

**City of Moorhead
City Council Meeting
Meeting Minutes
October 25, 2010 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 25, 2010, 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](#)
2. [Approve Minutes](#)
 - A. [September 27, 2010 \(City Council Meeting\)](#)
 - B. [October 4, 2010 \(Adjourned Council Meeting\)](#)
 - C. [October 11, 2010 \(City Council Meeting\)](#)

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Approve Minutes of September 27, 2010 (City Council Meeting), October 4, 2010 (Adjourned Council Meeting), and October 11, 2010 (City Council Meeting)
Motion Passed by unanimous vote

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

Minutes: No citizens addressed the Mayor and Council.

4. [Agenda Amendments](#)

Minutes: The following agenda item was added:

- #7A – Appointment to Planning Commission/Board of Adjustment (Agenda item “Discuss 2011 Community Partnership Funding” was changed to #7B)

Motion to Approve made by Dan Hunt and seconded by Nancy Otto
Approve Agenda Amendments
Motion Passed by unanimous vote

5. [Consent Agenda](#)

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

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

- #11 – Resolution to Approve an Amendment to the Engineering Services Agreement with Moore Engineering for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B
- #13 – Resolution to Approve Change Order #2 for the Final Bituminous Overlay Project. Eng. No. 10-A2-1
- #14 – Resolution to Approve an Amendment to the Engineering Services Agreement with Ulteig Engineers for the TH 75 (8th St)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1
- #15 – Resolution to Approve Joint Powers Agreement and Resolution of the Red River Valley Gang and Drug Task Force
- #16 – Resolution to Approve Budget Adjustment from the Federal Drug Seizure Account to Offset the Cost of Red River Valley Gang and Drug Task Force Officers

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

Approve Consent Agenda as amended

Motion Passed by unanimous vote

6. Approve Licenses - Permits

A. [*Licenses – Permits](#)
Resolution 2010-1025-A

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

Minutes: Council Member Hintermeyer provided a brief report on the Economic Development Authority. The group approved the final budget which includes funding for the West Central Initiative.

A. Appointment to Planning Commission/Board of Adjustment

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt

Approve Appointment to Planning Commission/Board of Adjustment

Motion Passed: **Resolution 2010-1025-1**

For: 8

B. [Discuss 2011 Community Partnership Funding](#)

Minutes: Redlinger stated that time has been reserved for the Mayor and Council to consider what agencies to support as part of the Proposed 2011 Operating and Capital Budget. Following the discussion City staff requested Council direction on their stated preference to remove or modify the Community Partnership organizations funded in 2010.

It was noted that by City of Moorhead Charter, six Council Member votes are required to pass any budget item or contract.

B1. Cultural Diversity Resources

Minutes: It was noted that Cultural Diversity Resources is the only organization of its kind in the region and originated in the City of Moorhead.

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt

Approve Allocation of Funding to Cultural Diversity Resources

Motion Failed

For: 4 – Wray Williams, Altenburg, Hunt, Lemke; Against: 4 – Stueland, Otto, Elmer, Hintermeyer

B2. Firstlink Volunteer Management Program

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

Approve Allocation of Funding to Firstlink Volunteer Management Program

Motion Passed: **Resolution 2010-1025-2**

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

B3. FM Humane Society

Motion to Approve made by Greg Lemke and seconded by Mark Altenburg

Approve Allocation of Funding to FM Humane Society

Motion Passed: **Resolution 2010-1025-3**

For: 6 – Otto, Wray Williams, Altenburg, Hunt, Elmer, Lemker; Against: 2 – Stueland, Hintermeyer

B4. The Arts Partnership

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

Amend Allocation of Funding to The Arts Partnership to \$20,529

Amendment Passed

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt

Approve Allocation of Funding to The Arts Partnership as amended

Motion Passed: **Resolution 2010-1025-4**

For: 7 – Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke; Against: 1 – Stueland

B5. Moorhead Community Access Television (MCAT)

Minutes: It was noted that MCAT recently changed its name to Moorhead Community Access Media. Other City of Moorhead Committees, Commissions, and Boards are encouraged to broadcast their meetings.

