

**MINUTES OF THE MEETING OF THE CITY COUNCIL
OF THE CITY OF MOORHEAD, MINNESOTA
July 13, 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, July 13, 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	Absent
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](#)

Minutes: **NOTE for the Record: Council Member Bohmer attempted, via video conferencing, to participate in tonight's meeting. However, due to technical difficulties, this participation was sporadic and did not comply with the requirements of applicable Minnesota law. Therefore, the official record for tonight's meeting will not reflect his attendance or votes.** **5:28 PM**

2. [Recognitions/Presentations/Introductions](#)

A. [Proclamation - Mayor Voxland, CC Ludwig Award](#)

Minutes: **Council Member / Mayor Pro Tem Winterfeldt issued a proclamation declaring July 13th as "Mayor Mark Voxland Appreciation Day". The League of Minnesota Cities (LMC) recently presented its C.C. Ludwig Award to Mayor Voxland in recognition of his significant contributions to the City.** **5:30 PM**

Minutes: **Mayor Voxland added that Council Member Winterfeldt was also recognized for her service on the LMC Board.** **5:33 PM**

3. [Approve Minutes of May 18, 26, June 8, 15, and 22, 2009](#)

Motion made to Approve made by Diane Wray Williams and seconded by John Rowell **5:34 PM**

Motion to Approve Minutes of May 18, 26, June 8, 15, and 22, 2009

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

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

Minutes: Loretta Gille, 1522 6th Avenue South, appeared **5:28 PM**
before the Mayor and Council to express her
opposition to the proposed ordinance regulating
the parking of RV's. She related her personal
situation citing the proposed ordinance would not
allow her to continue parking their motorhome on
their lot. It was noted this matter will be reviewed
and discussed by the Moorhead Planning
Commission on August 5. Ms. Gille was
encouraged to attend this meeting to convey her
position.

5. [Agenda Amendments](#)

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.

Minutes: Council Member Wray Williams requested item #18 **5:43 PM**
be removed from the consent agenda.

Motion made to Approve made by Nancy Otto and seconded **5:43 PM**
by Diane Wray Williams

Motion to Approve Consent Agenda

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

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

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

9. [Public Hearing to Consider Hardy Family Limited Partnership Property Tax Incentive Application \(2000 - 2100 Block of Main Ave\) - 5:45 p.m.](#)

Motion made to Open Public Hearing made by Nancy Otto and **5:45 PM**
seconded by Diane Wray Williams

Motion to Open Public Hearing to Consider Hardy Family Limited Partnership Property Tax Incentive Application - 5:45 p.m.

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

Minutes: Peter Doll, Development Services Manager, **5:51 PM**
explained the purpose of the public hearing, which
is to consider the request for property tax
incentives for a new retail and service center to be
located at 2000-2200 block of Main Avenue SE.
The Hardy Family Limited Partnership project
entails the assemblage of 3 parcels totaling

approximately 7.5 acres and proposes the demolition of existing improvements and construction of a business center consisting of over 50,000 square feet available for lease. The project is anticipated to add \$3,000,000 to \$4,000,000 market value to the City's tax base, retain three jobs, and add 14 full-time jobs and a number of part-time jobs to equal 28 full-time equivalencies.

In response to inquiry, Development Services Manager Doll clarified the rules/procedures for using Border City Development Zone versus Tax Increment Financing.

No one else wished to speak regarding this hearing. Council Member Wray Williams moved, seconded by Council Member Hintermeyer, to close the public hearing, which motion passed by unanimous vote.

A. [Resolution to Approve Hardy Family Limited Partnership Property Tax Incentive](#)

Motion made to Approve made by John Rowell and seconded 5:52 PM
by Diane Wray Williams
Motion to Approve Hardy Family Limited Partnership Property Tax Incentive
Passed For: 7; Against: 0; Abstain: 0; Absent: 1
Minutes: Resolution #2009-702. 5:28 PM

10. [Public Hearing to Consider Vacation of an Easement Within the Proposed Horizon Shores 7th Addition \(Easement extends 60 ft east from east right-of-way line of 40th St S and south from 12th Ave to 22nd Ave\) - 5:45 p.m.](#)

