

**City of Moorhead
City Council Meeting
Meeting Minutes
January 11, 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 January 11, 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	Absent
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. Flag Presentation
 - A. Posting of the Colors: Moorhead Police Department Color Guard
 - B. Pledge of Allegiance
 - C. National Anthem: Bethany Beniek, Miss Moorhead 2009

3. Invocation: Pastor Alex Kenyi, Church of St. John the Divine
4. Oath of Office: Honorable Michael Kirk

Minutes: The Honorable Michael Kirk lead the Oath of Office for newly elected Mayor and Council Members: Mayor Mark Voxland, Council Member Luther Stueland (1st Ward), Council Member Mark Altenburg (2nd Ward), Council Member Brenda Elmer (3rd Ward); and Council Member Mark Hintermeyer (4th Ward).

5. Mayor's State of the City Address

Minutes: Mayor Voxland delivered the State of the City Address.

6. [Recognitions/Presentations/Introductions](#)

- A. [Proclamation: Hockey Day in Moorhead](#)

Minutes: Mayor Voxland recognized the Moorhead Youth Hockey Association and proclaimed January 11, 2010 as "Hockey Day in Moorhead."

7. Approve November 23, 2009 Council Minutes

Motion by Otto, seconded by Wray Williams to **Approve November 23, 2009 Council Minutes**

Motion Passed: **Resolution #2010-0125**

For: 7 – Stueland, Otto, Wray Williams, Altenburg, Elmer, Hintermeyer, Lemke

Absent: 1 – Hunt

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

Minutes: No citizens came forward to speak.

9. [Agenda Amendments](#)

Minutes: Michael Redlinger, City Manager, requested the removal of item #16 from the consent agenda and addition of new business item #24a “Resolution to Approve a Lease Agreement with Neighborhood Services for the Property at 2000 1st Ave S. Eng. No. 02-2-2”.

Motion by Otto, seconded by Wray Williams to **Approve Agenda as amended**
Motion Passed by unanimous vote

10. [Consent Agenda](#)

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

Minutes: Council Member Elmer asked that item #12c be removed from the consent agenda. Council Member Lemke asked that item #15 be removed. New Agenda item #24a was designed to the Consent Agenda.

Motion by Lemke, seconded by Otto to **Approve Consent Agenda as amended**

Motion Passed: **Resolution #2010-0126 (A-J)**

For: 7 – Stueland, Otto, Wray Williams, Altenburg, Elmer, Hintermeyer, Lemke

Absent: 1 – Hunt

11. ***Approve Licenses/Bonds**

Motion Passed: **Resolution #2010-0126-A**

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

A. [*Resolution to Designate Depositories for Calendar Year 2010](#)

Motion Passed: **Resolution #2010-0126-B**

B. [*Resolution to Affirm City Council Meeting Dates for 2010](#)

Motion Passed: **Resolution #2010-0126-C**

C. [Resolution to Designate Official Newspaper of the City for 2010](#)

Minutes: Council Member Elmer asked for clarification regarding legal notices posted on the City of Moorhead website. Michael Redlinger, City Manager, stated that the City currently has a contract with the *Forum of Fargo-Moorhead* to provide notice of legal proceedings, as required by law. City staff will look into the possibility of providing notice via the website in addition to the newspaper.

Motion by Wray Williams, seconded by Otto to **Approve Resolution to Designate Official Newspaper of the City for 2010**

Motion Passed: **Resolution #2010-0127**

For: 7 – Stueland, Otto, Wray Williams, Altenburg, Elmer, Hintermeyer, Lemke

Absent: 1 – Hunt

D. [*Annual Resolution - Council Appointments](#)

Motion Passed: **Resolution #2010-0126-D**

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

Minutes: Redlinger stated that the City will be meeting with Governor Pawlenty to examine the possibility of establishing funding in the 2010 Legislative Session Bonding Bill. The City seeks to secure approximately \$34 million dollars necessary to protect the community in the interim while the Fargo/Moorhead area secures permanent flood protection through the US Army Corps of Engineers (USACE) study process.

Redlinger stated that the resolution before the Mayor and Council this evening will allow USACE to proceed with Phase 3 of the Metropolitan Feasibility Study. To date, the City Council has designated approximately \$435,000 for the study process. In-kind work in the amount of roughly \$300,000 has also been contributed.