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

Approve Allocation of Funding to Moorhead Community Access Media

Motion Passed: **Resolution 2010-1025-5**

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

B6. Metro Youth Partnership

Minutes: The Mayor and Council members noted the following:

- The Metro Youth Partnership Program started as the Moorhead Healthy Community Initiative and served only Moorhead prior to its recent expansion into the larger Fargo-Moorhead metro area.
- The Metro Youth Program is now being sponsored by RSVP+ North Dakota and is in a period of transition.
- It is preferred that citizens voluntarily donate to organizations that provide services like that of Metro Youth Partnership instead of designating public funds.
- Concern was noted regarding City allocation of funding for nonprofit general operating support.
- Instead of allocation to Metro Youth Partnership, it may be preferred that the Moorhead Parks and Recreation Division develop and administer a scholarship program.
- City administration of a scholarship program appears unnecessary if Metro Youth Partnership already has the capacity to continue this service.

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

- The development and administration of a scholarship program would require allocation of resources in the 2011 Capital and Operating Budget.
- The City Council has the authority to designate funds to an unallocated "Council Discretionary Fund" which can be used for any purpose as identified by the Mayor and City Council.

Motion to Table made by Wray Williams and seconded by Mark Altenburg

Table Allocation of Funding to Metro Youth Partnership to November 22, 2010 City Council Meeting

Motion Passed

For: 5 – Wray Williams, Altenburg, Hunt, Lemke, Voxland; Against: 4 – Stueland, Otto, Elmer, Hintermeyer

B7. MSUM July 4th Celebration

Minutes: The Mayor and Council members noted the following:

- The July 4th celebration is a one day event. Other services are provided year round to provide assistance to community.
- In addition to the funding allocation, City staff time is provided for this event.
- This celebration is an important event for the community and the nation.
- Concern was noted that taxpayer dollars are being contributed for the purposes of a celebration.

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg
Approve Allocation of Funding to MSUM July 4th Celebration

Motion Failed

For: 5 – Otto, Wray Williams, Altenburg, Elmer, Hintermeyer; Against: 3 – Stueland, Hunt, Lemke

Motion to Reconsider made by Nancy Otto and seconded by Diane Wray Williams
Reconsider Allocation of Funding to MSUM July 4th Celebration

Motion to Reconsider Passed

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

Motion to Amend made by Diane Wray Williams and seconded by Nancy Otto
Amend Allocation of Funding to MSUM July 4th Celebration in the amount of \$7,400

Amendment Passed

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams
Approve Allocation of Funding to MSUM July 4th Celebration as amended

Motion Failed

For: 5 – Otto, Wray Williams, Altenburg, Elmer, Hintermeyer; Against: 3 – Stueland, Hunt, Lemke

B8. PAAWS Project

Minutes: The Mayor and Council members noted the following:

- The PAAWS Project has been successful in Moorhead and other communities.
- If this service is unfunded additional responsibilities will fall to City staff.
- Concern was noted that cats are sterilized and then re-released in the City.
- It was noted that without this service the issue of stray cats would get much worse.
- Released cats assist in rodent control in trailer court areas.
- This service will prevent City costs for euthanizing stray cats.

Motion to Amend made by Greg Lemke and seconded by Mark Altenburg
Amend Allocation of Funding to PAAWS to \$750

Amendment Passed

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

Motion to Amend made by Mark Altenburg and seconded by Nancy Otto
Amend Allocation of Funding to PAAWS to direct program services for feral cats to continue to capture and sterilize, but not release cats in the City of Moorhead

Amendment Passed

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

Motion to Approve made by Mark Altenburg and seconded by Wray Williams

Approve Allocation of Funding to PAAWS as amended

Motion Failed

For: 5 – Otto, Wray Williams, Altenburg, Hunt, Lemke; Against: 3 – Stueland, Elmer, Hintermeyer

B9. River Keepers

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

Approve Allocation of Funding to River Keepers

Motion Passed: **Resolution 2010-1025-6**

For: 7 – Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke; Against: 1 – Stueland

B10. Rourke Art Gallery Museum

Minutes: The Mayor and Council members noted the following:

- The Rourke Art Gallery Museum is the only art museum downtown.
- Concern was noted that funding appears to be directed to general operating expenses.

Motion to Amend made by Wray Williams and seconded by Dan Hunt

Amend Allocation of Funding to Rourke Art Gallery Museum to \$8,220

Amendment Passed

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt

Approve Allocation of Funding to Rourke Art Gallery Museum as amended

Motion Failed

For: 3 – Wray Williams, Hunt, Lemke; Against: 5 – Stueland, Otto, Altenburg, Elmer, Hintermeyer

B11. Scandinavian Hjemkomst Festival

Minutes: It was noted that other ethnic groups are not provided with City funding to conduct celebratory festivals.