Motion made to Open Public Hearing made by Nancy Otto and 5:52 PM
seconded by Diane Wray Williams
Motion to Open Public Hearing to Consider Vacation of an Easement Within
the Proposed Horizon Shores 7th Addition (Easement extends 60 ft east from
east right-of-way line of 40th St S and south from 12th Ave to 22nd Ave) - 5:45
p.m.
Passed For: 7; Against: 0; Abstain: 0; Absent: 1
Minutes: Michael Redlinger, City Manager, explained the 5:54 PM
purpose of the hearing, which is to consider the
request for vacation of an easement. Arista
Development, on behalf of Ronald D. Offutt, Jr.,
proposed a 53-lot subdivision, which was
approved by the Moorhead Planning Commission
with the condition the utility easement be vacated.
This easement covers the west 60 feet of Horizon
Shores 7th Addition from Ridgewood Avenue
south to 22nd Avenue. Red River Cooperative's

underground, high-voltage cable, which is currently located in this portion of the easement, will be relocated prior to vacation of such.

No one else wished to speak regarding this hearing. Council Member Otto moved, seconded by Council Member Wray Williams, to close the public hearing, which motion passed by unanimous vote.

A. [Resolution to Approve Vacation of Easement](#)

Motion made to Approve made by Dan Hunt and seconded by Nancy Otto 5:54 PM

Motion to Approve Resolution to Vacate Easement
Passed For: 7; Against: 0; Abstain: 0; Absent: 1

Minutes: Resolution #2009-703. 5:28 PM

Community Services Department

11. [*Resolution to Authorize Request for Proposals for Provision of Mass Transit Operational Services](#)

Minutes: Resolution #2009-701-A. 5:28 PM

12. [*Resolution to Authorize Trollwood Change Order](#)

Minutes: Resolution #2009-701-B. 5:28 PM

13. [*Consider Actions Relative to Horizon Shores 7th Addition \(Unanimous Planning Commission recommendation\)](#)

A. [*Ordinance No. 2009-6 - An Ordinance to Rezone Horizon Shores 7th Addition from TZ, Transitional to RLD-2, Residential Low Density-2 - 2nd Consideration](#)

Minutes: 2nd consideration approved. 5:28 PM

B. [*Resolution to Approve Title and Summary](#)

Minutes: Resolution #2009-701-C. 5:28 PM

C. [*Resolution to Approve Final Plat \(Unanimous Planning Commission recommendation\)](#)

Minutes: Resolution #2009-701-D. 5:28 PM

D. [*Resolution to Approve Developer's Agreement](#)

Minutes: Resolution #2009-701-E. 5:28 PM

14. [Ordinance No. 2009- 7 - An Ordinance to Amend Section 9-8-3-B and Section](#)

[10-19-8-A of the Moorhead Municipal Code Relating to Recreational Vehicles and Trailers--No action required at this time, as 2nd consideration will be scheduled following Planning Commission discussion of such on August 5, 2009](#)

15. [*Resolution to Approve Minor Subdivisions in Kendall's First Addition \(No Planning Commission review\)](#)

Minutes: Resolution #2009-701-F. 5:28 PM

16. [*Resolution to Approve Minor Subdivisions in Prairie Skies First Addition \(No Planning Commission review\)](#)

Minutes: Resolution #2009-701-G. 5:28 PM

Engineering - Wastewater Treatment

17. [Approve a \\$38.8 million Comprehensive Flood Risk Reduction and Property Acquisition Program including a Phase 1 Agreement with the DNR and Associated Financing Plan](#)

Motion made to Approve made by Mark Hintermeyer and seconded by Nancy Otto 6:36 PM

Motion to Approve Items 17-A - B - C Regarding a \$38.8 million Comprehensive Flood Risk Reduction and Property Acquisition Program Including a Phase 1 Agreement with the DNR and Associated Financing Plan Passed For: 7; Against: 0; Abstain: 0; Absent: 1

