

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
July 23, 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 July 23, 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	Absent
3rd Ward Council Member:	Brenda Elmer	Present
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. [Proclamation: Anne Fredine Appreciation Day](#)

Minutes: Mayor Voxland presented a proclamation recognizing Anne Fredine Appreciation Day.

B. [Proclamation: National Health Center Week](#)

Minutes: Mayor Voxland presented a proclamation recognizing National Health Center Week

C. [Diversion Authority FY13 Work Plan Alternatives - Tom Waters, CH2M HILL & Bob Zimmerman, City Engineer](#)

Minutes: Bob Zimmerman, City Engineer, and Tom Waters, Program Manager with CH2M HILL, provided an update on Fiscal Year 2013 Work Plan Scenarios related to the F-M Flood Diversion Project. It was noted that there will be many opportunities for feedback from elected officials prior to any decision on the 2013 program decision. The following was clarified in response to Mayor and Council questions:

- The Federal Government will provide \$5M toward the Diversion Project. It cannot be predicted when the Federal Government will provide Congressional Authorization. The Diversion Authority will need to determine whether it will recommend moving forward ahead

of authorization.

- Due to the size and scope of the project, the design will proceed even as construction is carried out and is expected to go on as late as 2016 or 2017.
- The Diversion Authority will need to determine how much funding will be dedicated toward purchase of hardship properties.
- In-town/protected area levee construction may be built in Fargo as part of the Federal project, depending on the amount of water flows the design provides through the downtown area.
- Moorhead improvements are extremely unlikely to receive Federal reimbursement but the value of that work can certainly be factored into the local cost-share.
- The volume of water flow through the channel was reduced due to upstream staging required to eliminate downstream impacts.
- Any legal challenges related to the Project design would be handled by the U.S. Army Corps of Engineers, even if constructions moves forward prior to Congressional Authorization.
- The City Attorney is working on draft language for inclusion in the Joint Powers Agreement that specifically states that the State of Minnesota is the financial responsible party with the City of Moorhead not responsible for recourse for financial obligations.
- For the \$5M “Federal Match Only” scenario, \$1.9M would be devoted to design work. The balance would fund management of the program.
- Over the next two months significant study work will be conducted to inform the possible workplan alternatives for consideration by local elected bodies.

The Mayor and Council noted the following:

- The State of Minnesota will not move forward with designation of funds toward the F-M Diversion Project until Congressional authorization is announced.
- It is hoped that efforts will be made to lobby the Minnesota legislature and begin conversations with the Governor to better ensure the State of Minnesota designates funding toward the Project.

3. [Approve Minutes](#)

A. [April 16, 2012 \(Committee of the Whole\)](#)

B. [June 11, 2012 \(City Council\)](#)

C. [June 25, 2012 \(City Council\)](#)

Minutes: A correction was noted on page 2 of the April 16, 2012 Committee of the Whole meeting minutes. The final paragraph under agenda item #1 –

Receive Parking Study Report will read as follows, "Consensus of the Council was to prepare costs analyses of the recommendations and to move forward quickly with the Phase 1 and Phase 2 "3-hour parking" in Zone 1 recommendations."

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

**Motion to Approve Minutes as corrected**

**Motion Passed**

For: 7; Absent: 1 - Mike Hulett

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

Minutes: No citizens addressed the Mayor and Council.

5. [Agenda Amendments](#)

Minutes: No agenda amendments were noted.

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 to Approve House Moving Permit (512 17th St. N.)
- #12 – Resolution to Approve Scope of Work - River Corridor Study (FM Metro COG)
- #14 – Resolution to Award Bid for the Construction of 28th Ave S from 20th to 26th St. Eng. No. 12-2-3
- #22 – Resolution to Approve Budget Adjustment for Professional Services Agreement - Classification and Compensation Study
- #23 – Resolution Providing for the Competitive Negotiated Sale of \$11,270,000 General Obligation Improvement Bonds 2012F

Motion to Approve made by Luther Stueland and seconded by Brenda Elmer

**Motion to Approve Consent Agenda as Amended**

**Motion Passed**

For: 7; Absent: 1 - Mike Hulett

7. [Mayor and Council Appointments](#)

Minutes: No Mayor and Council Appointments were noted.

**Public Hearings (5:45 p.m.)**

8. [Public Hearing to Consider Horizon Shores Regional Stormwater Pond & 40th St S Storm Sewer Improvements and Approve Related Actions. Eng. No. 12-A5-1](#)

Minutes: Public hearing opened at 6:18 p.m.

