

**City of Moorhead
City Council Meeting
Meeting Minutes
August 13, 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 August 13, 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	Absent
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. Recognitions - Presentations

A. [Presentation from West Central Initiative - Tom McSparron, Donor Services Officer](#)

Minutes: Tom McSparron, Donor Services Officer, provided a presentation on the West Central Initiative.

3. [Approve Minutes](#)

A. [June 18, 2012 \(Adjourned Council Meeting\)](#)

B. [June 18, 2012 \(Committee of the Whole\)](#)

C. [July 16, 2012 \(Adjourned Council Meeting\)](#)

D. [July 16, 2012 \(Committee of the Whole\)](#)

E. [July 23, 2012 \(City Council\)](#)

Motion to Approve made by Mark Altenburg and seconded by Steve Gehrtz
Approve Minutes of June 18, 2012 (Adjourned Council Meeting), June 18, 2012 (Committee of the Whole), July 16, 2012 (Adjourned Council Meeting), July 16, 2012 (Committee of the Whole), July 23, 2012 (City Council)

Motion Passed

For: 7; Absent: 1 - Brenda Elmer

4. Citizens Addressing the Council (Time Reserved: 15 Minutes)

Minutes: No citizens addressed the Mayor and Council

5. [Agenda Amendments](#)

Minutes: The following agenda amendments were noted:

- Remove Item #24 – Resolution to Award quote for the Extension of 31st Street South in Shepherd Meadows Addition. Eng. No. 12-A2-6.
- Redlinger will provide an overview of the FY13 work plan proposal and amendments to the Limited Joint Powers agreement for the Diversion Authority

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

Approve Agenda Amendments

Motion Passed

For: 7; Absent: 1 - Brenda Elmer

6. [Consent Agenda](#)

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

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

- #9 – Resolution Approving Contracts with Moorhead Colleges and Universities for 2012-13 U-Pass Unlimited Ride Program on MATBUS
- #10 - Resolution Awarding a Contract for the Purchase of MATBUS Shelters for Area Colleges to Brasco International
- #12 - Resolution Authorizing a Contract with MBN Engineering to Provide Engineering Services for MATBUS Shelter Improvements on Area Campuses
- #13 - Resolution to Amend Moorhead's Marketing & Communications Plan to add Strategy #3b - Commercial Development Plan and Budget Adjustment
- #14 - Resolution to Approve Budget Adjustment for Professional Services - Comparative Analysis Study
- #22C - Bicycle Route and Budget Adjustment Approval
- #23 - Ordinance 2012-14: An Ordinance to Amend Section 8-3-5D of the Moorhead City Code Relating to Driveway Approaches & Related Elements – 1st Consideration
- #30 - Resolution to Approve Appointment of Interim City Assessor

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

Approve Consent Agenda as amended

Motion Passed

For: 7; Absent: 1 - Brenda Elmer

7. Mayor and Council Appointments

Minutes: No citizens appointments were noted by the Mayor and Council

City Manager Update

Minutes: City Manager Michael Redlinger gave an overview of the FY13 Diversion Authority and amendments to the Limited Joint Powers agreement.

He informed the Council of the FY13 program timelines, decision levels and the \$29 million work plan. He stated this report is for the Council's information only and no action needs to be taken at this time.

Public Hearings (5:45 p.m.)

8. [Conduct Public Hearing and Approve Various Actions for the Johnson Drive Sanitary & Storm Sewer Improvements. Eng. No. 12-A6-2](#)

Minutes: The public hearing opened at 5:52 p.m.

Assistant City Engineer Tom Trowbridge provided a brief overview of the project. He stated that property owners are supportive of project.

There were no citizens to be heard.

The public hearing closed at 5:57 p.m.

