

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
May 24, 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 May 24, 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. [March 12, 2010](#)

B. [March 16, 2010](#)

C. [March 22, 2010](#)

D. [May 10, 2010](#)

Minutes: The following corrections were noted:

- May 10, 2010 City Council meeting minutes should read, "Motion to Table made by Mark Hintermeyer and seconded by Greg Lemke. Table Resolution to Approve House Moving Permit (3843 15<sup>th</sup> St. S)."
- March 22, 2010 City Council meeting minutes should record Greg Lemke as "Present."

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto  
**Approve Minutes of March 12, March 16, March 22, and May 10 as amended  
Motion Passed by unanimous vote**

3. [Citizens Addressing the Council](#)

Minutes: Ken Lucier, Moorhead resident, requested further clarification regarding special assessment charges for non-profit organizations. City staff stated that the Minnesota Constitution and interpretation of cases by the State Supreme Court govern special assessment policies and procedures. Staff noted that information from the League of Minnesota Cities was provided to Mr. Lucier to clarify his question regarding special assessments.

4. [Agenda Amendments](#)

Minutes: The following agenda items were added:

- 8A – Resolution to Approve Budget Adjustment - USACE Fargo-Moorhead Metropolitan Feasibility Study.
- 8B – Resolution Authorizing Activities to Perform Investigations related to the Fargo-Moorhead Metropolitan Flood Risk Management Project.

The following agenda item was removed:

- 20 – Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the 34th St/I-94 Interchange Project, Phase 2 (Intersection & Traffic Signal Improvements) Eng. No. 04-2-1B.

There was a request to remove agenda item 17 – Resolution to Approve House Moving Permit (3843 15th St. S.) - Unanimous Planning Commission Recommendation.

Motion to Approve made by Diane Wray Williams and seconded by Brenda Elmer

**Approve Agenda Amendments**

**Motion Passed**

For: 7; Against: 1 - Mark Hintermeyer

5. [Consent Agenda](#)

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

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

- 16 – Resolution to Approve Second Reading of Ordinance 2010-4 to Rezone 0.26 Acres located at 316 7th Street South (parcel 58.575.2300) from RMD-2 - Residential Medium Density-2, to MU-2 - Corridor Mixed Use (Unanimous Planning Commission Recommendation) and Title and Summary.
- 23 – Award Bids for Installation of Feeder 39, Extension of Feeder 15, and Underground Conversion on 1st Avenue North Projects.

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

**Approve Consent Agenda**  
**Motion Passed by unanimous vote**

6. [\\*Approve Licenses - Permits](#)
  - A. [\\*Fire Prevention Licenses](#)  
**Resolution 2010-0524-A**
  - B. [\\*New Licenses](#)  
**Resolution 2010-0524-B**
  - C. [\\*Permits](#)  
**Resolution 2010-0524-C**

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

Minutes: It was reported that the Moorhead Library Program “Hot Reads for Cold Nights” succeeded in encouraging reading throughout the winter months.

- A. [Appointment to Economic Development Authority](#)

Motion to Approve made by Nancy Otto and seconded by Mark Hintermeyer  
**Resolution to Approve Appointment to Economic Development Authority**  
Motion Passed by unanimous vote: **Resolution 2010-0524-1**

- B. [Appointment to Public Housing Board](#)

Motion to Approve made by Nancy Otto and seconded by Mark Hintermeyer  
**Resolution to Approve Appointment to Public Housing Board**  
Motion Passed by unanimous vote: **Resolution 2010-0524-2**

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

Minutes: It was reported that some Moorhead residents expected to participate earlier in the next level of voluntary property acquisitions. The City has taken care to communicate with residents that acquisitions will not be formalized until funds are available and a purchase agreement has been presented to the homeowner. Prioritization has been made to purchase properties which correspond to infrastructure improvements. The City continues to work toward the full completion of property acquisitions and infrastructure projects as funding becomes available.