Tom Trowbridge, Assistant City Engineer, provided a report on the project

and the following was clarified response to Mayor and Council questions:

- Properties within the assessment area, but located outside of City limits will not be assessed at this time. At such time that the properties are annexed and developed property owners will receive an estimated assessment and a separate public hearing will be conducted.
- A good portion of the properties within the City limits will have a deferred assessment until such time that they are developed.
- Approximately 11-12% of the total project cost will be assessed. The remainder will be deferred to a future date.
- The assessment amount estimated for Sanford Health is \$414,000 or approximately 10% of the total project cost.
- If the properties outside of City limits are never annexed, the City will pay for all non-assessed project costs.
- Minnesota State Law requires that a feasibility study is completed to determine if it is in the City's best interest to assess the project its own or have it assessed in conjunction with other improvements.
- Seven affirmative votes of the Council are required to formally order the improvement. The Council is not required to order the improvement until a time just prior to the actual sale of the bond
- Upon development properties in the assessment district would receive a benefit of stormwater drainage to the pond. These property owners would need to petition to the City to become annexed in order to develop their property.

Council Member Otto indicated that she will be abstaining from the vote on this matter due to her employment at Sanford Health.

Eugene Gebeke, Moorhead resident, addressed the Mayor and Council regarding his opposition to the proposed project assessment.

Public hearing closed at 6:31p.m.

It was noted that items 8.A. and 8.B would need to be postponed until the next Council meeting due to supermajority voting requirements, Council Member Otto's decision to abstain, and Council Member Hulett's absence.

Later in the meeting City staff clarified that the resolution for item 8.B could be amended and approved in order to receive project bids in a timely fashion.

A. [Resolution to Order Improvements & Declare Intent to Assess](#)

Minutes: The Mayor and Council requested that Resolution 8.A. be postponed until the next Council meeting due to supermajority voting requirements.

B. [Resolution to Receive Report, Order and Approve Plans & Specifications, and Authorize Advertisement for Bid](#)

Minutes: John Shockley, City Attorney, noted that Resolution 8.B. could be approved with the following additional language in order to accommodate timely project bid proposals:

“Whereas, in the judgment of the City Council the preparation of plans and specifications and the advertisement for bids will assist the City Council in determining the feasibility of the improvement and approval of the bids will be contingent upon ordering the improvement.”

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolution to Receive Report, Order and Approve Plans & Specifications, and Authorize Advertisement for Bid with additional text as noted by the City Attorney**

Motion Passed: **Resolution 2012-0723-1**

For: 6; Abstain: 1 - Nancy Otto; Absent: 1 - Mike Hulett

## Community Services Department

### 9. [Resolution to Approve House Moving Permit \(512 17th St. N.\)](#)

Minutes: City staff noted that the homeowner is proposing a larger setback for possible future construction of a garage and is working with adjacent property owners regarding placement of fencing.

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

**Resolution to Approve House Moving Permit (512 17th St. N.)**

Motion Passed: **Resolution 2012-0723-2**

For: 7; Absent: 1 - Mike Hulett

### 10. [\\*Resolution Authorizing a Contract with Mn/DOT for 2013 New Freedom Section 5317 Transportation Services for Mobility Management](#) **Resolution 2012-0723-A**

### 11. [Parking Study Implementation](#)

Minutes: Scott Hutchins, Deputy City Manager, provided an update regarding a revised proposal for implementation of parking regulations near Concordia College campus. Recommendations for implementation includes a resolution for parking management regulations, first reading of an ordinance related to odd-even overnight street parking regulations, and a budget adjustment to provide signs and installation of signage.

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

- At a future Council meeting City staff will bring forward recommendations for street vacations near Concordia College. Concordia is supportive of such actions.
- The City has not prepared a comprehensive neighborhood permitting system as part of the Neighborhood Parking Study; however, limited resident “hardship” exceptions for new parking regulations can be provided to residents on an as-needed basis. City staff will bring forward a recommendation outlining acceptable hardship exceptions to the Mayor and Council for consideration.
- The demand for additional parking near Concordia and Minnesota

State University Minnesota campuses has risen significantly.

The Mayor and Council noted the following:

- The intent of the resolution tabled from the July 16, 2012 Adjourned Council Meeting was to implement parking regulations west of 8<sup>th</sup> street in August 2013.
- Daytime on-street parking problems are generally less severe around the Concordia College campus area.

Linda Brown, Vice President of Finance at Concordia College, addressed the Mayor and Council regarding the college's interest in delaying 3-hour parking enforcement around the Concordia College campus area.

The following individuals addressed the Mayor and Council regarding concerns related to proposed parking regulations and the negative impact on residents near the campus areas:

- Donna McMaster, Moorhead resident
- John Sherman, Moorhead resident
- Pete Karlsson, Moorhead resident
- Kathy Karlsson, Moorhead resident

A. [Resolution to Implement Parking Management Recommendations](#)

Minutes: The Mayor and Council noted the following:

- There is interest in delaying implementation of 3-hour parking regulations near Concordia College campus until such time that additional parking options become available.
- There may be interest in excluding parking regulations along streets where the college campus retains ownership of properties on both sides of the street.

