

**City of Moorhead  
City Council Meeting  
Meeting Minutes  
November 08, 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 08, 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.

Mayor Voxland proclaimed November 8, 2010 as "Dane Tvedt Recognition Day."

2. [Approve Minutes](#)

A. [October 4, 2010 \(Committee of the Whole\)](#)

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

**Approve Minutes of October 4, 2010 (Committee of the Whole)**

Motion Passed by unanimous vote

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

Minutes: Kevin Zepper, Moorhead resident, addressed the Mayor and Council regarding his concerns with Minnesota State University Moorhead (MSUM) alcohol licensing and student voting accessibility, the Moorhead Area Public Schools referendum, and development in north Moorhead.

The Mayor and Council Members and City staff clarified the following:

- MSUM has the ability to serve alcohol on campus for school-sponsored fundraising events.

- In 2011 the City of Moorhead will redistrict ward boundaries based on the results of the U.S. Census. Polling locations will be determined as part of this process.
- The school referendum which passed in the November 2, 2010 General Election is governed by the Moorhead Area Public Schools and is not under the jurisdiction of the City of Moorhead.
- A number of development projects have occurred in north Moorhead and will continue in the future.

4. [Agenda Amendments](#)

Minutes: The following agenda item was added:

- #7A - Appointment to Library Board and Lake Agassiz Regional Library Board

5. [Consent Agenda](#)

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

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

- #13 – Resolutions Supporting a Funding Application for Replacement of the Memorial and Oak Grove Park Pedestrian Bridge
- #16 – Resolution to Approve First Reading of Ordinance No. 2010-12: An Ordinance Adopting the 2011 Fee Schedule
- #17 – Resolution to Clarify Trollwood Performing Arts School (TPAS) Naming Rights Policy
- #18 – Resolution to Approve Option to Extend Legal Services Agreement

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

**Approve Consent Agenda as amended**

Motion Passed by unanimous vote

6. [Approve Licenses - Permits](#)

A. [\\*Business Licenses](#)  
**Resolution 2010-1108-A**

B. [\\*Permits](#)  
**Resolution 2010-1108-B**

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

Minutes: Council Member Stueland publicly thanked American Crystal Sugar for their contribution to the MSUM 4<sup>th</sup> of July Celebration.

Council Member Wray Williams provided a report on recently updated equipment and technology at Metro Area Transit.

Council Member Otto provided an update on Oakport Joint Powers Board discussions related to annexation planning.

Council Member Altenburg publicly thanked the election judges that served the City of Moorhead in the 2010 General Election on November 2<sup>nd</sup>.

A. Appointment to Library Board and Lake Agassiz Regional Library Board

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve Appointment to Moorhead Library Board and Lake Agassiz Regional Library (LARL) Board**

Motion Passed: **Resolution 2010-1108-1**

For: 8

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

Minutes: Bob Zimmerman, City Engineer, provided a brief report and handout outlining the local cost share of the "Fargo-Moorhead Metropolitan Feasibility Study (Phases 1-4)" and "Upstream and/or Downstream Mitigation Investigations." Zimmerman stated that City staff will be bringing forward a budget adjustment to be considered by the City Council at the November 22, 2010 City Council meeting in order to allocate funding for these projects.

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

- There has been a stated commitment by the Metro Flood Study Work Group to attempt to mitigate upstream and downstream impacts.
- The mitigation investigation study will provide a more complete picture of the entire Red River tributary system.
- Public and political support for the larger diversion project may be at risk if mitigation efforts are not investigated or addressed.
- Technical and City staff are proceeding with the assumption that the diversion will be located in North Dakota.
- Local expenditures toward mitigation options can be counted toward in-kind match for the larger diversion project.
- It is anticipated that local officials will be expected to make decisions regarding the diversion project by January 2011.

The Mayor and Council Members stated the following:

- Concern was noted regarding the cost of funding investigations into upstream/downstream mitigation projects when it is not expected to benefit the U.S. Army Corps of Engineers Feasibility Study.
- It was noted that local entities should collect as much information as possible on mitigation options in order to proceed in the best possible manner.
- The diversion project is still being seriously considered by Federal officials.
- Residents have noted the large number and scope of flood mitigation projects that have already been completed by the City of Moorhead.

### **Community Services Department**

9. [\\*Resolution to Approve First Reading of Ordinance 2010-11 to Rezone 10.5 Acres located at 28th Street and 15th Avenue North from TZ-Transitional, to LI-Light Industrial](#)  
**Resolution 2010-1108-C**
10. [\\*Approve and Authorize Submission of 2011 Consolidated Action Plan for Expenditure of HUD Community Development Block Grant Resources](#)  
**Resolution 2010-1108-D**

### **Engineering - Wastewater Treatment**

11. [\\*Resolution to Approve Budget Adjustment for Activities Associated with Midcontinent Communications Infrastructure Installation](#)  
**Resolution 2010-1108-E**
12. [\\*Resolution to Award Quote for the River Oaks Circle Gate Structure Project. Eng. No. 09-A5-1A Phase 3](#)  
**Resolution 2010-1108-F**
13. [Resolutions Supporting a Funding Application for Replacement of the Memorial and Oak Grove Park Pedestrian Bridge](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted regarding the cost of the project and that it does not appear to rise to a level of necessity at this time.

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

- The majority of the project will be funded with Federal dollars.