- A. [Resolution to Approve Budget Adjustment - USACE Fargo-Moorhead Metropolitan Feasibility Study](#)

Minutes: This resolution will allow funds to be directed to the Fargo-Moorhead Metropolitan Feasibility Study being conducted by the US Army Corps of Engineers (USACE). The Clay County Commission, City of Fargo, and Cass County Commission are also expected to contribute toward the study.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams  
**Resolution to Approve Budget Adjustment - USACE Fargo-Moorhead Metropolitan Feasibility Study**

Motion Passed by unanimous vote: **Resolution 2010-0524-3**

B. [Resolution Authorizing Activities to Perform Investigations related to the Fargo-Moorhead Metropolitan Flood Risk Management Project](#)

Minutes: USACE is currently studying the feasibility of building a diversion on either the Minnesota or North Dakota side of the Red River. USACE is attempting to seek access to private properties for the purpose of this study in order to determine if the project is feasible. The State of Minnesota authorizes access for studies of this nature.

Some property owners have not voluntarily allowed access. If these property owners continue to deny access this resolution would allow the City of Moorhead to seek a Court Order to give USACE access. City staff will continue to request voluntary permission until such time that a Court Order is necessary.

Motion to Approve made by Nancy Otto and seconded by Diane Wray Williams  
**Resolution Authorizing Activities to Perform Investigations related to the Fargo-Moorhead Metropolitan Flood Risk Management Project**  
Motion Passed by unanimous vote: **Resolution 2010-0524-4**

9. [Resolution to Approve First Reading of Ordinance 2010-5 to Establish a Domestic Partnership Registry](#)

Minutes: The following individuals addressed the Mayor and Council regarding their support for the Domestic Partnership Registry:

- Mark Pettis, Moorhead resident and Pastor of the First Congregational United Church of Christ
- Joshua Boschee, representing Pride Collective & Community Center
- Lenny Tweeden, Moorhead resident
- Mark Sinner, Moorhead resident
- Tina Penn, Moorhead resident

The following individuals addressed the Mayor and Council regarding their opposition to the Domestic Partnership Registry:

- Sel Nygard, Moorhead resident
- Janine Hanson, Moorhead resident
- Vince Prout, Moorhead resident
- Ken Lucier, Moorhead resident
- N. Johnson, Moorhead resident

The Mayor and Council Members stated the following:

- City Government should not be in a position of defining relationships or be involved in private citizen matters.
- A registry of this nature should be a State function, not a City function.
- The City may be asked to register non-Moorhead residents.
- A registry is optional for citizens and does not impose any additional

burden on local businesses.

- A registry is one way to honor all families and is a symbolic step for Moorhead to be seen as more inclusive.
- A registry would not sanction gay marriage; it would affirm relationships outside of traditional marriage.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve First Reading of Ordinance 2010-5 to Establish a Domestic Partnership Registry**

**Motion Failed**

For: 3 – Diane Wray Williams, Mark Altenburg, Greg Lemke; Against: 5 – Luther Stueland, Nancy Otto, Dan Hunt, Brenda Elmer, Mark Hintermeyer

### Public Hearings

10. [Public Hearing to Consider Major Changes to Moorhead Metro Area Transit Routes 4, 5, and 6](#)

Minutes: Public Hearing opened at 6:41 pm.

Lori Van Beek, Mass Transit, stated that most of the changes outlined in this resolution will improve timeliness to ensure buses run on schedule and riders do not miss bus transfers. It is anticipated that these changes will address complaints and improve ridership. Mass Transit continues to identify potential areas for expansion.

The following individual addressed the Mayor and Council regarding her concern to changes in the Moorhead Metro Area Transit Routes:

- Cheryl Kuehl, Moorhead resident stated her concern of not being able to arrive to work on time had been addressed. She noted that riders departing from the Courthouse bus stop may be confused with two buses arriving so close to one another.

Van Beek added that buses clearly note the buses route number and major route stops on the signs displayed on the front of each bus.

Public Hearing closed at 7:02 pm.

