

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
April 25, 2011 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 April 25, 2011, 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	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: Mayor Voxland called the meeting to order.

2. [Recognitions - Presentations](#)

A. Print Media Intern Recognition

Minutes: Mayor Voxland recognized Angie Tumenbayar, Print Media Intern, for several awards honoring her work on print media publications with the City of Moorhead.

B. [Student Volunteer Recognition](#)

Minutes: Mayor Voxland presented a proclamation recognizing nine students who received scholarships through the "Scholarships for Sandbags" Program:

- Moorhead High School – Zach Drechsel, Parker Jacobson, Joni Klovstad, Christian Larson and Mercedes Ness
- Park Christian High School – Jordan Smith
- Red River Area Learning Center – Anthony Clapper
- Dilworth-Glyndon-Felton High School – Sam Stickney
- Hawley High School – Nolan Peterson

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

Minutes: No citizens addressed the Mayor and Council.

4. [Agenda Amendments](#)

Minutes: No agenda amendments were noted.

5. [Consent Agenda](#)

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

Minutes: The following item was removed from the Consent Agenda:

- #11 - Resolution to Authorize Purchase/Development Agreement with Kvalvog Properties for Sale and Redevelopment of Former Halliday Motel Site (1520 4th Avenue South; parcel 58.721.1100)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams

**Approve Consent Agenda**

Motion Passed

For: 8

6. [Mayor and Council Appointments](#)

Minutes: No Mayor and Council Appointments were noted.

7. [Mayor and Council Reports](#)

Minutes: Council Member Altenburg provided reports on the Park Advisory Board and Human Rights Commission.

Council Member Lemke provided a report on the Metro Council of Governments (Metro COG) board meeting. Lemke distributed a copy of a resolution adopted by Metro COG supporting reconstruction of the Interstate 94 and SE Main Avenue West ramps in Moorhead.

Council Member Elmer provided a report on the Economic Development Authority.

Mayor Voxland reported that he met with Governor Dayton along with Clay County Commissioner Jon Evert to provide a full briefing on short-term flood mitigation projects and the long-term Fargo-Moorhead diversion project.

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

Minutes: Michael Redlinger, City Manager, stated that Governor Dayton has submitted a letter to the President requesting a Federal Disaster Declaration for Minnesota. Minnesota has preliminarily met the requirements set forth in law and FEMA policy to receive the major declaration. The City hopes to receive a significant portion of its approximately \$2.5 million in expenditures back in federal and state reimbursements.

A. [Resolution to Award Quote for Sandbag Levee Removal. Eng. No. 11-13-6](#)

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

- The contractor will likely begin work on May 2nd. It is estimated that it will take 7-10 days to complete all sandbag and clay levee removal throughout the City.
- Citizens interested in participating in the sandbag removal assistance program are asked to contact the City and submit a Right of Entry Permit. Those choosing not to participate are asked to place sandbags in the street, leaving the gutter near the curb unobstructed for stormwater drainage.
- The contractor will be responsible for leveling disturbed turf areas to eliminate ruts or holes greater than 1-inch deep. The City will not provide any additional compensation for the restoration of private property damaged by the placement or removal of sandbag levees.
- The resolution provides an end date for the sandbag removal assistance program. Those property owners placing sandbags on the street or within the City right-of-way after May 31, 2011 will be charged solid waste fees in accordance with the City's fee schedule.

Motion to Approve made by Mark Hintermeyer and seconded by Nancy Otto  
**Resolution to Award Quote for Sandbag Levee Removal. Eng. No. 11-13-6**  
Motion Passed: **Resolution 2011-0425-1**  
For: 8

- B. [Resolution to Award Quote for Clay Levee Removal \(50th Ave S to I-94\). Eng. No. 11-13-9A](#)

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

- Tom Trowbridge, Assistant City Engineer, briefly outlined the flood mitigation projects projected to receive clay.
- The City plans to store clay on City-owned land until such time that future flood mitigation projects are identified, designed, and approved.

The Mayor and Council Members noted the following:

- It is preferred that the storage of clay at the former Moorhead Power Plant not impede future plans to design a "defiant garden" at the site.

Motion to Approve made by Mark Altenburg and seconded by Brenda Elmer  
**Resolution to Award Quote for Clay Levee Removal (50th Ave S to I-94). Eng. No. 11-13-9A**  
Motion Passed: **Resolution 2011-0425-2**  
For: 8

- C. [Resolution to Award Quote for Clay Levee Removal \(I-94 to 28th Ave N\). Eng. No. 11-13-9B](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Resolution to Award Quote for Clay Levee Removal (I-94 to 28th Ave N). Eng. No. 11-13-9B**  
Motion Passed: **Resolution 2011-0425-3**

For: 8

D. [Resolution to Approve an Engineering Services Agreement with Houston Engineering and a Budget Adjustment for a Preliminary Feasibility Analysis to Support Development of a Riverfront Property Flood Mitigation Program](#)