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

Approve Allocation of Funding to Scandinavian Hjemkomst Festival

Motion Failed

For: 4 – Altenburg, Hunt, Elmer, Hintermeyer; Against: 4 – Stueland, Otto, Wray Williams, Lemke

B12. Valley Water Rescue

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt

Approve Allocation of Funding to Valley Water Rescue

Motion Passed: **Resolution 2010-1025-7**

For: 8 – Stueland, Otto, Wray Williams, Altenburg, Hunt, Elmer, Hintermeyer, Lemke

B13. West Central Initiative

Minutes: It was noted that funding for West Central Initiative has been allocated in the

Economic Development Authority budget. Separate consideration is not required by the City Council.

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Transfer all Undesignated 2011 Community Partnership funds to a Council Discretionary Account

Motion Failed

For: 3 – Wray Williams, Altenburg, Hunt; Against: 5 - Stueland, Otto, Elmer, Hintermeyer, Lemke

8. Permanent Flood Protection Discussion/Update

Minutes: No report provided.

9. [Public Hearing: Community Development Block Grant \(CDBG\) 2011 Consolidated Plan for Housing and Community Development](#)

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

Lisa Vatnsdal, Neighborhood Services Manager, provided a brief presentation on the 2011 Consolidated Plan for Housing and Community Development.

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

- Kurdish Youth of America submitted a funding request for a targeted homebuyer training program. The CDBG budget does not accommodate this additional activity as the City already funds The Village Family Service Center to provide homebuyer education to first time home buyers. Kurdish residents are eligible for this program.
- The Human Rights Commission (HRC) is funded through the administrative and capacity building area of CDBG which is capped at 20% of the grant. Funding cannot be re-granted.
- Administration of the CDBG program is time consuming. City staff specifically document time contributed to the program. Remaining administration dollars are designated to other program activities if they are not utilized. Most cities that receive CDBG funds meet the 20% administration cap.
- Current staffing patterns do not allow for further assistance to HRC due to staff vacancies and funding limitations.
- The salary for the single family rehabilitation loan program inspector is paid through CDBG funds when working on block grant activities.
- Over the course of the CDBG program, investments have been made in over 300 homes.
- The City does not provide legal services regarding landlord/tenant issues, but does provide resources and referrals.
- The City maintains a rental registration and inspection program.
- CDBG educational programs are a prerequisite for eligible assistance through local public housing agencies and classes are offered in

several languages.

- Public comment on the consolidated plan will be received through November 4, 2010.

The Mayor and Council members noted the following:

- Concern was noted that the HRC is not provided with a designated City staff member to assist in coordinating meetings.
- Broadcasting City committee/board/commission meetings would provide for more transparency.
- It was suggested that an effort be made to reach out to college students regarding CDBG programs.

Public Hearing closed at 7:42 p.m.

Engineering - Wastewater Treatment

10. [*Resolution to Approve Engineering Services Agreement with Moore Engineering for Miscellaneous Levees - Phase 2 \(Brookdale Area\). Eng. No. 09-A13-2I](#)
Resolution 2010-1025-B
11. [Resolution to Approve an Amendment to the Engineering Services Agreement with Moore Engineering for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B](#)

Motion to Approve made by Brenda Elmer and seconded by Dan Hunt

Resolution to Approve an Amendment to the Engineering Services Agreement with Moore Engineering for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B

Motion Passed: **Resolution 2010-1025-8**

For: 7; Against: 1 - Luther Stueland

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

- Completion of the project is highly weather dependent. The construction portion over the Magellan gas line is expected to be completed in spring 2011 following negotiations with the company.
 - The Engineering Department received two separate requests to redesign projects in order to preserve trees. Time invested in this effort created a cost increase. The amended cost for the project is within reason for any typical engineering project.
 - It would not be timely to seek council approval for every minor change in the services agreement due to the timeliness of the projects.
 - Additional costs in the proposed amendment include other public meetings for which the consultants prepared.
12. [*Resolution to Approve an Amendment to the Engineering Services Agreement with Advanced Engineering for the 2009 Flood Control Lift Station Project. Eng. No. 09-A5-1](#)

[B & C](#)

Resolution 2010-1025-C

13. [Resolution to Approve Change Order #2 for the Final Bituminous Overlay Project. Eng. No. 10-A2-1](#)

Motion to Approve made by Luther Stueland and seconded by Nancy Otto
Resolution to Approve Change Order #2 for the Final Bituminous Overlay Project. Eng. No. 10-A2-1

Motion Passed: **Resolution 2010-1025-9**

For: 8

Minutes: The Mayor and Council members noted the following:

- Concern was noted in that the bike path does not appear to require repairs at this time.