USACE will meet with the Metro Flood Work Group on Monday, February 1st at Centennial Hall. Senator Dorgan will Chair the meeting, which will focus on the results of a cost/benefit analysis completed by the Corps.

There will be a series of public meetings scheduled in the City of Moorhead to discuss the FEMA 100 year flood revisions and the City of Moorhead Flood Emergency Plan:

- February 9 (properties south of I-94);
- March 1 (properties between I-94 and Main Avenue);
- March 2 (properties north of Main Avenue).

Council Member Stueland asked for clarification about the budget adjustment included in the USACE study and any “preferred project” previously designated by the City Council as a flood protection measure. Redlinger clarified that the resolution previously adopted by the City Council contained very broad language and did not limit any option regarding permanent flood protection. Bob Zimmerman, City Engineer, explained that the Corps’ original study focused on only two options, a Minnesota diversion or a North Dakota diversion. Later, local leaders asked the Corps to study

both options in greater detail, causing a resulting inflation to the cost of the study (\$6 million to \$8 million). Zimmerman further stated that a ND diversion has a number of challenges crossing tributaries and rivers.

Council Member Otto asked for clarification on the cost share of the study between Moorhead and Fargo. Redlinger stated that the current cost share is 50% local share and 50% Federal government. After that, 80% is paid by Fargo and 20% by Moorhead. Zimmerman added that the cost share for the next phase has yet to be determined. Currently there is no formal agreement between the cities.

Mayor Voxland clarified that discussion continues between the State of ND and the State of MN as well as the local municipalities in determining cost/benefit and cost share.

A. [Resolution to Approve Participation in Phase 3 of the USACE Fargo-Moorhead Metropolitan Feasibility Study and Related Actions](#)

Motion by Otto, seconded by Wray Williams to **Approve Resolution to Approve Participation in Phase 3 of the USACE Fargo-Moorhead Metropolitan Feasibility Study and Related Actions**

Motion Passed: **Resolution #2010-0128**

For: 7 – Stueland, Otto, Wray Williams, Altenburg, Elmer, Hintermeyer, Lemke

Absent: 1 – Hunt

Community Services Department

14. [*Resolution to Approve Second Reading of Ordinance 2009-12 to Rezone 1.33 Acres located at Parkview Drive and 28th Street South from RLD-2 Residential Low Density - 2 to RMD-2 Residential Medium Density-2 and Title and Summary \(Unanimous Planning Commission Recommendation\)](#)

Motion Passed: **Resolution #2010-0126-E**

A. [*Resolution to Approve Title and Summary](#)

Motion Passed: **Resolution #2010-0126-F**

15. [Resolution to Approve Budget Adjustment for Moorhead Municipal Airport Energy Efficiency Improvements](#)

Minutes: Council Member Lemke asked whether other users would be asked to pay a portion of the efficiency improvements. Peter Doll, Development Services Division Manager, stated that currently the City is the only user of the snow removal building. Doll added that City Staff is tracking electricity use and will adjust rates appropriately if use remains high.

Council Member Wray Williams asked for clarification on cost savings. Doll stated that they anticipate cost savings of \$2,500 - \$3,000. Funds will pay for a space heater, tank, and installation of a dual heat electric system.

Motion by Wray Williams, seconded by Hintermeyer to **Approve Resolution to Approve Budget Adjustment for Moorhead Municipal Airport Energy Efficiency Improvements**

Motion Passed: **Resolution #2010-0129**

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

Police Department

16. [Hearing Request: Appeal of Rental Registration Suspension at 1137 37th Avenue South](#)

Minutes: Redlinger opened by saying that this hearing was requested by the property owner. It is a due process hearing, whereby City staff presents information on disorderly conduct at the aforementioned property. Following the statement of those facts, the City Council can hear from the property owner. At the close of the hearing, City Council can affirm, modify, or reject the six-month suspension of the owner's rental license.

Nancy Taralson, Community Policing Coordinator, outlined the steps of rental registration suspension. The Moorhead Police Department documents all reports of disorderly behavior. Properties are monitored for one year after the first occurrence. The Police Department provides notice to the owner after the first occurrence. After a second occurrence another letter is sent to the owner with the expectation of a response. If there is a third occurrence the owner is expected to provide the Police Department with a written plan to prevent further disorderly behavior. Taralson stated that the current property has had four occurrences in one year and 5 occurrences in the last thirteen months. The Police Department is recommending a six-month rental registration suspension.

