

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
November 22, 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 November 22, 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](#)

Minutes: Mayor Voxland called the meeting to order.

2. [Approve Minutes](#)

A. [November 8, 2010 \(City Council Meeting\)](#)

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

**Approve Minutes**

Motion Passed by unanimous vote

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

Minutes: Minnesota State University Moorhead (MSUM) students, Megan Anderson, Aaron Thuen, and Hannah Vesledahl spoke to the Mayor and City Council regarding a community garden project. The group requested that the City Council consider a donation of City-owned property for the purposes of such a project.

A. [Joe Pederson, Group Work Camp Funding Proposal](#)

Minutes: Joe Pederson, Lakes & Prairies Community Action Partnership, made a \$5,000 donation request to the Mayor and City Council for a Group Work Camp funding proposal. Low income, elderly, or disabled persons are eligible for the program.

4. [Agenda Amendments](#)

Minutes: No agenda amendments were noted.

5. [Consent Agenda](#)

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

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

**Approve Consent Agenda**

Motion Passed by unanimous vote

Minutes: The following items were removed from the Consent Agenda:

- #10 – Resolution to Approve Repayment Schedule between the City of Moorhead and the F-M Rotary Foundation Regarding the Miracle Field at the Southside Regional Park
- #12 – Resolution to Approve Amendment to Agency Agreement No. 96651 with the State of Minnesota for Federal Participation in Preliminary Engineering for the SE Main Ave/20th St/21st St Grade Separation Project. Eng. No. 02-2-2
- #13 – Resolution to Approve Engineering Services Agreement with Houston Engineering for 50th Ave S Street, Drainage and Flood Mitigation Improvements. Eng. Nos. 07-A2-12B & 09-A13-2I Ph. 3
- #14 - Resolution to Approve Change Order #5 for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B
- #16 - Resolution to Approve Agreement with MinnKota Recycling for Recycling Services

6. [\\*Approve Licenses - Permits](#)

A. [\\*Business Licenses](#)

**Resolution 2010-1122-A**

7. [Mayor and Council Appointments](#)

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

**Approve Mayor and Council Appointments**

**Motion Passed:** Resolution #'s noted below

For: 8

A. [Appointment to Planning Commission](#)

**Resolution 2010-1122-1**

B. Appointments to Park Advisory Board – Ward 3

**Resolution 2010-1122-2**

C. Appointments to Park Advisory Board – At-Large

**Resolution 2010-1122-3**

Minutes: Council Member Wray Williams stated that the Metro Area Transit Capital Cost Sharing Analysis Report is available.

It was noted that Council Members Hintermeyer, Otto, and Wray Williams recently met with Moorhead Public Service (MPS) Commissioners regarding messaging to Moorhead residents on how funds are transferred between MPS and the City of Moorhead. It is hoped that a joint meeting of the City Council and MPS Commission be convened to discuss long range planning. Town Hall meetings may be jointly coordinated with the goal of reducing energy consumption by 2020.

At recent meetings with Council Members Otto, Hintermeyer, and Wray Williams, MSUM Student Senate members discussed parallel parking options near campus, a possible polling location on campus, and liquor service at the Comstock Memorial Union. Brian Neugebauer, City Attorney, clarified that the Office of the Minnesota Attorney General has provided a legal opinion to the City of Moorhead that indicates liquor service is not allowed on campus other than for "university-sponsored" events. Events such as wedding receptions are not permissible under the Attorney General's opinion.

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

Minutes: Council Member Otto reported that the Fargo-Moorhead Metro Flood Study Work Group has recently discussed the necessity for retention options. Technical work continues in quantifying downstream impacts. Several communities are concerned regarding the potential realignment of the diversion in North Dakota.

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

- Moorhead residents should not be concerned with changes to the protection provided due to the proposed realignment.
- Upstream impact areas can be clearly defined and more easily addressed following technical survey work.

### Community Services Department

9. [\\*Resolution to Approve Actions Related to Property Located at 28th Street and 15th Avenue North](#)
- A. [\\*Resolution to Approve Second Reading of Ordinance No. 2010-11 to Rezone 10.5 Acres located at 28th Street and 15th Avenue from TZ-Transitional to LI-Light Industrial](#)  
**Resolution 2010-1122-B**
- B. [\\*Resolution to Approve Title and Summary](#)  
**Resolution 2010-1122-C**
10. [Resolution to Approve Repayment Schedule between the City of Moorhead and the F-M Rotary Foundation Regarding the Miracle Field at the Southside Regional Park](#)

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Resolution to Approve Repayment Schedule between the City of Moorhead and the F-M Rotary Foundation Regarding the Miracle Field at the Southside Regional Park**

Motion Passed: **Resolution 2010-1122-4**

For: 7; Abstain: 1 – Mark Hintermeyer

Minutes: The F-M Rotary was publicly thanked for their involvement in construction of Miracle Field.

