

**City of Moorhead
City Council Meeting
Meeting Minutes
October 12, 2009 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 October 12, 2009, at 5:30 PM.

Roll call of the members was made as follows:

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 (Absent for items 1-8)
3rd Ward Council Member:	Lauri Winterfeldt	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Absent
Mayor:	Mark Voxland	Present

City Council Meeting

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

2. Recognitions/Presentations/Introductions

Minutes: Tom Simmons, Senior Vice President for Midcontinent Communications, and Patrick Traynor, Dakota Medical Foundation, presented a check to the City of Moorhead for the "Moorhead Flood Recovery Fund." Midcontinent requested easement releases for residential properties to extend the Midcontinent fiber optic network in Moorhead. To show their appreciation for easement releases, the company donated \$15,450. Dakota Medical Foundation will match this amount totaling nearly \$31,000.

3. Approve Minutes of September 21 and 28, 2009

Motion by Otto, seconded by Wray Williams to **Approve Minutes of September 21 and 28, 2009**
Motion Passed by unanimous vote

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

Minutes: No citizens to be heard.

5. [Agenda Amendments](#)

6. [Consent Agenda](#)

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

Minutes: Council Member Wray Williams requested that item #15 be removed from the Consent Agenda. Council Member Bohmer requested that items #11 and

#13 be removed.

Motion by Winterfeldt, seconded by Otto to **Approve Consent Agenda as amended**
Motion Passed by unanimous vote

7. *Approve Licenses - Bonds

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

Minutes: No Council reports.

9. [Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects \(Hearing Continued from 9/28/09\)](#)

Minutes: Michael Redlinger, City Manager, noted that this hearing is a continuation of a public hearing which opened on September 28, 2009 in order to receive additional public comment. Redlinger presented new information to the Mayor and City Council that City staff is working with the Horn Family Land Trust on various issues and potential partnership opportunities. He noted that the Horn property will be excluded from the following resolution.

Jayson Jewison (5561 Hwy 75 South, Moorhead) stated that he opposes the special assessments for 50th Avenue South. He believes he is being taxed without representation since he does not live within the City limits. He stated that if he is annexed into the City in the future he may have to pay \$12,000 plus interest for the assessment and within a very short time period.

Brian Neugebauer, City Attorney, stated that the City is following required notice procedures for the Jewison property. The property will not be assessed at this time because it is outside of the current City limits. He will only be assessed at such time as the property is annexed into the City and developed.

LeRoy Johnson (612 60th Ave SW) stated that he opposes the special assessments for 50th Avenue South. He stated that it is his understanding that the City of Moorhead is only to assess for properties within a quarter mile from 50th Avenue. Some of his property is one-half to one mile away. The Johnson property is 122 acres, some of which is considered to be on the floodplain and will never be developed. He added that current special assessments and the proposed assessments will be greater than the overall value of his property.

Motion by Winterfeldt, seconded by Wray Williams to **Close Public Hearing**
Motion Passed by unanimous vote

A. [Resolution to Approve Adoption of Special Assessments for Public Improvements for Various Construction Projects](#)

Minutes: Council Member Rowell asked how the process of annexation occurs. Neugebauer stated that it is very difficult to annex a property without the consent of the land owner. Rowell stated that, if annexed, the value of the property would typically be far in excess of the special assessments with accumulated interest.

Council Member Otto asked for clarification related to the property being further than a quarter mile distance from 50th Avenue. Tom Trowbridge, Assistant City Engineer, clarified that City policy states that the distance figured for the assessment is the halfway point between the next City collector arterial road. This is typically a quarter mile, but in this case it is greater than a quarter mile due to the fact that 60th Avenue is a county highway and not a City road. For the purposes of this project all properties down to 60th Avenue were assessed.

Council member Otto noted her concern about properties which have land in the floodplain. She stated that properties would not be able to recoup any of their assessment amounts if the land is not developable. Neugebauer stated that there is a significant distinction between the floodway and floodplain. Only land on the floodway would not be developable. Trowbridge stated that he does not know specifically how much of the Johnson land is considered to be on the floodway. He suspects that it is mostly floodplain. If the land is annexed in the future it could be a negotiating point for the landowner and addressed at that time.

Neugebauer stated that if the land owner is not part of the current assessment district, they cannot be assessed later. In a situation where a property owner requests annexation at a later point they would get a free street and the other neighboring property owners and/or City of Moorhead residents would pay the cost.