Motion to Approve made by Nancy Otto and seconded by Mark Altenburg  
**Resolutions Supporting a Funding Application for Replacement of the Memorial and Oak Grove Park Pedestrian Bridge**

Motion Passed: **2010-1108-2 & 2010-1108-3**

For: 7; Against: 1 - Luther Stueland

### Police Department

14. [\\*Resolution to Approve Budget Adjustment for the Transfer of DUI Seizure Funds to Patrol Small Tools & Minor Equipment](#)  
**2010-1108-G**

### City Attorney Reports

15. [Resolution Consenting to and Approving the Issuance of Recovery Zone Facility Revenue Bonds for an American Crystal Sugar Company Project](#)

Minutes: City staff and representatives of American Crystal Sugar clarified the following in response to Mayor and Council questions:

- The City of Moorhead is acting as a conduit of financing for this project. The City will not incur any financial obligation or liability as a result of the proposed financing action.
- American Crystal Sugar plans to install a new diffuser that incorporates the latest in technology and energy conservation.
- Employment at the plant will remain relatively the same following equipment installation.
- This project is another step in increasing the company's efficiency and capacity.

Motion to Approve made by Mark Altenburg and seconded by Nancy Otto  
**Resolution Consenting to and Approving the Issuance of Recovery Zone Facility Revenue Bonds for an American Crystal Sugar Company Project**  
Motion Passed: **2010-1108-4**  
For: 8

### City Manager Reports

16. [Resolution to Approve First Reading of Ordinance No. 2010-12: An Ordinance Adopting the 2011 Fee Schedule](#)

Minutes: The Mayor and Council Members stated the following:

- Concern was noted in that the rationale behind the proposed fee changes was not provided to Council Members.
- It is preferred that Council Members are able to answer constituent questions and concerns regarding fee rates.
- It is ideal that fees reduce the overall tax burden of Moorhead residents and City services are self-supporting.

- City staff does their due diligence to set reasonable fee rates.
- Some City services are required by State or Federal law and it may not be possible that these services are self-supported by fees alone.

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

- All proposed fees meet the State of Minnesota Statutory requirement that all City fees be commensurate to the service provided. City staff also uses regional comparisons to set fees.

Redlinger stated that he will provide further explanation on any questions or concerns posed by the Mayor and City Council regarding fee rates.

Motion to Approve made by Diane Wray Williams and seconded by Mark Altenburg  
**Resolution to Approve First Reading of Ordinance No. 2010-12: An Ordinance Adopting the 2011 Fee Schedule**

Motion Passed: **2010-1108-5**

For: 5; Against: 3 - Luther Stueland, Brenda Elmer, Mark Hintermeyer

17. [Resolution to Clarify Trollwood Performing Arts School \(TPAS\) Naming Rights Policy](#)

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

- Trollwood is an entity funded by FutureBuilders and the Fargo Public School District. The City of Moorhead does not provide any funding for this organization.
- In order to receive State of Minnesota funding for the original construction of the building, City ownership was required.
- The City of Moorhead owns and leases the building to Trollwood as part of a contract for deed.
- It was the intention of the City Council at the time of construction to provide Trollwood with naming rights.
- Transition of naming rights will allow more flexibility for the organization.
- The City Manager will continue to have veto power over any naming rights under this arrangement as long as the City owns the building.

The Mayor and Council Members stated the following:

- It was noted that further information regarding Trollwood is needed.

Redlinger stated that further background and information regarding the relationship between Trollwood and the City of Moorhead will be provided to the City Council at a future Committee of the Whole meeting.

Motion to Approve made by Luther Stueland and seconded by Dan Hunt  
**Resolution to Clarify Trollwood Performing Arts School (TPAS) Naming Rights Policy**

Motion Passed: **2010-1108-6**

For: 7; Abstain: 1 – Luther Stueland

18. [Resolution to Approve Option to Extend Legal Services Agreement](#)

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

- Since 1990 Ohnstad Twichell has provided legal services to the City of Moorhead.
- There have been at least three separate “request for proposal” (RFP) processes over time to ensure the City is receiving the most equitable rates and services.
- The law firm has taken on several specialized projects in the last couple years, including the proposed diversion project.
- The firm provides consistent and reliable service to the City.

The Mayor and Council Members stated the following:

- It is preferred that the legal services agreement extension not provide for a fee increase as stated in the contract.
- It was noted that the City Council may wish to conduct a RFP process next year.
- The City Attorney represents the Council and the Council has all hiring and firing authority over this service agreement.

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams  
**Resolution to Approve Option to Extend Legal Services Agreement**

Motion Passed: **2010-1108-7**

For: 8

19. [Reports - Updates](#)

Minutes: Redlinger announced that the City of Moorhead offices will be closed on Veteran’s Day.

Mayor and Council Members are encouraged to contact the City Manager with any questions or request additional meetings regarding the Preliminary 2011 Operating and Capital Budget.

20. Executive Session

Minutes: Executive session was not necessary.

21. New Business

Minutes: It was noted that the City of Fargo appears to be addressing the following issues through their City Ordinances: group home zoning, digital signs in City limits, property variances, and a business known locally as the "bar hopper."

Redlinger stated that he would follow-up with the Mayor and Council on the City of Moorhead's ordinances related to these topics.

22. Citizens Addressing the Council

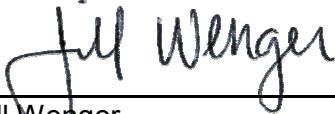
Minutes: No citizens addressed the Council.

Meeting adjourned at 7:54 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*