A. [Resolution to Order Improvements for Johnson Drive Sanitary & Storm Sewer Improvements \(Eng. No. 12-A6-02\)](#)

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand
Resolution to Order Improvements for Johnson Drive Sanitary & Storm Sewer Improvements (Eng. No. 12-A6-02)

Motion Passed: **2012-0813-1**

For: 7; Absent: 1 - Brenda Elmer

B. [Resolution to Award Bid](#)
2012-0813-2

C. [Resolution to Acquire Easements](#)
2012-0813-3

Community Services Department

9. [Resolution Approving Contracts with Moorhead Colleges and Universities for 2012-13 U-Pass Unlimited Ride Program on MATBUS](#)

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand
Resolution Approving Contracts with Moorhead Colleges and Universities for 2012-13 U-Pass Unlimited Ride Program on MATBUS

Motion Passed: **2012-0813-4**

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

10. [Resolution Awarding a Contract for the Purchase of MATBUS Shelters for Area Colleges to Brasco International](#)

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand
Resolution Awarding a Contract for the Purchase of MATBUS Shelters for Area Colleges to Brasco International

Motion Passed: **2012-0813-5**

For: 6: Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

11. [*Resolution Approving Changes to the Transfer Policies for MATBUS 2012-0813-A](#)

12. [Resolution Authorizing a Contract with MBN Engineering to Provide Engineering Services for MATBUS Shelter Improvements on Area Campuses](#)

Motion to Approve made by Heidi Durand and seconded by Mark Altenburg
Resolution Authorizing a Contract with MBN Engineering to Provide Engineering Services for MATBUS Shelter Improvements on Area Campuses

Motion Passed: **2012-0813-6**

For: 6: Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

13. [Resolution to Amend Moorhead's Marketing & Communications Plan to add Strategy #3b - Commercial Development Plan and Budget Adjustment](#)

Minutes: It was reported that the Economic Development Authority (EDA) Board unanimously approved this concept to equip the real estate community with the information and data necessary to sell Moorhead.

Council asked to be kept updated on the marketing plan and for a report on the Make Moorhead Home program.

Motion to Approve made by Mike Hulett and seconded by Mark Altenburg
Resolution to Amend Moorhead's Marketing & Communications Plan to add Strategy #3b - Commercial Development Plan and Budget Adjustment

Motion Passed: **2012-0813-7**

For: 6: Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

14. [Resolution to Approve Budget Adjustment for Professional Services - Comparative Analysis Study](#)

Minutes: City staff noted the following:

- This study will allow a neutral person to analyze data and provide solutions for businesses that operate in both Minnesota and North Dakota.
- Staff will consult with other border cities on relevant issues.
- Restaurant employee wages are supplemented by tips and there are regulations on how tips are applied; this affects the bottom line of the employer. The study will analyze the tip credit program and determine possible ways to equalize the cost of doing business on both sides of the River.

The Mayor and Council noted the following:

- A major complaint by Moorhead residents is the lack of restaurants.
- The Economic Development Authority (EDA) is preparing a legislative proposal that would account for disparities between restaurants operating in Minnesota and North Dakota.
- The cost of this program would take tax money from consumers including those who cannot afford to go to restaurants; it would be better to use the money to lower the EDA tax levy.
- This study could be tied to other border cities legislation.

Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto
Resolution to Approve Budget Adjustment for Professional Services - Comparative Analysis Study

Motion Passed: **2012-0813-8**

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

15. [*Resolution to Approve Request of the City of Moorhead for a Conditional Use Permit to allow for Excavation in the Floodway Overlay District \(2706, 2708, 2710, 2712 River Dr N\)](#)
2012-0813-B

16. [*Resolution to Approve Request of the City of Moorhead for a Conditional Use Permit to allow for Excavation and Fill/Placement of a Flood Control Structure in the Floodway Overlay District \(2101 River Dr N; 418 and 501 18th Ave N\)](#)
2012-0813-C

17. [*Resolution to Approve First Reading of Ordinance 2012-13: An Ordinance to Amend the Official Zoning Map to Rezone 1102 28th Ave S from CC: Community Commercial to RHD-1: Residential High Density – 1](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
First Reading of Ordinance 2012-13: An Ordinance to Amend the Official Zoning Map to Rezone 1102 28th Ave S from CC: Community Commercial to RHD-1: Residential High Density – 1

Motion Passed: **Ordinance 2012-13**

For: 7; Absent: 1 – Brenda Elmer

18. [Resolution to Approve Reestablishment of a Legal Non-Conforming Use \(2004 8th Ave N\)](#)

Minutes: Pete Marinucci, Moorhead resident, addressed the Mayor and Council regarding the neighborhood's desire to have the site remain a retirement home and not converted to a homeless shelter or youth program shelter.

John Shockley, City Attorney, explained that the property will stay a retirement home and that the developer must comply with the Council's wishes.