Motion by Otto, seconded by Hintermeyer to **Amend resolution to omit the Jewison and Johnson properties**

Motion Failed

For: 3 – Otto, Bohmer, Hintermeyer

Against: 4 – Wray Williams, Rowell, Hunt, Winterfeldt

Absent: 1 – Lemke

Motion by Winterfeldt, seconded by Otto to **Amend resolution to omit the Johnson property until such time as the floodway/floodplain issue is clarified**

Motion Passed

For: 4 – Otto, Wray Williams, Hunt, Winterfeldt

Against: 3 – Rowell, Hintermeyer, Bohmer

Absent: 1 – Lemke

Motion by Rowell, seconded by Wray Williams to **Approve Adoption of Special Assessments for Public Improvements for Various Construction Projects with the exemption of the Horn Property and Johnson Property**

Motion Failed

For: 5 – Otto, Wray Williams, Rowell, Hunt, Hintermeyer

Against: 2 – Hintermeyer, Bohmer

Absent: 1 – Lemke

Motion by Hintermeyer, seconded by Otto to **Reconsider**

Motion Passed

For: 7 – Otto, Bohmer, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Absent: 1 – Lemke

Motion by Hintermeyer, seconded by Bohmer to **Approve Adoption of Special**

Assessments for Public Improvements for Various Construction Projects with the exemption of the Horn Property and the three properties south of 50th Street which will be reconsidered at a later date

Motion Passed: **Resolution #2009-1026**

For: 7 – Otto, Bohmer, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Absent: 1 – Lemke

10. [Public Hearing to Consider Adoption of Assessments for Various Projects \(Weed Lots, Nuisance Abatements, Rental Fees, Branch Pickups, and Tree Removals\)](#)

Motion by Otto, seconded by Wray Williams to **Open Public Hearing**

Motion Passed

Minutes: Lisa Vatnsdal, Neighborhood Services Manager, stated that she would like the Mayor and Council to consider special assessments for unpaid penalties on properties associated with code enforcement actions. Vatnsdal noted one modification to the resolution related to #811163. City staff would like the property at 1026 1st Avenue North to be held open to allow for completion of the demolition contract.

Motion to **Close Public Hearing** made by Otto and seconded by Wray Williams

Motion Passed by unanimous vote

A. [Resolution to Approve Adoption of Assessments for Various Projects](#)

Motion by Otto, seconded by Hunt to **Approve Adoption of Assessments for Various Projects excluding the property at 1026 1st Avenue North noted in #811163**

Motion Passed: **Resolution #2009-1027**

For: 7 – Otto, Bohmer, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Absent: 1 – Lemke

Community Services Department

11. [Resolution to Adopt the Fargo-Moorhead Area Long-Range Transportation Plan \(unanimous Planning Commission recommendation\)](#)

Motion by Rowell, seconded by Winterfeldt to **Approve Resolution to Adopt the Fargo-Moorhead Area Long-Range Transportation Plan**

Motion Passed: **Resolution #2009-1028**

For: 5 – Otto, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Against: 1 – Bohmer

Absent: 2 – Hunt, Lemke

12. [*Resolution to Approve Budget Adjustment #09-036 - Environmental Health Division](#)

Motion Passed: **Resolution #2009-1025-A**

For: 6 – Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

13. [Resolution to Approve Budget Adjustment #09-037 - Rental Registration Fund](#)

Minutes: Council Member Bohmer asked for clarification regarding the \$30,000 budget adjustment request. Lisa Vatnsdal, Neighborhood Services Manager,

clarified that the funds will be used to purchase equipment and software to store records electronically and hire part-time employees to assist with the scanning project for as long as the funds allow. Vatnsdal added that historical records are accessed frequently and electronic storage of these documents would allow staff to retrieve these documents more quickly and easily.

Motion by Rowell, seconded by Wray Williams to **Approve Budget Adjustment #09-037 - Rental Registration Fund**

Motion Passed: **Resolution #2009-1029**

For: 6 – Otto, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Against: 1 – Bohmer

Absent: 1 – Lemke

14. ***Preserve Option to Establish a Tax Increment Finance District Along First Avenue North Corridor**

Motion Passed: **Resolution #2009-1025-B**

For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

Engineering - Wastewater Treatment

15. **Resolution to Approve an Encroachment Agreement with Magellan Pipeline for the Lift Station #20 Improvements. Eng. No. 07-6-1**

Minutes: Wray Williams asked the Engineering Department to clarify information on the Flood Mitigation projects listed on the consent agenda. Tom Trowbridge, Assistant City Engineer, stated that these projects will be started immediately to preserve public and private properties in the event of a flooding situation in the spring.