Police calls to the property were detailed as follows:

- November 8, 2008 – renter warned for noise ordinance violation;
- April 18, 2009 – renter ticketed for minor consuming, three others warned for noise ordinance violation;
- May 2, 2009 – two ticketed for minor consuming, one for obstructing legal process, and one for noise ordinance violation;
- November 1, 2009 – one arrested for 5th degree assault

In response to questions of the City Council, Taralson clarified the following:

- The City only monitors rental property;
- Disorderly behavior is tracked by property location, not tenant;
- All notices to the owner have a five-day window for response;
- It is long-standing practice to recommend a six-month suspension;
- Moorhead PD provides a Crime Free Multi-Housing Program training for landlords intended to assist them with disorderly tenant issues;
- Background checks are provided at not cost to landlords after attending the Crime Free Multi-Housing Program;
- The City does not require owners to submit leases for their review;
- Moorhead PD has recommended suspension on twelve homes under the current Ordinance.

Dean Ahmann, Manager of the property and representative of Dave Brown Developer (2704 Broadway, Ste B, Fargo), stated the following:

- November incident involved an individual staying there temporarily and was not listed on the lease. He was removed immediately;
- April and May incidents occurred very close to one another. Two

more individuals were removed following these incidents;

- Property had new tenants as of August 2009. November 1, 2009 incident involved a call to the police because there was an assault of a renter by someone not listed on the lease;
- Prairie Properties has recently been hired to manage the property in an attempt to alleviate further issues with tenants;
- Delay in response to Moorhead PD is attributed to their inexperience in property management.

Taralson clarified that the 911 dispatch report indicates a neighbor was the complainant for the November 1, 2009 occurrence. The original call was for a loud party; the tenant reported the assault after police arrived. If a tenant asks for assistance from the Police Department for a Domestic Assault situation, they would not be penalized by this Ordinance and a letter would not be sent to the landlord.

Motion by Altenburg, seconded by Otto to **Amend the motion to suspend the rental registration for six months or until such time that the Moorhead Police Department verifies the owner hires a property management company and completes the Crime Free Multi-housing Program**

Motion Passed

For: 6 – Stueland, Otto, Wray Williams, Altenburg, Elmer, Hintermeyer

Against: 1 – Lemke

Absent: 1 – Hunt

Motion by Lemke, seconded by Altenburg to **Approve Rental Registration Suspension at 1137 37th Avenue South as amended**

Motion Passed: **Resolution #2010-0130**

For: 7 – Stueland, Otto, Wray Williams, Altenburg, Elmer, Hintermeyer, Lemke

Absent: 1 – Hunt

17. [*Resolution to Authorize the Transfer of \\$1,500 in Driving Under the Influence \(DUI\) Seizure Funds to Police Department Training](#)

Motion Passed: **Resolution #2010-0126-G**

18. [*Resolution to Approve Funding Contribution to 7th Judicial District Office for the Clay/Becker Drug Court](#)

Motion Passed: **Resolution #2010-0126-H**

City Manager Reports

19. *Ordinance No. 2010-1: An Ordinance to Amend and Reenact Section 1-5-1 of the Moorhead Municipal Code relating to City Council Meetings (1st Consideration)
Motion Passed: **Resolution #2010-0126-I**

20. Good News - Good People

21. Reports - Updates

Minutes: Redlinger previewed the following upcoming meetings:

- Council Retreat (Friday, January 15 and Saturday, January 16)
- Committee of the Whole (Tuesday, January 19)
- Intergovernmental Retreat (Friday, January 22)

A. Federal - State Legislative - Budgetary Issues: Updates-Action

B. Other

22. Executive Session (if needed)

23. Other Reports

24. New Business

- A. *Resolution to Approve a Lease Agreement with Neighborhood Services for the Property at 2000 1st Ave S. Eng. No. 02-2-2
Motion Passed: **Resolution #2010-0126-J**

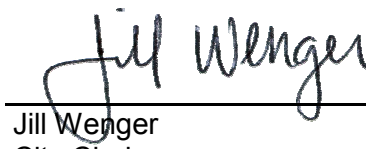
25. Citizens Addressing the Council (continued, if necessary)

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