Motion to Approve made by Heidi Durand and seconded by Nancy Otto
Resolution to Approve Reestablishment of a Legal Non-Conforming Use (2004 8th Ave N)

Motion Passed: 2012-0813-9
For: 7; Absent: 1 - Brenda Elmer

19. [*Resolution to Set Public Hearing for Assessment of Costs Related to Code Enforcement Abatement Actions, Unpaid Penalties, Fees, and Charges at Multiple Properties](#)
2012-0813-D
20. [*Resolution Accepting Grant Funds from The Arts Partnership and Sanford Arts Partnership Grant Program for the 2013 Celtic Festival](#)
2012-0813-E
21. [M.B. Johnson Park: Authorize Master Plan Update and Submission of a Legacy Grant](#)

Minutes: City staff noted the following:

- This project meets the criteria for a Minnesota Legacy Grant administered through the Minnesota Department of Natural Resources (DNR).
- Significant improvements have already been made in the park.
- SRF Consulting Group Inc. will complete a Project Site Evaluation and Environmental Impact Statement as required by the DNR.
- Legacy grants are used mainly for environmental projects.
- Funds to pay for SRF services will come from Park Reserves.
- The study results can be used in future grant proposals if Legacy Funds are not received.

The Mayor and Council noted the following:

- City staff is encouraged to apply for other project grant funds.
- City staff could do some of the work being completed by SRF, but it's understood SRF will have to do some of the more technical work.
- The City is investing in the park with no guarantee the City will receive grant funds.

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand
Motion to Approve M.B. Johnson Park: Authorize Master Plan Update and Submission of a Legacy Grant

Motion Passed: Resolution #'s noted below

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

- A. Resolution to Enter into a Professional Services Agreement with SRF Consulting Group Inc. for Assistance in Preparing Master Plan Updates and a Legacy Grant Application on Behalf of the City of Moorhead for M.B. Johnson Park improvements.
2012-0813-10
- B. Resolution Authorizing the Submission of a Legacy Grant/Regional Park Application

2012-0813-11

22. [Parking Study Implementation](#)

- A. [*Second Reading of Ordinance 2012-12: An Ordinance to Amend and Re-enact Section 5-2 of the Moorhead Municipal Code Relating to Title 5: Motor Vehicles and Traffic](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
First Reading of Ordinance 2012-12: An Ordinance to Amend and Re-enact Section 5-2 of the Moorhead Municipal Code Relating to Title 5: Motor Vehicles and Traffic

Motion Passed: **Ordinance 2012-12**

For: 7; Absent: 1 – Brenda Elmer

- B. [*Resolution to Approve Title and Summary of Ordinance 2012-12 2012-0813-F](#)

- C. [Bicycle Route and Budget Adjustment Approval](#)

Minutes: The Mayor and Council noted the following:

- There is concern that bicycle lanes are impractical in this part of the country and put the rider in greater danger.

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

Motion to Approve Bicycle Route and Budget Adjustment Approval

Motion to Table made by Mark Hintermeyer and seconded by Nancy Otto to the next Council meeting

Motion to Table Approved

For: 6; Against: 1 - Luther Stueland; Absent: 1 - Brenda Elmer

Engineering - Wastewater Treatment

23. [Ordinance 2012-14: An Ordinance to Amend Section 8-3-5D of the Moorhead City Code Relating to Driveway Approaches & Related Elements – 1st Consideration](#)

Minutes: City staff noted that City Code requires single family detached garages have one driveway per house. A corner lot with a driveway on each side is allowed to have 30 feet sum total of driveway space. This resolution would allow each driveway to have 30 feet of space.

Motion to Approve made by Luther Stueland and seconded by Nancy Otto

Ordinance 2012-14: An Ordinance to Amend Section 8-3-5D of the Moorhead City Code Relating to Driveway Approaches & Related Elements – 1st Consideration

Motion Passed: **Ordinance 2012-14**

For: 7; Absent: 1 - Brenda Elmer

24. [*Resolution to Award Quote for the Extension of 31st St. South in Shepherd Meadows Addition. Eng. No. 12-A2-6](#)

Item was removed from agenda due to quotes coming in much higher than the engineer's estimate.