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

- It is more cost effective to make additional repairs to the bike path at this time and would cost significantly more if conducted as a separate project in the future.

14. [Resolution to Approve an Amendment to the Engineering Services Agreement with Ulteig Engineers for the TH 75 \(8th St\)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Resolution to Approve an Amendment to the Engineering Services Agreement with Ulteig Engineers for the TH 75 (8th St)/40th Ave S Pedestrian Underpass Project. Eng. No. 09-2-1

Motion Passed: **Resolution 2010-1025-10**

For: 8

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

- There were about eight weeks of additional construction activity related to the project. Wet conditions affected the construction schedule. Other delays were contractor driven.
- Upon the contractor's final pay request liquidated damages for unjustified delays will be addressed.
- Contract provisions for liquidated damages allow the City to receive financial compensation for delays in construction work. Any reasonable compensation is negotiated at the end of the contract.
- Drainage problems during construction were due to construction contractor delays. Since that time a storm drain and storm pump station have been installed to prevent standing water in the underpass.

Police Department

15. [Resolution to Approve Joint Powers Agreement and Resolution of the Red River Valley Gang and Drug Task Force](#)

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

- The Minnesota State Legislature enacts laws related to marijuana use. The police department enforces those laws.
- The police department has strong enforcement efforts on narcotics. There are continued problems with narcotics abuse in the area, particularly with prescription medication.
- Seizure funds come from the work of a local task force which handles larger Federal cases.
- City staff is researching necessary insurance requirements under this joint powers agreement and recommends approval of the resolution contingent on appropriate insurance coverage.

The Mayor and Council members noted the following:

- Concern was noted that current drug enforcement laws may be influencing increased costs and violence. Further discussion regarding the best allocation of drug enforcement resources may be beneficial.
- Municipal ordinances are allowed to be more restrictive than State law but never more lenient.
- Concern was noted regarding rising prescription drug abuse.

Motion to Amend made by Mark Hintermeyer and seconded by Mark Altenburg
Amend resolution contingent on appropriate insurance requirements
Amendment Passed by unanimous vote

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto
Resolution to Approve Joint Powers Agreement and Resolution of the Red River Valley Gang and Drug Task Force as amended
Motion Passed: **Resolution 2010-1025-11**
For: 8

16. [Resolution to Approve Budget Adjustment from the Federal Drug Seizure Account to Offset the Cost of Red River Valley Gang and Drug Task Force Officers](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto
Resolution to Approve Budget Adjustment from the Federal Drug Seizure Account to Offset the Cost of Red River Valley Gang and Drug Task Force Officers
Motion Passed: **Resolution 2010-1025-12**
For: 8

Moorhead Public Service

17. [*Award Bid for Tree Trimming](#)
Resolution 2010-1025-D

City Manager Reports

18. [Reports - Updates](#)

Minutes: Michael Redlinger, City Manager, stated that he will be conducting a presentation at the "Springsted Upper Midwest Regional Symposium" with the County Administrator from Johnson County, Kansas on regionalization.

Formal notice will be provided to community partners regarding the City Council's determination of 2011 funding requests.

19. Executive Session - Labor Negotiations

Motion made by Dan Hunt and seconded by Diane Wray Williams
Enter into Executive Session to discuss labor negotiation for the International Association of Firefighters, Local 1323 collective bargaining agreement
Motion Passed by unanimous vote

This meeting was adjourned until completion of the Committee of the Whole Meeting and Executive Session.
Meeting adjourned at 8:23 p.m.

Meeting called to order by Mayor Voxland at 9:26 p.m.

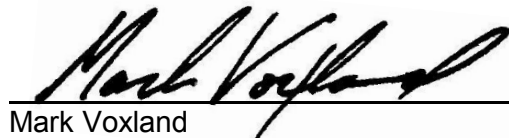
Minutes: City Manager, Michael Redlinger, outlined the three year contract agreement.

Motion made to Approve made by Nancy Otto and seconded by Brenda Elmer
Approve a Collective Bargaining Agreement with the International Association of Firefighters, Local 1323, for the period of January 1, 2009 to December 31, 2011, a copy of which is available in the Human Resources Division, 3rd Floor, City Hall
Motion Passed: **Resolution 2010-1025-13**
For: 8

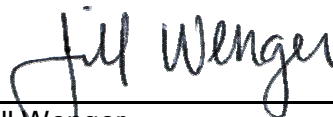
Meeting adjourned at 9:31 p.m.

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