11. [\\*Resolution Authorizing a Contract with Mn/DOT for 2011 New Freedom Section 5317 Transportation Services for Traffic Signal Improvements for Accessibility](#)  
**Resolution 2010-1122-D**

### **Engineering – Wastewater Treatment**

12. [Resolution to Approve Amendment to Agency Agreement No. 96651 with the State of Minnesota for Federal Participation in Preliminary Engineering for the SE Main Ave/20<sup>th</sup> St/21<sup>st</sup> St Grade Separation Project. Eng. No. 02-2-2](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted regarding the empty Holiday Station building near the proposed project area. An inquiry was made as to whether the City could lease the building while the project is on hold.
- It is preferred that construction proceeds as quickly as possible and a potential lease of the Holiday Station building not impeded construction.

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

- Required approvals from the Minnesota Department of Transportation (Mn/DOT) and BNSF Railway have caused delays.
- As soon as possible the City plans to demolish all acquired sites to prepare for the project.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve Amendment to Agency Agreement No. 96651 with the State of Minnesota for Federal Participation in Preliminary Engineering for the SE Main Ave/20<sup>th</sup> St/21<sup>st</sup> St Grade Separation Project. Eng. No. 02-2-2**

Motion Passed: **Resolution 2010-1122-5**

For: 8

13. [Resolution to Approve Engineering Services Agreement with Houston Engineering for 50th Ave S Street, Drainage and Flood Mitigation Improvements. Eng. Nos. 07-A2-12B & 09-A13-2I Ph. 3](#)

Motion to Approve made by Luther Stueland and seconded by Brenda Elmer  
**Resolution to Approve Engineering Services Agreement with Houston Engineering for 50th Ave S Street, Drainage and Flood Mitigation Improvements. Eng. Nos. 07-A2-12B & 09-A13-2I Ph. 3**

Motion Passed: **Resolution 2010-1122-6**

For: 8

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

- A roundabout intersection is planned for this project. This design is supported by the Mn/DOT, will provide necessary traffic control, and cause fewer delays than a traditional traffic signal.
- The levy project includes construction of additional travel lanes, moving and improving the ditch area, levy construction, and development of a grass median. A number of entities are involved in the project. Several public meetings will be held to discuss the project with property owners and developers.

14. [Resolution to Approve Change Order #5 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 Nancy Otto  
**Resolution to Approve Change Order #5 for the River Haven Road Flood Mitigation Project, Phase 2. Eng. No. 09-A13-2B**

Motion Passed: **Resolution 2010-1122-7**

For: 8

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

- The City continues to negotiate levy construction over the gas line. The anticipated completion date is May or June 2011.

15. [\\*Resolution to Approve Change Order #4 for the Sanitary & Flood Control Lift Station Modifications Flood Mitigation Project. Eng. No. 09-A6-2A, 09-A5-1E & 09-A5-2E](#)  
**Resolution 2010-1122-E**

### Operations Department

16. [Resolution to Approve Agreement with MinnKota Recycling for Recycling Services](#)

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve Agreement with MinnKota Recycling for Recycling Services**

Motion Passed: **Resolution 2010-1122-8**

For: 7; Against: 1 - Luther Stueland

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

- Recycling requirements outlined in Minnesota State Statute have been in place for some time and recycling mandates will likely increase in the future.
- Curbside pick-up is no longer a requirement; however, the City recommends continuation. Curbside collection is the prevailing method for collecting residential recyclables in Fargo-Moorhead.
- MinnKota has been an effective partner at a fair cost.

- The City has limited choices for full-service recycling service providers.
- Waste Management was asked to provide a proposal for apartment recycling collections; however, one was not supplied.
- MinnKota does not currently handle comingled paper at curbside pickup.
- Additional service needs above and beyond MinnKota's contract could be added at a later time.
- City staff would like to further discuss the City's role in providing recycling services to large, multi-family structures in 2011.

Mary Aldrich, MinnKota representative, clarified the following in response to Mayor and Council questions:

- MinnKota can provide recycling services at apartment complexes for a fee to the owner. Most apartment owners have opted out of the service due to cost and space requirements.
- MinnKota would be able to conduct a community survey to identify ways to increase recycling participation and provide educational materials at no additional cost beyond the proposed contract.

The Mayor and Council Members stated the following:

- Concern was noted that the City has not collected competitive recycling bid proposals for some time.
- It is preferred that curbside pick-up services also collect magazines.
- It is recommended that recycling drop sites be better advertised.
- Increased recycling participation by apartment building owners would be ideal.
- There is interest in having MinnKota conduct a resident survey and provide educational materials to increase recycling participation.