Motion by Wray Williams, seconded by Otto to **Approve an Encroachment Agreement with Magellan Pipeline for the Lift Station #20 Improvements. Eng. No. 07-6-1**

Motion Passed: **Resolution #2009-1030**

For: 7 – Otto, Bohmer, Wray Williams, Rowell, Hunt, Winterfeldt, Hintermeyer

Absent: 1 – Lemke

16. ***Resolution to Approve an Easement Acquisition for the Flood Mitigation Project. Eng. No. 09-A5-1A**

Motion Passed: **Resolution #2009-1025-C**

For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

17. ***Resolution to Award Bid for the 2009 Levee & Sluice Gate, Phase 1 Project. Eng. No. 09-A5-2B**

Motion Passed: **Resolution #2009-1025-D**

For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

18. ***Resolution to Award Bid for the 2009 Sanitary & Flood Control Lift Station Modifications. Eng. No. 09-A6-2A, 09-A5-1E & 09-A5-2E**

Motion Passed: **Resolution #2009-1025-E**

For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

19. [***Resolution to Approve the Relocation of an Underground Power Line in Horizon Shores 7th Addition. Eng. No. 09-A6-3**](#)
Motion Passed: **Resolution #2009-1025-F**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke
20. [***Resolution to Award Bid and Approve Easement Agreement for the 27th Ave. North Flood Control Project. Eng. No. 09-A13-2A**](#)
Motion Passed: **Resolution #2009-1025-G**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke
21. [***Resolution to Approve Engineering Services Agreement for the Center Ave. Bridge Rehabilitation Project. Eng. No. 09-13-3**](#)
Motion Passed: **Resolution #2009-1025-H**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke
22. [***Resolution to Approve a Funding Application for Replacement of the Gooseberry & Lindenwood Park Pedestrian Bridge**](#)
Motion Passed: **Resolution #2009-1025-I-1; #2009-1025-I-2**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke

Fire Department

23. No Items Scheduled

Operations Department

24. [***Resolution To Enter Into A Cooperative Agreement With The MN Department Of Natural Resources for the Construction and Maintenance of a Public Water Access on the Red River \(North Dam\)**](#)
Motion Passed: **Resolution #2009-1025-J**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke
25. [***Resolution to Approve Budget Adjustment for Improvements of Hamptons, Johnson Farms and Village Green Parks**](#)
Motion Passed: **Resolution #2009-1025-K**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke

Police Department

26. [***Approve Agreement with the Minnesota Department of Public Safety for Nightcap Jr. Grant**](#)
Motion Passed: **Resolution #2009-1025-L**
For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer
Absent: 2 – Hunt, Lemke

Moorhead Public Service

27. No Items Scheduled

City Attorney Reports

28. No Items Scheduled

City Manager Reports

Minutes: Redlinger announced that the regularly scheduled Committee of the Whole Meeting on October 19, 2009 has been cancelled and replaced with a meeting with the Army Corps of Engineers at the Courtyard by Marriott at 8:00 am.

Redlinger noted that he will propose dates for an upcoming Mayor and City Council Retreat in 2010.

29. [***Resolution to Approve Contract for Insurance Agent of Record**](#)

Motion Passed: **Resolution #2009-1025-M**

For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

30. [***Resolution to Schedule Special Council Meeting \(11/5/09\) to Canvass Election Returns**](#)

Motion Passed: **Resolution #2009-1025-N**

For: 6– Otto, Bohmer, Wray Williams, Rowell, Winterfeldt, Hintermeyer

Absent: 2 – Hunt, Lemke

31. [**Good News - Good People**](#)

Minutes: Leigh Wilson-Matson, Assistant to the City Manager, noted the following:

- Welcome to Jill Wenger who commenced employment with the City of Moorhead as City Clerk on October 12th.
- Congratulations to Kaye Buchholz who retired October 9th following 30.5 years of service.
- Congratulations to Moorhead Public Service for its selection as having the "Best tasting water in Minnesota."

32. [**Reports - Updates**](#)

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

B. Other

Minutes: Redlinger noted that there would be no Committee of the Whole meeting scheduled on October 19, 2009. It is replaced by a meeting with the Army Corps of Engineers scheduled for 8:00 a.m. at the Courtyard by Marriott.

Redlinger stated that long-range planning and strategic visioning sessions will be planned with the Mayor and Council in early 2010.

33. [Executive Session to Discuss Labor Negotiation Strategies and Pending Litigation](#)

Motion by Rowell, seconded by Wray Williams to **Enter Closed Session**
Motion Passed by unanimous vote

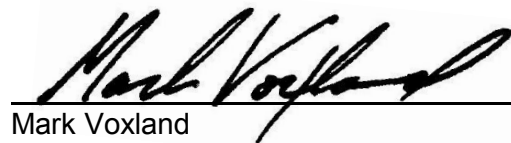
34. Other Reports

35. New Business

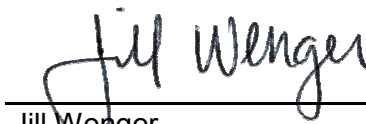
36. Citizens Addressing the Council (continued, if necessary)

APPROVED BY:

ATTEST:



Mark Voxland
Mayor



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