)

Motion made to Approve made by John Rowell and seconded 6:04 PM  
by Lauri Winterfeldt

Motion to Approve \*Resolution to Amend Tax Incentive Agreement for Mace Holdings LLP and D & M Industries Inc.

Passed For: 7; Against: 1; Abstain: 0; Absent: 0

11. [\\*Resolution to Authorize Trollwood Change Orders](#)

12. [Resolutions Regarding Flood-prone and Flood Damaged Home Acquisition](#)

Minutes: Lisa Vatnsdal, Neighborhood Services Manager, 6:17 PM  
provided a report regarding the flood-prone and flood damaged home acquisition. She noted there are two primary government funding mechanisms available to conduct acquisition of flood-prone homes. The Federal Emergency Management Agency (FEMA) offers a Hazard Mitigation Grant Program (HMGP) for flood-damaged and flood-prone home acquisition in the flood plain administered in Minnesota by the Department of

**Public Safety Division of Emergency Management. The other program, known as the Flood Damage Reduction Grant Assistance Program is offered by Minnesota Department of Natural Resources through state appropriations.**

**HMGP is offered nationwide; notable features of the program are as follows:**

- **75% FEMA funded, remainder is state and local match;**
- **Participation is voluntary; homeowners must elect to participate and are not paid relocation benefits; relocation assistance is provided to tenants;**
- **Structures in the flood plain qualify based upon degree of damage and/or a benefit:cost analysis that predicts future economic losses due to flood insurance claims; and**
- **Property acquired through this program must remain in public ownership and may not be constructed upon in the future (not even flood protection structures).**

**DNR Flood Damage Reduction Grant Assistance Program: This program is also designed to mitigate damages due to flooding in floodplain areas. Program features include:**

- **50% state funded unless a legislative appropriation is designated;**
- **Flexibility to improve the property for flood control purposes; and**
- **Ability to acquire property for strategic benefit even if it has not sustained flood damage**

**In the event the Mayor and Council authorize a buyout program for flood-prone and flood damaged homes, property owners may voluntarily elect to sell their homes to the City if eligible and if funding is available. The volume of interest and the expense of acquisition require prioritization of resources based upon program suitability and resource maximization. Ms. Vatnsdal recommended the following prioritization schedule:**

**Priority**

**Level Property Category**

- 1 Homes eligible for FEMA HMGP and not needed for future flood control. Must be in current flood plain and either substantially damaged or meeting FEMA benefit:cost ratio.**

- 2 Substantially damaged homes in the flood plain not eligible for FEMA HMGP or needed for future flood control construction
- 3 Contiguous/clustered homes not substantially damaged but strategic for future flood control construction
- 4 Homes in the current or future flood plain expensive to protect during flood events
- 5 Suitable for acquisition based on criteria other than degree of flood damage or future construction needs
- 6 Not needed for flood control, not substantially damaged

Council Member Wray Williams was excused at 6:44 p.m.

- A. [Resolution to Approve Policies and Priorities for Acquisition of Flood-Prone and Flood Damaged Homes](#)

**Motion made to Approve made by John Rowell and seconded 6:54 PM by Nancy Otto**

**Motion to Approve Resolution to Approve Policies and Priorities for Acquisition of Flood-Prone and Flood Damaged Homes**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

- B. [Resolution to Authorize Applications and Agreements with the State of Minn. Depts. of Public Safety & Natural Resources for the FEMA Hazard Mitigation Grant Program and Associated Matching Funds for Flood Prone Home Acquisition](#)

**Motion made to Approve made by John Rowell and seconded 6:54 PM by Nancy Otto**

**Motion to Approve Resolution to Authorize Applications and Agreements with the State of Minn. Depts. of Public Safety & Natural Resources for the FEMA Hazard Mitigation Grant Program and Associated Matching Funds for Flood Prone Home Acquisition**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

13. [\\*Resolution to Authorize Partnership Agreement with Moorhead Public Service for Affordable Housing Weatherization](#)
14. [\\*Resolutions Regarding Horizon Shores Sixth Addition, a one-lot subdivision containing approximately 32.736 acres of Parcel 58.900.1062, located southeast of the intersection of 36th Street South and the future 28th Avenue South. \(Unanimous Planning Commission recommendation\)](#)
  - A. [\\*Resolution to Approve Final Plat of Horizon Shores Sixth Addition. \(Unanimous Planning Commission recommendation\)](#)
  - B. [\\*Resolution to Approve Developer's Agreement](#)

**Engineering - Wastewater Treatment**

15. [\\*Resolution to Approve Amendment No. 1 to Cooperative Construction Agreement No. 90054 with Mn/DOT for the 34th St/I-94 Interchange Project. Eng. No. 04-2-1](#)

**Motion made to Approve made by John Rowell and seconded 6:55 PM  
by Dan Hunt**

**\*Resolution to Approve Amendment No. 1 to Cooperative Construction Agreement No. 90054 with Mn/DOT for the 34th St/I-94 Interchange Project. Eng. No. 04-2-1**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

**Fire Department**

16. No Items Scheduled

**Operations Department**

17. [\\*Resolution to Authorize Advertising the Sale of Sand](#)

**Motion made to Approve made by Mark Hintermeyer and 6:57 PM  
seconded by John Rowell**

**\*Resolution to Authorize Advertising the Sale of Sand**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

**Police Department**

18. [\\*Resolution to Approve Gambling Exempt \(Raffle\) Permit - Great Beginnings \(6/22/09\)](#)
19. [\\*Resolution to Approve 30-Day Review Period for the Edward Byrnes JAG Formula Grant Application](#)

**Moorhead Public Service**

20. No Items Scheduled

**City Attorney Reports**

21. No Items Scheduled

**City Manager Reports**

22. [Resolution Regarding CC Ludwig Nomination](#)

**Motion made to Approve made by John Rowell and seconded 7:00 PM  
by Dan Hunt**

**Motion to Approve Resolution Regarding CC Ludwig Nomination**

**Passed For: 7; Against: 0; Abstain: 0; Absent: 1**

23. [Reports - Updates](#)

**Minutes:** Michael Redlinger, City Manager, provide a brief report/update on the following: 7:00 PM

- Legislative report, and in particular the bond program.
- Housing abatement legislation on behalf of the City of Moorhead. The abatement is for two years.
- Governor Pawlenty signed the DEED bio-science grants.
- Thanked the Sanitation workers for their efforts during the clean-up week.
- Reported on the US Army Corps of Engineers sandbag removal process, which is "down to a handful of homes". Removal of the clay dikes are 90% complete as of yesterday morning.
- The Moorhead Council, Fargo Commission, Cass and Clay County Commissions will be holding a joint meeting on May 20th at 11:45 a.m. at the Courtyard by Marriott.
- Requested that tonight's meeting be held open to next week should any matter need timely consideration.

A. Federal - State Legislative - Budgetary Issues: Updates-Action

B. Other

24. [Executive Session \(if needed\)](#)

25. Other Reports

26. [New Business](#)

**Minutes:** Council Member Winterfeldt suggested staff explore the possibility of conducting a two-week clean-up period. In response to her inquiry, Chad Martin, Operations Director, replied flood damaged property will be picked up along the river corridor for another two weeks. 7:14 PM

27. Citizens Addressing the Council (continued, if necessary)

**Minutes:** Meeting adjourned to 5:30 p.m. next Monday, May 18th. 7:15 PM

The proceedings of this meeting are digitally recorded and said electronic file is available for public review.

APPROVED:

ATTEST:

\_\_\_\_\_  
MARK VOXLAND, Mayor

\_\_\_\_\_  
KAYE BUCHHOLZ, City Clerk