### **City Manager Reports**

17. [Resolution to Approve Five-Year Extension to Bridge Company Operating Agreement \(15th Ave. N. Toll Bridge\)](#)

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

- Moorhead City staff discussed the proposed agreement extension with the City of Fargo. Staff from both cities jointly recommends the five year extension as presented.
- The agreement includes parameters to ensure the bridge is adequately maintained and taxes remain current before any further extensions are granted.
- If the agreement is extended to 2018 the bridge would be delivered debt free to both cities.

- The cities could agree to take ownership of the bridge prior to 2018 if willing to take on current debts.
- The City intends to create a maintenance and operations plan prior to acquisition of the bridge.
- The City of Moorhead does not have current authority to enforce bridge repairs. With the proposed extension, The Bridge Company would have more incentive to conduct repairs.
- The City estimates that The Bridge Company has a current, authorized debt load of approximately \$308,000. It is unknown how much of this debt will be paid down through the proposed agreement extension.
- The City has not requested routine financial reporting as The Bridge Company is a private business and current debts are owed to a private financial institution.
- There are no current liens on the bridge and the bank could not stand in a legal way to prevent City ownership in 2018.

Kip Moore, representative of The Bridge Company, clarified the following in response to Mayor and Council questions:

- The Bridge Company owes approximately \$30,000-\$40,000 in back taxes to Clay County and Cass County.(ND).
- Electrical repairs on the bridge are planned.
- The Bridge Company is contemplating a toll rate increase if an extension is not granted.

The Mayor and Council Members stated the following:

- Concern was noted that the State of Minnesota has not enforced recommended bridge repairs.
- It was noted that the City of Fargo was opposed to the original bridge construction and residents will not likely welcome increased traffic in North Fargo after the bridge is acquired by both cities.
- The bridge is a valuable asset to north Moorhead.
- There is some concern about taking possession of the bridge prior to 2018 as the City would be responsible for outstanding debts.
- Concern was noted regarding allowable agreement extensions.

City Manager, Michael Redlinger, stated that City staff will further research the parameters of the original agreement and allowable extensions. It is recommended that the item be tabled until the December 6, 2010 meeting.

Motion to Table made by Mark Hintermeyer and seconded by Nancy Otto  
**Table Resolution to Approve Five-Year Extension to Bridge Company Operating Agreement (15th Ave. N. Toll Bridge) to December 6, 2010**  
**Motion Passed** by unanimous vote

18. [Resolution to Approve Second Reading of Ordinance No. 2010-12: An Ordinance Adopting the 2011 Fee Schedule and Title and Summary](#)

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt  
**Resolution to Approve Second Reading of Ordinance No. 2010-12: An Ordinance Adopting the 2011 Fee Schedule and Title and Summary**  
Motion Passed: **Resolution 2010-1122-9 & 2010-1122-10**  
For: 7; Against: 1 - Luther Stueland

Minutes: Concern was noted in that some fees are largely subsidized by taxpayers and the City should move toward fee rates that are comparable to services received.

19. [Discuss 2011 Metro Youth Partnership Funding](#)

Minutes: It was noted that the Park Advisory Board has requested additional time to discuss a possible youth scholarship program. City staff advised that the item be tabled until December 6, 2010.

Motion to Table made by Mark Hintermeyer and seconded by Mark Altenburg  
**Table 2011 Metro youth Partnership Funding to December 6, 2010**  
**Motion Passed** by unanimous vote

20. [Reports - Updates](#)

Minutes: Michael Redlinger, City Manager provided the following reports:

- The Moorhead City Council retreat will be scheduled for January 21-22, 2011. Format and topics for the retreat will be discussed at the December 6, 2010 Adjourned City Council meeting.
- City Council Members are requested to notify the City Manager if they intend to remove items from the consent agenda so that appropriate staff can be scheduled to attend the Council meeting.

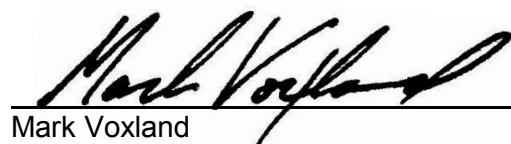
21. Executive Session - Pending Litigation

Motion made by Dan Hunt and seconded by Mark Altenburg  
**Enter into Executive Session to discuss pending litigation with Crystal Sugar**  
Motion Passed by unanimous vote

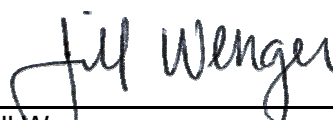
This meeting was adjourned to December 6, 2010.  
Meeting adjourned at 7:45 p.m.

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*