

**MINUTES OF THE MEETING OF THE CITY COUNCIL  
OF THE CITY OF MOORHEAD, MINNESOTA  
FEBRUARY 17, 2004**

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Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly held at the Heritage Hjemkomst Interpretive Center, the 17<sup>th</sup> day of February, 2004, at 7:00 p.m.

The following members were present for roll call: Council Members Otto, Kelsven, Wray Williams, Rowell, Hunt, Winterfeldt-Shanks, Danielson, Lemke; and the following were absent: Mayor Voxland. (NOTE: Mayor Pro Tem Winterfeldt-Shanks, chaired the meeting.)

Mayor Pro Tem Winterfeldt-Shanks announced Mayor Voxland proclaimed February 5, 2004 as "Wear Red for Women Day".

Council Member Danielson moved, seconded by Council Member Otto, to approve the minutes of January 20, 2004 as submitted, which motion passed by unanimous vote.

**Citizens Addressing the Council** – No citizen came forward to speak.

Council Member Wray Williams moved, seconded by Council Member Rowell, to adopt the agenda as submitted, which motion passed by unanimous vote.

The consent agenda was amended by adding item #10 (committee appointment).

Council Member Otto introduced the following resolution **#2004-250-A**, seconded by Council Member Rowell:

WHEREAS, the claims attributable to the Moorhead Public Service Department have been audited by their General Manager and approved by the Moorhead Public Service Commission; and

WHEREAS, the claims against the City of Moorhead have been audited by the City Manager, distributed to the appropriate funds and are on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the claims be allowed, also that the Finance Director be instructed to draw warrants in payment of such claims from the respective funds as set forth, and Mayor and City Manager be instructed to countersign such warrants.

General	\$	2,158.13
Library		2,048.57
Park		47.54
Heritage Hjemkomst		220.66
Summer Youth Programs		1,650.83
Contribution Fund		3,048.82
Permanent Improvement		16.27
Capital Improvements		9,632.83
Spec Assm't Bond - 1991D		500.00
Wastewater Treatment		80.41

Municipal Airport	910.74
Golf Courses	1,672.17
Computer	3.87
Community Access Television	372.90
Public Service	942,616.15
	\$
Total	964,979.89

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto moved, seconded by Council Member Rowell, to approve the following licenses/bonds:

**FOOD/BEVERAGE/LODGING LICENSES**

**BOARDING HOUSE**

Carriage House/Homestead .....	\$200.00
Heartland Industries .....	\$178.00
Red River Valley Academy .....	\$219.00
Eventide Linden Tree Circle .....	\$230.00
Eventide Catered Living .....	\$208.00
MSUM Early Ed Center .....	\$150.00
Great Beginnings.....	\$213.00
Our Redeemer CCC .....	\$244.00

**BOARDING/LODGING HOUSE**

Churches United.....	\$300.00
Northside Retirement .....	\$310.00
Eventide The Fairmont .....	\$364.00
Heritage Villa .....	\$290.00

**LIMITED FOOD**

All Star Bowl .....	\$140.00
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**RESTAURANT**

Kentucky Fried Chicken .....	\$272.00
Taco Bell #4208 .....	\$226.00
Taco Bell #4266 .....	\$215.00
China Buffet.....	\$302.00
Village Inn.....	\$358.00
MN State Community & Tech College.....	\$270.00
Moorhead Youth Hockey .....	\$150.00
Moorhead Dairy Queen .....	\$150.00
Domino's Pizza.....	\$150.00
Domino's Pizza-Sport Center .....	\$150.00
Target Snack Bar .....	\$174.00
Blimpie Subs & Salads .....	\$199.00
Moorhead Country Club .....	\$298.00
Moorhead Youth Soccer.....	\$150.00
MSUM Nemzek Hall .....	\$150.00

**RESTAURANT/PLACE OF REFRESHMENT**

Sunset Lanes .....	\$270.00
Golden Phoenix.....	\$248.00
Duane's House of Pizza .....	\$352.00
Red Bear Grill & Tavern .....	\$400.00
Speak Easy Restaurant.....	\$400.00
Columbia Club.....	\$300.00
VFW Post 1223 .....	\$225.00

**HOTEL/MOTEL/RESTAURANT**

Guest House Motel.....	\$225.00
Courtyard by Marriott.....	\$525.00
Days Inn .....	\$425.00

**HOT LUNCH PROGRAMS**

Park Christian School.....	\$75.00
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**HOTEL/MOTEL/LIMITED FOOD**

Travelodge Suites .....	\$274.00
Motel 75.....	\$266.00

**MOBILE FOOD UNIT**

Lunch Box .....	\$100.00
Fry Bread Tacos & More .....	\$100.00

**MANUFACTURED HOME PARK LICENSE**

Regal Estates .....	\$575.00
Greenwood Communities.....	\$225.00
Greenwood East Communities.....	\$50.00