Minutes: Michael Redlinger, City Manager, provided a brief report regarding the flood risk reduction and property acquisition program. He noted following the 2009 Spring flood, the Minnesota Legislature authorized State bonding in the amount of \$53.8 million for flood mitigation grants for projects throughout the State of Minnesota. Of this total, \$15.8 million is dedicated to two specific projects (Oakport and the City of St. Paul) with all other funds (\$38 million) available for other projects. City staff has been working with DNR staff to develop an agreement for public infrastructure improvements and property acquisition to assist with flood recovery and short-term flood risk reduction. Staff has identified nearly \$38.8 million in priority infrastructure projects and property acquisitions within the City. 6:41 PM

While DNR resources are traditionally structured as a 50%:50% match to local resources, Moorhead lobbied successfully to include an important and very beneficial provision to limit the City's local obligation for the significant investments envisioned for flood risk reduction. This limit or "cap" on the City share is approximately \$8.2

million. The significance of this cap lies in the fact that, as long as this language is contained in future State bonding bills, the City will have satisfied its local match requirements for all future flood control projects financed with State funds.

Bob Zimmerman, City Engineer, provided a report regarding the proposed flood risk reduction infrastructure projects to be undertaken within the next two years, subject to available financing (state bonding). He added, recognizing these projects are proposed to be partially funded through special assessments, the City Council will need to act on various resolutions at key points in the project development process to satisfy the requirements of Minnesota Statutes Annotated, Chapter 429. Because of the many complexities involved with computing assessments for such a large benefiting area, the preferred option is a flat rate per parcel. Zimmerman explained under this scenario, the assessment would be computed by dividing the amount to be assessed (\$6.9 million) by the total number of parcels in the benefiting area (approximately 8,400) resulting in an assessment of approximately \$825 per parcel. A public hearing on the proposed assessments is anticipated to be scheduled for August, 2009.

Lisa Vatnsdal, Neighborhood Services Manager, reported 83 property owners have expressed interest in a City offer to purchase their flood damaged or flood-prone homes. These homes have been grouped into three general categories.

- 10 homes are potentially eligible for acquisition using Federal Hazard Mitigation Grant Program funds and are currently being evaluated by FEMA to determine if the benefit:cost ratio will meet eligibility standards.

- 35 are proposed for 2009 acquisition based upon substantial damage (10 properties), strategic clustering for future flood mitigation, or in locations that are difficult to protect with temporary measures.

- 38 are proposed for 2010 acquisition based on the likelihood the property will be needed for future flood protection.

Discussion took place regarding the proposed flood risk reduction program. Concern was expressed regarding the proposal to assess properties from the Red River to 20th Street. It was

suggested this be examined further, as some believe the entire City will benefit.

Council Member Hintermeyer moved, seconded by Council Member Otto, to approve all three resolutions (items 17-A - B and C). These resolutions were subsequently approved following discussion.

Barbara Sipson, 2503 Rivershore Dr. (included in the property acquisition program), advocated the City move forward with the proposal as the properties along the Red River are getting harder to defend. She pointed out one foreclosed property (2507 Rivershore Drive) is not included on the list and feels such is not habitable due to mold on the walls. She asked if there is a way for this house to be included on the list.

Ms. Sipson also conveyed sandbag reimbursement is a great program but feels it is not sufficiently publicized. She suggested a news release or information added to the website.

Ralf Mehnert-Meland, 3207 Rivershore Drive South, appeared before the Mayor and Council to comment regarding how the money is spent. He is aware of a number of residents making home improvements in an effort to reduce the number of sandbags needed in the future to protect their home. Mr. Mehnert-Meland feels some sort of funding reimbursement should be considered recognizing such efforts will result in a reduction of sandbags needed in the future.

- A. [Resolution to Authorize an Agreement with Minnesota Department of Natural Resources for Flood Risk Reduction Infrastructure and Property Acquisition](#)

Minutes: Resolution #2009-704-A. 5:28 PM

- B. [Resolution to Authorize the Mayor and City Manager to Execute Agreements and Administrative Amendments to Agreements with DNR](#)

Minutes: Resolution #2009-704-B. 5:28 PM

- C. [Resolution to Authorize Procedures for Acquisition of Flood Prone and Flood Damaged Homes](#)

Minutes: Resolution #2009-704-C. 5:28 PM

18. [*Ordinance No. 2009-8 - An Ordinance to Amend Title 3, Chapter 8](#)

