

**City of Moorhead
City Council Meeting
Meeting Minutes
June 28, 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 June 28, 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	Absent
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Present
Mayor:	Mark Voxland	Absent

City Council Meeting

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

Minutes: Mayor Pro Tem, Greg Lemke, called the meeting to order.

2. Recognitions - Presentations

A. [Mark Chekola: Chair, Power Plant Study Group](#)

Minutes: Mark Chekola, Chair of the Power Plant Study Group stated that an addendum report was prepared following an open house and online survey which is available on City website. Chekola summarized the following results:

- People regard the Power Plant site as a valuable City-owned property.
- The site should be for public use with the possibility of compatible private uses.
- The site should be gathering place.
- It is a signature place for the community.

The Plains Art Museum has proposed a temporary 'defiant' garden at the power plant and has submitted a grant request to Lake Region Arts Council.

3. [Approve Minutes](#)

A. [June 14, 2010 \(City Council Meeting\)](#)

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

Approve Minutes

Motion Passed by unanimous vote

4. [Citizens Addressing the Council \(Time Reserved: 15 Minutes\)](#)

Minutes: Chuck Labish, Moorhead resident, received a letter stating his trailer is a nuisance and he has three days to move it or pay \$100 per day in penalties. He stated that he has lived here 35 years, but now has been told he has two front yards, not a front and a backyard. He wanted to know what his options were, or if he could get an extension since three days was not enough time to find a place to move the trailer. Hutchins stated he will have someone get back to him with answers and options. The Mayor Pro Tem and Council noted that time is needed to look into the situation and they would like to see penalties set aside for now.

Joan Porter, Moorhead resident, said it was unrealistic to expect homeowners to mitigate nuisances within three days, and that she would like a definition of a side yard. The properties in question are 65 feet away from the highway. City Attorney Neugebauer stated that the area in question was a side yard and only two vehicles were allowed, so one would have to be moved.

Larry Seljevoid, Moorhead resident, said the City wants to buy his home, but the long delay in getting appraisals done is making it very hard for him to make a decision, since the deadline to decide has not been moved back. Hutchins explained the deadline had to remain in order to accomplish the environmental mediation and demolition by spring.

The Mayor Pro Tem and Council noted that the City needs to keep people apprised of work being done, even if it's to tell them nothing has been done yet. In response to questions of the Council, Hutchins stated the work is highly technical and that staff is meeting with an appraiser that may be able to help if he has the proper credentials.

Robin Seeger, a licensed North Dakota massage therapist, said she was granted a massage therapist license in Moorhead from 2005 through 2008, but didn't renew her license last year. When she applied for a 2010 license, she was denied since she did not have a Moorhead enterprise. She wanted to know if there was a possibility of obtaining a provisional license until someone could inspect the work she does in Moorhead at nursing homes, private homes, and various businesses. She also suggested some kind of reciprocity between Moorhead and North Dakota for massage therapy licenses.

Neugebauer explained that the ordinance says there has to be a massage enterprise located in Moorhead. One option would be to change the ordinance. The Mayor Pro Tem and Council suggested that the Council approve her license now and then work on amending the ordinance.

Motion to Approve made by Mark Hintermeyer and seconded by Diane Wray Williams
The City Council of the City of Moorhead directs staff to place a moratorium on enforcement of massage therapy license requirements for any person who has previously been approved for a massage therapy license by the City Council but has not been issued a massage therapy license until such time as the City

Council amends the requirements for obtaining a massage therapy license.

For: 7; Against: 0; Absent: 1 - Elmer

Motion Passed: **Resolution 2010-0628-5**

5. Agenda Amendments

Minutes: There were no agenda amendments.

6. [Consent Agenda](#)

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

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

- #14 – Resolution to authorize budget adjustment to finance additional abatement costs at 2301 25th Street South
- #15 – Resolution to approve related agreements for a storm water pollution and prevention plan at the Moorhead Municipal Airport.

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

Approve Consent Agenda as Amended

For: 7; Against: 0; Absent: 1 - Elmer

7. [*Approve Licenses – Permits](#)

A. [*Permits](#)

Resolution 2010-0628-A

8. Mayor and Council Reports – Appointments

Minutes: There were no council reports or appointments.

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

Minutes: Mayor Voxland, City Manager Michael Redlinger, and City Engineer Robert Zimmerman are in Washington D.C. to discuss flood protection with the U.S. Army Corps of Engineers and the Minnesota and North Dakota Congressional Delegations.

Community Services Department

10. [Resolution to Enter into an Agreement with the Friends of Andrew Nelson Committee to Construct a Running Track at Townsite Park and Gift Back to the City of Moorhead](#)

Minutes: Community Services Director Scott Hutchins stated the Park Advisory Board unanimously recommended approval of the agreement. Recreation Division Manager Holly Heitkamp explained that Townsite Park was chosen since it is close to St. Joseph's, the school that Andrew Nelson attended. City funds are available for other amenities, such as play equipment and benches. All funds for the track have been raised by the group; she said and thanked all those who had pushed the project forward. The group is very close to raising the entire amount, and there are many pledges still coming in.