Motion and Second to approve were previously made at the July 16, 2012 Adjourned Council Meeting

**Resolution to Implement Parking Management Recommendations**

Motion to Amend made by Nancy Otto and seconded by Brenda Elmer

**Amend Resolution to include the following additional items:**

- **#9** – 3-hour parking restrictions on the east side of 8<sup>th</sup> Street South in the area designated as “Zone One (east)” Monday through Friday from 7 am – 5 pm August 15 through May 15 beginning August 15, 2012. Three-hour parking in “Zone One (west)” on the west side of 8<sup>th</sup> Street South will be implemented on August 15, 2013
- **#10** – Staff will report back to the Mayor and Council prior to August 15, 2013 on status of on-street parking in the study, including any proposed modifications to 3-hour parking restrictions west of 8<sup>th</sup> Street South.

**Amendment Passed**

For: 7; Absent: 1 - Mike Hulett

Motion to Amend made by Luther Stueland and seconded by Steve Gehrtz

**Amend Resolution to remove #8**

**Amendment Failed**

For: 1 - Luther Stueland; Against: 6; Absent: 1 - Mike Hulett

Motion Passed: **Resolution 2012-0723-3**

For: 7; Absent: 1 - Mike Hulett

- B. [First Reading of Ordinance 2012-12: An Ordinance to Amend and Re-enact Section 5-2-1 of the Moorhead Municipal Code Relating to Title 5: Motor Vehicles and Traffic](#)

Motion to Approve made by Luther Stueland and seconded by Heidi Durand

**First Reading of Ordinance 2012-12: An Ordinance to Amend and Re-enact Section 5-2-1 of the Moorhead Municipal Code Relating to Title 5: Motor Vehicles and Traffic**

Motion Passed: **Ordinance 2012-12**

For: 7; Absent: 1 - Mike Hulett

- C. [Resolution to Approve Budget Adjustment to Implement Parking Management Recommendations](#)

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

**Resolution to Approve Budget Adjustment to Implement Parking Management Recommendations**

Motion Passed: **Resolution 2012-0723-4**

For: 7; Absent: 1 - Mike Hulett

## **Engineering - Wastewater Treatment**

12. [Resolution to Approve Scope of Work - River Corridor Study \(FM Metro COG\)](#)

Motion to Approve made by Brenda Elmer and seconded by Mark Altenburg

**Resolution to Approve Scope of Work - River Corridor Study (FM Metro COG)**

Motion Passed: **Resolution 2012-0723-5**

For: 7; Absent: 1 - Mike Hulett

Minutes: The Mayor and Council noted the following:

- There is public interest in re-use of the river corridor area. The scope of work outlined in the resolution has been amended to include options for citizen input related to river corridor re-use.
- Caution was noted regarding re-use amenities that may only benefit those residents living near the river corridor area.

13. [\\*Resolution to Award Bid for Flood Mitigation Project C. Eng. No. 11-A13-3C](#)  
**Resolution 2012-0723-B**

14. [Resolution to Award Bid for the Construction of 28th Ave S from 20th to 26th St. Eng. No. 12-2-3](#)

Minutes: City staff noted that a defined project conclusion date is yet unknown. The goal for paving completion is Fall 2012.

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

**Resolution to Award Bid for the Construction of 28th Ave S from 20th to 26th St. Eng. No. 12-2-3**

Motion Passed: **Resolution 2012-0723-6**

For: 7; Absent: 1 - Mike Hulett

15. [\\*Resolution to Award Bid and Acquire Easements for the Johnson Drive Sanitary & Storm Sewer Improvements. Eng. No. 12-A6-2](#)
  - A. [\\*Resolution to Receive Petitions](#)  
**Resolution 2012-0723-C**
  - B. [\\*Resolution to Award Bid](#)  
**Resolution 2012-0723-D**
  - C. [\\*Resolution to Acquire Easements](#)  
**Resolution 2012-0723-E**
16. [\\*Resolution to Receive Petitions, Order & Approve Engineer's Report, Order & Approve Plans and Specifications, Order Improvements and Authorize Advertisement for Bids for the Extension of 31st St S in Shepherd Meadows Addition. Eng. No. 12-A2-6](#)
  - A. [\\*Resolution to Order Improvements and Declare Intent to Assess](#)  
**Resolution 2012-0723-F**
  - B. [\\*Resolution to Receive Petitions, Order & Approve Engineering Report, Order & Approve Plans & Specs and Authorize Ad for Bids](#)  
**Resolution 2012-0723-G**
17. [\\*Resolution to Approve Easement Acquisition for Street & Underground Utility Improvements on 28th Ave S. Eng. No. 12-2-4](#)  
**Resolution 2012-0723-H**