- A. [Resolution to Consider Major Changes to Moorhead Metro Area Transit Routes 4, 5, and 6 and Minor Changes to Routes 1 and 3](#)

Motion to Approve made by Brenda Elmer and seconded by Diane Wray Williams  
**Resolution to Consider Major Changes to Moorhead Metro Area Transit Routes 4, 5, and 6 and Minor Changes to Routes 1 and 3**

Motion Passed by unanimous vote: **Resolution 2010-0524-5**

11. [Public Hearing for the 37th Ave S Mill & Overlay Project, Phase 2. Eng. No. 10-A2-2](#)

Minutes: Public Hearing opened at 7:04 pm.

Jody Bertrand, Senior Engineer, provided a brief overview of the project.

No citizens addressed the Mayor and Council.

Public Hearing closed at 7:08 pm.

A. [Resolution to Order Improvements](#)

Motion to Approve made by Luther Stueland and seconded by Nancy Otto  
**Resolution to Order Improvements for the 37th Ave S Mill & Overlay Project, Phase 2. Eng. No. 10-A2-2**

Motion Passed by unanimous vote: **Resolution 2010-0524-6**

B. [Resolution to Award Bid](#)

Motion to Approve made by Luther Stueland and seconded by Nancy Otto  
**Resolution to Award Bid for the 37th Ave S Mill & Overlay Project, Phase 2. Eng. No. 10-A2-2**

Motion Passed by unanimous vote: **Resolution 2010-0524-7**

12. [Public Hearing for the Street Mill & Overlay Project on 4th & 5th St from 2nd to 12th Ave S. Eng. No. 10-A2-5](#)

Minutes: Public Hearing opened at 7:09 pm.

Jody Bertrand, Senior Engineer, provided a brief overview of the project. Bertrand noted that the Engineering department has received resident comments in opposition to the area-wide assessment.

The following individual addressed the Mayor and Council regarding his opposition to the project:

- Alex Dessellier, Moorhead resident

Public Hearing closed at 7:19 pm.

A. [Resolution to Order Improvements](#)

Motion to Approve made by Diane Wray Williams and seconded by Brenda Elmer  
**Resolution to Order Improvements for the Street Mill & Overlay Project on 4th & 5th St from 2nd to 12th Ave S. Eng. No. 10-A2-5**

Motion Passed by unanimous vote: **Resolution 2010-0524-8**

B. [Resolution to Award Bid](#)

Motion to Approve made by Diane Wray Williams and seconded by Brenda Elmer  
**Resolution to Award Bid for the Street Mill & Overlay Project on 4th & 5th St from 2nd to 12th Ave S. Eng. No. 10-A2-5**

Motion Passed by unanimous vote: **Resolution 2010-0524-9**

13. [Public Hearing for Street Rehabilitation and Mill & Overlay on 4th Ave S from 21st to 34th St. Eng. No. 10-A2-7](#)

Minutes: Public Hearing opened at 7:20 pm.

Tom Trowbridge, Assistant City Engineer, gave a brief overview of the project. Trowbridge noted that the Engineering department has received resident comments in opposition to the area-wide assessment. This project provided contractors with four bid alternates to consider cost variations of the following:

- City retains the millings.
- Contractor retains the millings.
- Water main installed via open trench excavation.
- Water main installed via pipe bursting.

The alternate selected was the City retains the millings and water main installed via open trench excavation.

No citizens addressed the Mayor and Council.

Public Hearing closed at 7:31 pm.

A. [Resolution to Order Improvements](#)

Motion to Approve made by Luther Stueland and seconded by Mark Altenburg  
**Resolution to Order Improvements for Street Rehabilitation and Mill & Overlay on 4th Ave S from 21st to 34th St. Eng. No. 10-A2-7**

Motion Passed by unanimous vote: **Resolution 2010-0524-10**

B. [Resolution to Award Bid](#)

Motion to Approve made by Greg Lemke and seconded by Nancy Otto  
**Resolution to Award Bid for Street Rehabilitation and Mill & Overlay on 4th Ave S from 21st to 34th St. Eng. No. 10-A2-7**

Motion Passed by unanimous vote: **Resolution 2010-0524-11**

14. [Public Hearing for the 1st Ave N Improvements. Eng. No. 08-A2-2](#)

Minutes: Public Hearing opened at 7:32 pm.