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

- The feasibility analysis will be conducted to gain a better understanding of private property levels along the river and will offer a data driven approach for future flood mitigation projects in partnership with private property owners.
- Funding for this project is proposed through General Fund Reserves as it is not eligible for funding through the DNR Flood Damage Reduction Grant Program.
- The City may engage DNR in discussions following the study to see if Riverfront Property Flood Mitigation Projects could be structured to meet criteria under the grant program.
- The study will determine on a property-by-property basis what maximum protection levels are achievable. The ultimate goal is to build private property protection up to 44 feet where possible.
- The contractor will receive a detailed report from Zone Leaders regarding work performed during the 2011 Flood.
- Following the 2011 flood event, private properties were resurveyed to gain more detailed ground elevation data for future sandbag need projections.
- Riverfront Property Flood Mitigation Projects will not change the need for flood insurance.
- Any Riverfront Property Flood Mitigation Projects will seek to combine groups of properties for protection.
- The City has an aggressive timeline to complete riverfront projects this year if possible.
- Riverfront Property Flood Mitigation Projects are a natural follow-up to the Flood Buyout Program. The majority of properties purchased through the Flood Buyout Program would have been too difficult to protect through a mitigation project due to particularly low elevation.
- It is expected that future property assessments for private property flood mitigation projects could incorporate costs of the proposed study.
- Professional engineering services may be solicited for a direct quote as opposed to bids. Houston Engineering was selected based on previous work and the firm's expertise in flood mitigation engineering.

The Mayor and Council Members noted the following:

- The City is working toward reducing City responsibility and cost for private property flood protection.

- Concern was noted regarding use of General Fund Reserves for the purpose of this study.
- It is preferred that the Council Discretionary Fund be preserved for later use if needed.
- Any unspent Council Discretionary Funds will be designated to General Fund Reserves if unspent at the end of the year.

Motion to Amend made by Luther Stueland and seconded by Brenda Elmer  
**Amend Resolution to utilize funding from the Council Discretionary Fund instead of General Fund Reserves**

**Amendment Failed**

For: 4 – Luther Stueland, Dan Hunt, Brenda Elmer, Mark Hintermeyer; Against: 5 – Nancy Otto, Diane Wray Williams, Mark Altenburg, Greg Lemke, Mayor Voxland

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt  
**Resolution to Approve an Engineering Services Agreement with Houston Engineering and a Budget Adjustment for a Preliminary Feasibility Analysis to Support Development of a Riverfront Property Flood Mitigation Program**

Motion Passed: **Resolution 2011-0425-4**

For: 7; Against: 1 - Luther Stueland

## Public Hearings

### 9. [Public Hearing for the Approval of Tax Incentives for Creative Learning Center Inc.](#)

Minutes: Public hearing opened at 7:16 p.m.

Peter Doll, Development Services Manager, provided a brief overview of the proposed tax incentive agreement. It was noted that the Economic Development Authority (EDA) has suggested some redrafting of the contract template.

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

- Creative Learning Center Inc. is a for-profit organization.
- Moorhead is a growing community and additional daycare services will be needed as the community grows.
- The 15 FTE estimate calculated by City staff is conservative. The business must meet this level after the certificate of occupancy is reached.

Ken Lucier, Moorhead resident, requested information on how the Council determines which businesses receive tax incentives.

City staff stated that Border City Legislation under Minnesota State Statutes allows cities like Moorhead to provide tax incentives for businesses to compete with neighboring communities in bordering states. Specific policies and guidelines for the tax incentive program are in place and available for public review.

Public hearing closed at 7:28 p.m.

A. [Resolution to Approve Property Tax Exemption for Creative Learning Center Inc.](#)

Minutes: The Mayor and Council Members noted the following:

- Tax incentives appear to be used at the expense of the remaining taxpayers.
- There seems to be a need for additional infant daycare in the community.
- Increasing business development and jobs is desired.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve Property Tax Exemption for Creative Learning Center Inc.**

Motion Passed: **Resolution 2011-0425-5**

For: 7; Against: 1 - Luther Stueland

10. [Public Hearing for Boulevard Tree Installation in Prairie Meadows First Addition](#)

Minutes: Public hearing opened at 7:32 p.m.

No citizens addressed the Mayor and Council.

Public hearing closed at 7:33 p.m.

A. [Resolution to Order Project for Installation of Prairie Meadows 1st Addition Boulevard Trees \(Project #11-A13-1\)](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams  
**Resolution to Order Project for Installation of Prairie Meadows 1st Addition Boulevard Trees (Project #11-A13-1)**

Motion Passed: **Resolution 2011-0425-6**

For: 8

### Community Services Department

11. [Resolution to Authorize Purchase/Development Agreement with Kvalvog Properties for Sale and Redevelopment of Former Halliday Motel Site \(1520 4th Avenue South; parcel 58.721.1100\)](#)

Minutes: Kristie Leshovsky, City Planner, provided a brief overview of the future sale and redevelopment of the Former Halliday Motel Site.

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

- Preservation of trees is important to neighboring community residents. The City Forester has stated that many of the trees on the lot may not be worth saving as they may be at risk of harboring disease.
- If the City is interested in preserving any of the trees, it is recommended that an arborist be consulted early in the process to put a preservation plan in place.
- The developer is required to provide a minimum amount of

landscaping per city code.