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

Approve Resolution to Enter into an Agreement with the Friends of Andrew Nelson Committee to Construct a Running Track at Townsite Park and Gift Back to the City of Moorhead

Motion Passed: **Resolution 2010-0628-1**

For: 7; Against: 0; Absent: 1 - Elmer

11. [*Resolution to Approve Second Reading of Ordinance 2010-6, An Ordinance Amending City Code Title 3, Public Health and Sanitation and Approve Title and Summary Resolution 2010-0628-B & Resolution 2010-0628-C](#)

12. [*Consider Delegated Authority Agreement with Minnesota Department of Health for Regulated Environmental Health Services Resolution 2010-0628-D](#)

13. [*Consider Mutual Aid Agreement with Clay Wilkin Board of Health for Environmental Health Services Resolution 2010-0628-E](#)

14. [Authorize Budget Adjustment to Finance Additional Abatement Costs at 2301 25th Street South](#)

Minutes: Hutchins clarified the following in response to Mayor Pro Tem and Council questions:

- There were 300 truckloads of debris removed from the site and delivered to Clay County landfill.
- An approximate cost of \$92,000 will be billed to the property owner or assessed to property.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams

Authorize Budget Adjustment to Finance Additional Abatement Costs at 2301 25th Street South

Motion Passed: **Resolution 2010-0628-2**

For: 7; Against: 0; Absent: 1 - Elmer

15. [Resolution to Approve Related Agreements for a Storm Water Pollution and Prevention Plan at the Moorhead Municipal Airport](#)

Minutes: City Planner Kristie Leshovsky clarified the following in response to Mayor Pro Tem and Council questions:

- Previously the airport qualified as a no exposure facility; however, the regulations have changed and it no longer qualifies as such.
- The City has a choice of constructing a building with the fueling station totally covered or change the storm water rules for the airport which would require testing of storm water ponds and mapping of contours to ensure that if there was a fuel spill, a plan would be in place to alleviate the problem.

The Mayor Pro Tem and Council noted that since the airport is on the edge of the Buffalo aquifer, the City must do whatever is necessary to protect it and take the safeguards seriously.

- A. [Resolution to Approve Professional Services Agreement](#)

Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto
Resolution to Approve Professional Services Agreement
Motion Passed: **Resolution 2010-0628-3**
For: 7; Against: 0; Absent: 1 - Elmer

B. [Resolution to Authorize Grant Agreement with the MN Department of Transportation](#)

Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto
Resolution to Authorize Grant Agreement with the MN Department of Transportation
Motion Passed: **Resolution 2010-0628-4**
For: 7; Against: 0; Absent: 1 - Elmer

Engineering - Wastewater Treatment

16. [*Resolution to Approve Change Orders #1 - #3 for the 2009 Flood Control Lift Station Project. Eng. No. 09-A5-1 B & C](#)
Resolution 2010-0628-F
17. [*Resolution to Authorize an Application for Conveyance of Tax-Forfeited Land for Flood Mitigation Improvements \(2403 Rivershore Dr S\)](#)
Resolution 2010-0628-G
18. [*Resolution to Exercise Temporary Easement Options for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)
Resolution 2010-0628-H
19. [*Resolution to Award Bid for Sanitary Sewer Relining Project #2. Eng. No. 10-6-2](#)
Resolution 2010-0628-I
20. [*Resolution to Award Bid for Storm Lift Station #7 - #15 Improvements. Eng. No. 10-5-1](#)
Resolution 2010-0628-J
21. [*Resolution to Award Bid for Levee & Sluice Gate Flood Mitigation Improvements, Phase 2. Eng. No. 09-A5-2B](#)
Resolution 2010-0628-K
22. [*Resolution to Award Bid for the Brookdale Flood Control Lift Station Improvements. Eng. No. 09-A5-2C](#)
Resolution 2010-0628-L
23. [*Resolution to Award Bid and Authorize Acquisition of Easements for the Woodlawn Park Levee Flood Mitigation Improvements. Eng. No. 09-A13-2D](#)
 - A. [*Resolution to Award Bid. Eng. No. 09-A13-2D](#)
Resolution 2010-0628-M
 - B. [*Resolution to Authorize Acquisition of Easements. Eng. No. 09-A13-2D](#)
Resolution 2010-0628-N

Police Department

24. [*Resolution to Accept Donation for K-9 Training Bite Suit](#)
Resolution 2010-0628-O

City Attorney Reports

25. [*Resolution Authorizing a Moratorium on Enforcement of City Code 10-19-4 as it relates to Above Ground Private Swimming Pools](#)
Resolution 2010-0628-P

City Manager Reports

26. Reports - Updates

Minutes: The Mayor Pro Tem and Council Members noted that there have been many citizen complaints about mosquitoes. Currently there are only two traps in residential areas with the others in parks and golf courses. Aerial spraying could be considered so spray gets into back yards. The Council would like more information on pest control funding, such as starting amounts, debits to fund, and the end amount to see where the funds are being used. This issue will be discussed with the City Manager so that further information can be shared with the Council.

It was noted that there are a number of citizen concerns regarding Midcontinent boxes. A request was made to invite Midcontinent to attend a future Council meeting to explain the installation of utility boxes.

The Mayor Pro Tem and Council Members inquired about the work on the Aggregate property on 1st Avenue North. Hutchins said the overall objective was to package the property for sale which would entail investigation and remediation of any environmental hazards and geotechnical work to determine ground stability.

It was noted that the Council may want to discuss electronic signs and whether they are too distracting to drivers. Hutchins said there is a very active challenge to sign companies and that a standard ordinance is being drafted by the League of Minnesota Cities.

Meeting adjourned at 6:40 pm

APPROVED BY:

/s/ Greg Lemke
Greg Lemke
Mayor Pro Tem

ATTEST:

/s/ Becky Jahnke
Becky Jahnke
Deputy City Clerk

The proceedings of this meeting are digitally recorded and are available for public review.

Respectfully submitted by:
Becky Jahnke, Deputy City Clerk