25. [*Resolution to Approve Easement Agreements for the 2012 Levee & Sluice Gates Flood Mitigation Project. Eng. No. 11-A13-2B](#)
2012-0813-G

Fire Department

26. [*Resolution to Enter Into a Joint Cooperative Agreement for use of Fire Personnel and Equipment with the Clay County Fire Chiefs Association](#)
2012-0813-H

Police Department

27. [*Resolution to Approve a Third Amendment to the Third Amended and Reconstituted Joint Powers Agreement - Computer Aided Dispatch and Records Management System](#)
2012-0813-I
28. [*Resolution to Approve a School Resource Officer Agreement Between the City of Moorhead, Police Department and the Moorhead Area Public Schools](#)
2012-0813-J

Moorhead Public Service

29. [*Approve Resolution Accepting Offer on Sale of \\$6,550,000 Taxable Public Utility Revenue and Refunding Bonds, Series 2012E, and Providing for their Issuance](#)
2012-0813-K

Administration

30. [Resolution to Approve Appointment of Interim City Assessor](#)

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

- The City is required to have a senior certified assessor on staff.
- There is ongoing discussion on a possible joint City/County assessor.
- City assessing includes environmental testing and environmental abatement.
- The City is committed to professional development of staff.
- The position is advertised and staff will keep the Mayor and Council updated on the progress of hiring a City Assessor.

Motion to Approve made by Heidi Durand and seconded by Nancy Otto

Resolution to Approve Appointment of Interim City Assessor

Motion Passed: **2012-0813-12**

For: 7; Absent: 1 - Brenda Elmer

31. Approve Licenses - Permits
- A. [*Resolution to Approve Licenses – Permits](#)
2012-0813-L
32. [*Resolution to Approve Slate of Election Judges for the 2012 Primary Election](#)

2012-0813-M

33. [Mayor and Council Reports](#)

Minutes: Council Member Altenburg thanked staff for the recent Night to Unite events. Council Member Hulett thanked staff for the information they provided on City departments and projects. He heard many favorable comments about City from residents. Mayor Voxland stated he heard many positive comments as well.

Council Member Otto thanked everyone for their support of Bike Night, adding that she heard lots of good comments about the City. There were many people attending from out of town for this event. She thanked other Council Members for their help with traffic.

34. City Manager Reports – Updates

A. [Diversion Authority FY13 Work Plan & Limited Joint Powers Agreement Amendment Recommendations](#)

Minutes: City Manager Michael Redlinger stated that October 1, 2012 to September 30, 2012 will be the fiscal year for this project. The revised Limited Joint Powers agreement outlines the pay-as-you-go program and the advantage of the no debt, no borrowing, no interest payments. This will allow acquisition of land and rights-of-way.

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

- Cost share arrangements will be addressed in the new Limited Joint Powers agreement. When this agreement is approved, the 90/10 ratio will be clarified.
- The agreement only addresses 2013.
- All entities will advocate for project funds.
- A statement will be added that at some time in the future, possible increased flows and the height of Fargo's levies will be discussed.
- At this time, this is for information only and no action is required.
- Questions can be forwarded to me or Bob Zimmerman, City Engineer.

35. Executive Session (If needed)

Minutes: No Executive Session held.

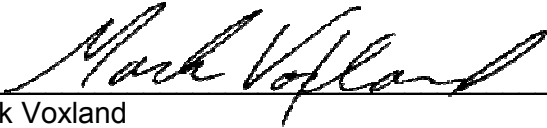
36. [New Business](#)

Minutes: Council Member Stueland requested that staff draft appropriate ordinance language to allow five chicken hens per household in City limits. Mayor Voxland asked that this item wait for consideration until Council Member Elmer's return.

Council Member Otto stated that Fargo's website advertised a business development grant program they have for storefront rehabilitation using CDBG funds of up to \$15,000 and suggested that Moorhead look into the possibility of a similar program. Mayor Voxland said the City tried using CDBG funds for storefront rehabilitation a few years ago, but regional offices decide how CDBG funds are used. The Moorhead regional office is in Chicago and Fargo's regional office is in Denver. Chicago disallowed the storefront rehabilitation use, but the City could make another request.

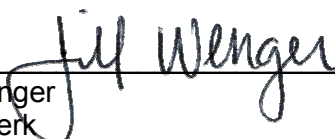
Meeting adjourned at 7:13 p.m.

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:
Becky Jahnke, Executive Secretary