Tom Trowbridge provided a brief overview of the project. Trowbridge noted that the Engineering department has received resident comments in opposition to the area-wide assessment.

The following individual addressed the Mayor and Council regarding his support for the project:

- Marty Pinkney, Moorhead resident
- Marlo Sloan, representing Matson Oil

The following individual addressed the Mayor and Council regarding his opposition to the project:

- Ken Lucier, Moorhead resident

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

- Pedestrian count down timers will likely be a Federal requirement by 2014.
- Stamped colored concrete is useful to delineate the area between the sidewalk and curb.
- New traffic signals will not affect quiet zone preemption but it is anticipated that traffic flow will become more efficient. Other quiet zone projects are being considered separately.
- This project has been downsized considerably since its first introduction to Council.
- Decorative fencing is located in places where it is difficult to differentiate between private property and public right-of-way.
- A corridor study involving significant public input and outreach efforts has assisted in the development of this project.
- The current area-wide assessment policy is consistent to allow for equitable treatment of all City residents.
- Many City departments have played a role in this project.

Public Hearing closed at 8:04 pm.

A. [Resolution to Order Improvements](#)

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto  
**Resolution to Order Improvements for 1st Ave N Improvements. Eng. No. 08-A2-2**  
Motion Passed by unanimous vote: **Resolution 2010-0524-12**

Minutes: The Mayor and Council Members noted the following:

- Decorative fencing, stamped concrete, traffic light signal countdown timers, and installation of sidewalk on the south side of 1<sup>st</sup> Avenue appear unnecessary.
- This Avenue is one of the most traveled streets in the City. Redevelopment of the 1<sup>st</sup> Avenue corridor will provide a positive entry into Moorhead's downtown area and create increased growth.

B. [Resolution to Award Bid](#)

Motion to Approve made by Diane Wray Williams and seconded by Nancy Otto  
**Resolution to Award Bid for 1st Ave N Improvements. Eng. No. 08-A2-2**  
Motion Passed by unanimous vote: **Resolution 2010-0524-13**

**Community Services Department**

15. [\\*Resolution to Approve Second Reading of Ordinance 2010-3 to Rezone 0.44 Acres located at 312 and 320 Highway 75 North \(parcels 58.307.0180 and 58.307.0190\) from](#)



[RC-Regional Commercial, to CC-Community Commercial \(Unanimous Planning Commission Recommendation\) and Title and Summary](#)  
**Resolution 2010-0524-D-1 and 2010-0524-D-2**

16. [Resolution to Approve Second Reading of Ordinance 2010-4 to Rezone 0.26 Acres located at 316 7th Street South \(parcel 58.575.2300\) from RMD-2 - Residential Medium Density-2, to MU-2 - Corridor Mixed Use \(Unanimous Planning Commission Recommendation\) and Title and Summary](#)

Minutes: Kristie Leshovsky, City Planner, stated that the applicant provided a draft elevation as request by the Mayor and Council at the May 10, 2010 Council meeting; however the applicant is not obligated to construct the plan as currently designed. Leshovsky added that the zoning designation is appropriate for the area.

Motion to Approve made by Luther Stueland and seconded by Nancy Otto  
**Resolution to Approve Second Reading of Ordinance 2010-4 to Rezone 0.26 Acres located at 316 7th Street South (parcel 58.575.2300) from RMD-2 - Residential Medium Density-2, to MU-2 - Corridor Mixed Use and Title and Summary**  
Motion Passed by unanimous vote: **Resolution 2010-0524-14-a and 2010-0524-14-b**

17. [Resolution to Approve House Moving Permit \(3843 15th St. S.\) - Unanimous Planning Commission Recommendation](#)

Minutes: The following individuals addressed the Mayor and Council regarding their opposition to the house moving permit:

- Brent Hulke, Moorhead resident
- Clay Dietrich, Moorhead resident

The following individuals addressed the Mayor and Council regarding their support of the house moving permit:

- Attorney Jim Bullis, representing Kevin Christianson (developer of Johnson Farms)
- Amber Ferrie, Moorhead resident and house moving permit applicant

The Mayor and Council Members noted the following:

- This issue has been divisive and the Council should consider ways to encourage the parties to determine a mutual agreement.
- The applicant appears to meet all threshold requirements for the moving permit.