- There have not been any issues with rental properties under the management of Kvalvog Properties.
- The management company has complied with the required number of parking spaces for the property.

Kathy Kvalvog, Kvalvog Properties, addressed the Mayor and Council regarding their plans for redevelopment of the site:

- The company does not discriminate and will rent to anyone.
- A playground will not be provided due to liability issues.
- There will be a resident manager on site.
- Renters are evicted for parties or other disruptive behavior.

Kelly Sinner, Moorhead resident, addressed the Mayor and Council regarding her concerns with the number of rental properties and an increasing level of crime in the neighborhood.

The Mayor and Council Members noted the following:

- The proposal appears to provide safe, affordable housing for the community.

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams  
**Resolution to Authorize Purchase/Development Agreement with Kvalvog Properties for Sale and Redevelopment of Former Halliday Motel Site (1520 4th Avenue South; parcel 58.721.1100)**

Motion Passed: **Resolution 2011-0425-7**

For: 8

## Administration

12. [Actions Related to Ordinance 2011-05: An Ordinance to Repeal Article D of Chapter 6, Title 2 of the Moorhead Municipal Code Relating to Tattoos, Body Art and Body Piercing](#)

A. [Resolution to Approve Second Reading of Ordinance 2011-05](#)

B. [Resolution to Approve Title and Summary of Ordinance 2011-05](#)

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

- Tattoo and body art practitioners are required to be licensed through the State of Minnesota.
- Tattoo and body art establishments can be licensed through a City as long as the local ordinance is at least as strict as MN State Statutes.

The Mayor and Council Members noted the following:

- It is preferred that local body art establishments be provided an opportunity to retain a City license.

City staff was directed to estimate costs commensurate to providing a City tattoo and body piercing establishment licensing fee.

Motion to Approve made by Mark Hintermeyer and seconded by Greg Lemke  
**Actions Related to Ordinance 2011-05: An Ordinance to Repeal Article D of Chapter 6, Title 2 of the Moorhead Municipal Code Relating to Tattoos, Body Art and Body Piercing**

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

**Motion to Table Approved**

For: 5 - Luther Stueland, Nancy Otto, Diane Wray Williams, Mark Altenburg, Mark Voxland; Against: 4 - Dan Hunt, Brenda Elmer, Mark Hintermeyer, Greg Lemke

13. Approve Licenses - Permits

A. [\\*Resolution to Approve Licenses – Permits](#)  
**Resolution 2011-0425-A**

B. [\\*Resolution to Approve Renewal of Red River Valley Softball Association 3.2 On-Sale / Sunday Liquor License](#)  
**Resolution 2011-0425-B**

14. [Discuss Bridge Company Operating Agreement Correspondence](#)

Minutes: Michael Redlinger, City Manager, stated that there was a restated request from The Bridge Company for the Council to consider a 5-year extension to the existing operating agreement for the 15<sup>th</sup> Avenue North Toll Bridge. A motion to approve the agreement was previously tabled at the December 6, 2010 City Council Meeting. No staff recommendation is provided.

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

- The project owner has asserted that the bank requires an agreement extension in place to amortize a loan for necessary bridge repairs.
- In 2013 Moorhead and Fargo will be responsible for any authorized project debt. It is estimated that The Bridge Company has nearly \$300,000 in authorized project debt assuming no more payments are made against the principal.
- There is no operating agreement in place between Moorhead and Fargo detailing how the bridge will be operated or maintained once the bridge is brought into public ownership.

The Mayor and Council Members noted the following:

- The bridge is clearly in need of repair. Unless The Bridge Company makes these repairs, it will ultimately be the responsibility of the City after ownership of the bridge is transferred.
- It is preferred that the discussion remain tabled until such time that the owner can be present at a Council Meeting for discussion.
- A clear decision of the Council should be communicated to The Bridge Company.



- Retaining the bridge crossing toll negatively impacts economic development in North Moorhead.
- It is preferred that one of the Council Members who moved to table the original resolution formally request reconsideration.
- Fargo has already provided a five-year extension. They may have no interest in transferring ownership and cost to their City.

The Mayor and Council directed City staff to schedule a discussion between Fargo City Commissioners and Moorhead City Council Members to discuss future plans for the bridge.

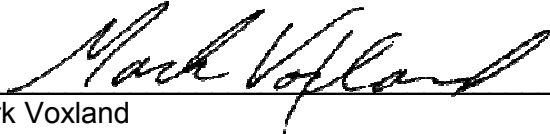
15. [City Manager Reports – Updates](#)

Minutes: Michael Redlinger, City Manager, stated that labor negotiation reports and discussion will be scheduled at upcoming Executive Sessions.

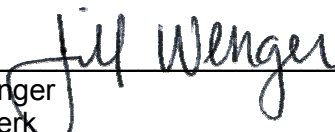
It was requested that an overview of property assessment and Board of Appeals and Equalization procedures be scheduled at a future Committee of the Whole meeting.

Meeting adjourned at 8:27 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*