#### **Operations Department**

18. [\\*Resolution to Approve Green View Contract Renewal](#)  
**Resolution 2012-0723-I**
19. [\\*Resolution to Approve Lease Agreement for 2 Wheel Loaders](#)  
**Resolution 2012-0723-J**
20. [\\*Resolution to Approve DNR Tree Replacement Grant Agreement](#)  
**Resolution 2012-0723-K**

#### **Moorhead Public Service**

21. [\\*Approve Change Order No. 1 for the Moorhead DOE Tap Substation Flood Mitigation Project](#)  
**Resolution 2012-0723-L**

#### **Administration**

22. [Resolution to Approve Budget Adjustment for Professional Services Agreement - Classification and Compensation Study](#)

Minutes: It was noted that the study may have an impact on future budgets.



Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolution to Approve Budget Adjustment for Professional Services Agreement -  
Classification and Compensation Study**

Motion Passed: **Resolution 2012-0723-7**

For: 7; Absent: 1 - Mike Hulett

23. [Resolution Providing for the Competitive Negotiated Sale of \\$11,270,000 General  
Obligation Improvement Bonds 2012F](#)

Minutes: It was noted that City policy outlines a standard charge of 1.5% over the  
bond rate.

Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolution Providing for the Competitive Negotiated Sale of \$11,270,000 General  
Obligation Improvement Bonds 2012F**

Motion Passed: **Resolution 2012-0723-8**

For: 7; Absent: 1 - Mike Hulett

24. [Resolution Opposing Astrup Detachment Petition](#)

Minutes: John Shockley, City Attorney, provided an overview of the detachment  
petition received by the City of Moorhead. City staff clarified the following in  
response to Mayor and Council questions:

- Detachment petitions are commonplace throughout the state.
- If the detachment petition is opposed by the Council an  
Administrative Law Judge would make a final determination on  
detachment.
- The property is vacant but is serviced to receive municipal utilities.
- Assessments stay with the property. If the property is never  
developed, assessments would not be collected.
- The property owner would need to be annexed into the city or obtain  
an annexation agreement in order to hook up to public utilities.
- The property owner did not petition the City for public improvements.  
The property was included in the annexation of a larger tract of  
property.
- The property is urban in character.

The Mayor and Council noted the following:

- There is interest in further discussion on the City's special  
assessment policy, especially the provision which applies to  
escrowed and deferred assessments.

Motion to Approve made by Heidi Durand and seconded by Mark Altenburg  
**Resolution Opposing Astrup Detachment Petition**

Motion Passed: **Resolution 2012-0723-9**

For: 4 - Nancy Otto, Heidi Durand, Mark Altenburg, Brenda Elmer; Against: 3 - Luther  
Stueland, Mark Hintermeyer, Steve Gehertz; Absent: 1 - Mike Hulett

25. [\\*Resolution Affirming and Approving a Biennial Budgeting Process](#)  
**Resolution 2012-0723-M**

26. \*Approve Licenses - Permits

A. [\\*Resolution to Approve Licenses – Permits](#)  
**Resolution 2012-0723-N**

27. [Mayor and Council Reports](#)

Minutes: Council Member Gehrtz provided a report on a recent meeting of the Economic Development Authority and Fargo-Moorhead Metropolitan Council of Governments (Metro COG).

28. [City Manager Reports - Updates](#)

Minutes: Scott Hutchins, Deputy City Manager, provided notice of the upcoming Coalition of Greater Minnesota Cities (CGMC) summer meeting at which time Representative Morrie Lanning and Senator Keith Langseth will be honored by the CGMC for their outstanding public service.

29. Executive Session

Minutes: No Executive Session was necessary.

30. [New Business](#)

Minutes: The Mayor and Council noted the following:

- There is interest in having the City begin a study of a residential permit issuance system.

City staff noted that a neighborhood permitting system will require deeper analysis over the course of the 2012-13 academic year.

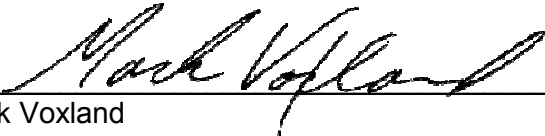
Motion to Approve made by Mark Altenburg and seconded by Heidi Durand  
**Resolution to direct the City Manager to prepare a scope of service and budget as may be needed to undertake a study of a possible Neighborhood Residential Parking Permit System and report back to the City Council**

Motion Passed: **Resolution 2012-0723-10**

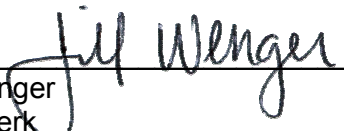
For: 7; Absent: 1 - Mike Hulett

Meeting adjourned at 8:39 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:*  
*Jill Wenger, City Clerk*