[Stormwater Management of the Moorhead City Code - 1st Consideration](#)

Motion made to Approve made by Diane Wray Williams and seconded by Nancy Otto 6:41 PM

Motion to Approve 1st Consideration of Ordinance No. 2009-8 - An Ordinance to Amend Title 3, Chapter 8 Stormwater Management of the Moorhead City Code

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

19. [*Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the TH 75 \(8th St\)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1](#)

Minutes: Enson Maattala, 100 3rd St N, expressed his opposition to the proposed pedestrian underpass at 8th Street and 40th Avenue South. He alleged no pedestrian accidents have occurred there in the last five years, in contrast to seven (7) incidents in downtown Moorhead. 6:45 PM

Minutes: Resolution #2009-701-H. 5:28 PM

20. [*Resolution to Approve Mn/DOT Agreement No. 95039 for Routine Maintenance on TH 10 and TH 75.](#)

Minutes: Resolution #2009-701-I. 5:28 PM

21. [*Resolution to Approve Change Order #1 for Flood-related Pavement Repairs from 12th to 40th Ave S. Eng. No. 09-2-4](#)

Minutes: Resolution #2009-701-J. 5:28 PM

Fire Department

22. No Items Scheduled

Operations Department

23. [*Resolution to Authorize Contract with Green View Inc for Custodial Services in City Buildings](#)

Minutes: Resolution #2009-701-K. 5:28 PM

Police Department

24. [*Resolution to Approve Issuance of Special Event Liquor License - Speak Easy \(Wedding Reception at Hjemkomst Center on 8/15/09\)](#)

Minutes: Resolution #2009-701-L. 5:28 PM

25. [*Resolution to Approve Request for Outdoor Events \(Festival\) - Knights of Columbus \(July 29 and August 27\)](#)

Minutes: Resolution #2009-701-M. 5:28 PM

Moorhead Public Service

26. [*Resolution to Award Alternate Bid for Construction of 115kV Fargo Transmission Line 32nd Avenue Re-route Project](#)

Minutes: Resolution #2009-701-N. 5:28 PM

27. [*Resolution to Authorize Advertisement for Bids for 2009 Watermain and Trench Repairs](#)

Minutes: Resolution #2009-701-O. 5:28 PM

City Attorney Reports

28. No Items Scheduled

City Manager Reports

29. [*Resolution to Waive Bonding Requirements and Authorize Issuance of Replacement Checks](#)

Minutes: Resolution #2009-701-P. 5:28 PM

30. [Good News - Good People](#)

Minutes: Michael Redlinger, City Manager, related the recent 'Good News • Good People' announcements. 6:48 PM

31. [Reports - Updates](#)

A. [Budget Discussion / Update](#)

Minutes: Michael Redlinger, City Manager, distributed and reviewed the following information regarding budget preparation: 7:17 PM

- Budget Comparison 2009 to Proposed 2010
 - General Fund Revenues
 - General Fund Expenditures
 - Special Revenue Funds
 - Debt Service Funds
- Comparison of Tax Levy and LGA Payable Years 2007 - 2008 - 2009 and 2010; and
- General Fund Changes from 2009 to 2010.

B. [Other](#)

Minutes: Michael Redlinger, City Manager, provided the following updates/reports: 6:51 PM

- Received excellent news today from FEMA. All

exempt employees, with the exception of the City Manager, will receive straight time for eligible work hours during the 2009 flood.

- Minnesota State University Moorhead, in partnership with the City, submitted a Bioscience Infrastructure Grant Application to DEED.

- The AFSCME determination hearing was recently "wrapped up". It is anticipated a ruling will be made within a few weeks.

- In response to inquiry, provided a brief report on MnDOT's proposed project to do a mill and overlay on 8th Street.

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

Minutes: It was noted there was no need to conduct an executive session this evening.

5:28 PM

33. Other Reports

34. New Business

35. [Citizens Addressing the Council \(continued, if necessary\)](#)

Minutes: Meeting adjourned at 7:22 p.m.

7:22 PM

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

APPROVED:

MARK VOXLAND, Mayor

ATTEST:

KAYE BUCHHOLZ, City Clerk