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams  
**Resolution to Approve House Moving Permit (3843 15th St. S.)**  
Motion Passed: **Resolution 2010-0524-15**  
For: 6; Against: 2 - Mark Hintermeyer, Greg Lemke

18. [Code Enforcement Action at 2301 25th Street South](#)

Minutes: It was noted that this property has not been operational for several years and tire materials at this location pose a fire risk and cause numerous nuisance issues. It is anticipated that tax foreclosure will begin later this year

and the property would revert to public ownership. This resolution would allow the City to dispose of the tire materials and prepare for economic development. Cost of the cleanup would be assessed to the property owner in the case that foreclosure does not occur.

A. [Authorize Budget Adjustment to Finance Abatement Costs at 2301 25th Street South](#)

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer  
**Resolution to Authorize Budget Adjustment to Finance Abatement Costs at 2301 25th Street South**

Motion Passed by unanimous vote: **Resolution 2010-0524-16**

B. [Authorize Agreement with Clay County to Accept Tire Shred Material](#)

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer  
**Resolution to Authorize Agreement with Clay County to Accept Tire Shred Material**

Motion Passed by unanimous vote: **Resolution 2010-0524-17**

C. [Authorize Contracts for Nuisance Abatement at 2301 25th Street South](#)

Motion to Approve made by Mark Hintermeyer and seconded by Brenda Elmer  
**Resolution to Authorize Contracts for Nuisance Abatement at 2301 25th Street South**

Motion Passed by unanimous vote: **Resolution 2010-0524-18**

### **Engineering - Wastewater Treatment**

19. [\\*Resolution to Approve Relocation Claim for A-1 Automotive Services LLC \(Bekkerus\) for the SE Main Ave/20th St/21st St Railroad Grade Separation Project. Eng. No. 02-2-2](#)  
**Resolution 2010-0524-E**

20. REMOVED

### **Fire Department**

21. [\\*Resolution to Accept Grant Award for 2009 State Homeland Security Grant Program](#)  
**Resolution 2010-0524-F**

### **Operations Department**

22. [\\*Resolution to Award Bid for Golf Cars](#)  
**Resolution 2010-0524-G**

### **Moorhead Public Service**

23. [Award Bids for Installation of Feeder 39, Extension of Feeder 15, and Underground Conversion on 1st Avenue North Projects](#)

Minutes: It was noted that this project is an example of the City's effort to partner with others as it works to redevelop 1<sup>st</sup> Avenue North.

Motion to Approve made by Nancy Otto and seconded by Mark Hintermeyer  
**Award Bids for Installation of Feeder 39, Extension of Feeder 15, and  
Underground Conversion on 1st Avenue North Projects**  
Motion Passed by unanimous vote: **Resolution 2010-0524-19**

**City Manager Reports**

24. [\\*Resolution to Approve Second Reading of Ordinance 2010-1 to Amend and Reenact Section 1-5-1 of the Moorhead Municipal Code relating to City Council Meetings and Approve Title and Summary](#)  
**Resolution 2010-0524-H-1 and 2010-0524-H-2**
25. [\\*Resolution to Authorize Execution of LMCIT Liability Coverage Waiver Form \(Statutory Tort Liability Limits\)](#)  
**Resolution 2010-0524-I**
26. [Reports - Updates](#)


Minutes: Redlinger stated that he plans to schedule individual meetings with the Mayor and Council Members to discuss the 2011 budget development process.

This meeting was adjourned to June 7, 2010.

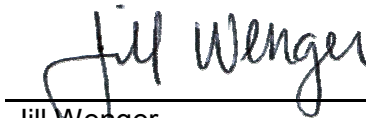
Meeting adjourned at 9:01 pm.

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*