**MASSAGE ENTERPRISE LICENSE**

Relaxation Point, 2901 Frontage Road S, Moorhead

**MASSAGE THERAPIST LICENSE**

Brier Quinn Brandt, 1223 11 <sup>th</sup> Ave N #4, Fargo, ND .....	\$200.00
Amber Dawn Gerardy, 2201 33 <sup>rd</sup> Ave S #306, Fargo Nd .....	\$200.00
Valerie Ann Hanson, 2326 20 <sup>th</sup> Ave S #15, Fargo ND .....	\$25.00
Heidi M Ihry, 1829 33 <sup>rd</sup> St S, Moorhead MN.....	\$200.00
Carolyn A Sanftleben, 2837 Village Green Drive, Moorhead .....	\$200.00

**PARADE/STREET CLOSING PERMIT**

Crop Walk, April 18, 2004  
El Zagal Shrine, August 19, 2004, 6:30 pm – 8:00 pm

**SECONDHAND DEALER'S LICENSE**

Lydia Faulkner DBA: Kidz Biz , 2921 S Frontage Road # 3 .....	\$25.00
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**SWIMMING POOL LICENSES**

Travelodge Suites .....	\$330.00
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Courtyard by Marriott.....	\$495.00
Days Inn .....	\$495.00
Moorhead Country Club .....	\$150.00
Moorhead High School.....	\$165.00

**TAXI/LIMOUSINE LICENSE**

All Occasion Limousines, Inc, 212 Park Dr, Harwood ND.....	\$50.00
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**VENDING LICENSES**

Nugget Vending.....	\$560.00
Courtyard by Marriott.....	\$25.00
Sunset Lanes .....	\$25.00
SVS Vending .....	\$705.00
FM Vending .....	\$1040.00

Which motion passed by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-B**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead, upon recommendation of Council Members Danielson and Lemke, that the following individual is hereby appointed to the committee so noted:

**EDA Revolving Loan Fund Advisory Board**

Marla Smith, 3123 Village Green Drive, representing the 4<sup>th</sup> Ward, is appointed for a term commencing February 17, 2004 and ending January 31, 2005.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced for first consideration, seconded by Council Member Rowell:

**ORDINANCE NO. 2004-3**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP IN ACCORDANCE WITH CHAPTER 3 OF TITLE 10 OF THE MOORHEAD CITY CODE REZONING 83.06 ACRES LOCATED IMMEDIATELY SOUTH OF MCCARA FIRST AND SECOND ADDITIONS FROM TZ, TRANSITION, TO I3, HEAVY INDUSTRIAL

Which ordinance passed first consideration by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-C**, seconded by Council Member Rowell:

WHEREAS, the City of Moorhead has requested preliminary and final plat approval of MCCARA Third Addition; and

WHEREAS, the City of Moorhead Planning Commission held a public hearing regarding said request on February 3, 2004 and recommended preliminary and final plat approval of MCCARA Third Addition; and

WHEREAS, the City Council of the City of Moorhead finds the final plat of MCCARA Third Addition consistent with Section 11-3-3 of the Moorhead City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the preliminary and final plat of MCCARA Third Addition is hereby approved, contingent upon the following conditions:

1. The applicant obtaining necessary State and Federal Permits.
2. Submission and approval of a Drainage Plan.
3. Recording of restrictive covenants equivalent or greater than those existing for the previous MCCARA Additions.
4. At such time that the proposed 34<sup>th</sup> Avenue South is constructed, a temporary turn around capable of accommodating heavy truck traffic shall be constructed at the eastern terminus of said avenue.
5. A greenbelt planting strip be constructed along the eastern boundary of Outlot A and B to reduce soil erosion and to ensure greater land use compatibility, as approved by the Planning and Zoning Administrator.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-D**, seconded by Council Member Rowell:

WHEREAS, a resolution of the City Council adopted January 6, 2003 fixed a date for a Council hearing on the proposed improvement consisting of the construction of Sanitary Sewer Eastside Interceptor, Eng. No. 02-A6-9; and

WHEREAS, 10 days mailed notice and two weeks published notice of hearing was given, and the hearing was held on February 3, 2003, at which time all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the project was approved and ordered by the City Council; and

WHEREAS, Bonestroo, Rosene, Anderlik and Associates has prepared plans and specifications for the construction of Sanitary Sewer Interceptor from Bush Agricultural Resources to 33<sup>rd</sup> St. S., Ph. IV, hereby designated Eng. No. 02-A6-9C; and

WHEREAS, City Engineering staff has reviewed the plans; and

WHEREAS, bids for this project will be advertised as required by law.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead as follows:

1. Such improvement is necessary, cost-effective and feasible as detailed in the feasibility report.
2. Such plans and specifications, a copy of which is on file in the office of the City Clerk, are hereby approved.
3. The City Clerk shall prepare and cause to be inserted in the legal paper an advertisement for bids for the making of such improvements under such approved plans and specifications. The advertisement shall be published twice and state that bids will be opened at 10:00 am, Wednesday, March 17, 2004 in City Hall of

Moorhead, Minnesota. The ad shall also state that no bids will be considered unless sealed and filed with the City Clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the Clerk for ten percent (10%) of the amount of such bid.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-E**, seconded by Council Member Rowell:

WHEREAS, a resolution of the City Council adopted January 6, 2003 fixed a date for a Council hearing for the proposed improvement consisting of the construction of Street paving on 40<sup>th</sup> Avenue South from 8<sup>th</sup> to 14<sup>th</sup> Street South, Eng. No. 02-A2-9; and

WHEREAS, 10 days mailed notice and two weeks published notice of hearing was given, and the hearing was held on February 3, 2003, at which time all persons desiring to be heard were given the opportunity to be heard thereon; and

WHEREAS, the project was approved and ordered by the City Council; and

WHEREAS, Ulteig Engineers, has prepared plans and specifications for the construction of Street Paving on 40<sup>th</sup> Avenue South from 8<sup>th</sup> to 14<sup>th</sup> Street South, Eng. No. 02-A2-9; and

WHEREAS, City Engineering staff has reviewed the plans; which are available for review in the Engineering Office; and

WHEREAS, bids for this project will be advertised as required by law.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead as follows:

1. Such improvement is necessary, cost-effective and feasible as detailed in the feasibility report.
2. Such plans and specifications, a copy of which is on file in the office of the City Clerk, are hereby approved.
3. The City Clerk shall prepare and cause to be inserted in the legal paper an advertisement for bids for the making of such improvements under such approved plans and specifications. The advertisement shall be published twice and state that bids will be opened at 10:00 am, Wednesday, March 17, 2004 in City Hall of Moorhead, Minnesota. The ad shall also state that no bids will be considered unless sealed and filed with the City Clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the Clerk for ten percent (10%) of the amount of such bid.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-F**, seconded by Council Member Rowell:

WHEREAS, it is proposed to construct sidewalks in Allyson Parkway 2<sup>nd</sup> Add., Meadows 3<sup>rd</sup>

Add., Country Club South Add., Maries 2<sup>nd</sup> Add., Arbor Park 1<sup>st</sup> Add., Village Green South 2<sup>nd</sup> Add., Kingsford 2<sup>nd</sup> Add., and Kingsford 3<sup>rd</sup> Add., as well as miscellaneous repairs at various locations, Eng. No. 04-A7-1.

BE IT RESOLVED, by the City Council of the City of Moorhead as follows:

1. The proposed improvements are hereby referred to the City Engineer. He is instructed to report and advise to the Council, with all convenient speed, in a preliminary way, as to whether the proposed improvement is feasible, should be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.
2. The report has been received by the City Council on February 17, 2004.
3. Such improvement is hereby ordered as proposed in the Council Resolution as adopted February 17, 2004.
4. The City Engineer is hereby designated as the engineer for this improvement and shall prepare plans and specifications for the making of such improvement.
5. The City Council will consider the proposed improvements in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to MN Statutes, Chapter 429 at an estimated total cost of the improvement of \$276,500.
6. A public hearing shall be held on such proposed improvements on the 15<sup>th</sup> day of March, 2004 in the Council chambers of City Hall at 7:30 pm and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-G**, seconded by Council Member Rowell:

WHEREAS, it is proposed to construct final bituminous overlays in Allyson Parkway 1<sup>st</sup> Add., Allyson Parkway 2<sup>nd</sup> Add., Country Club South Add., Maries 2<sup>nd</sup> Add., Village Green South 1<sup>st</sup> Add., Phase 2 and 3, Village Green South 2<sup>nd</sup> Add., Kingsford 1<sup>st</sup> Add., Phase 2, as well as miscellaneous street repairs for Moorhead Public Service, Eng. No. 04-A2-7.

BE IT RESOLVED, by the City Council of the City of Moorhead as follows:

1. The proposed improvements are hereby referred to the City Engineer. He is instructed to report and advise to the Council, with all convenient speed, in a preliminary way, as to whether the proposed improvement is feasible, should be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.
2. The report has been received by the City Council on February 17, 2004.
3. Such improvement is hereby ordered as proposed in the Council Resolution adopted February 17, 2004.

4. The City Engineer is hereby designated as the engineer for this improvement and shall prepare plans and specifications for the making of such improvement.
5. The City Council will consider the proposed improvements in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to MN Statutes, Chapter 429 at an estimated total cost of the improvement of \$523,000.
6. A public hearing shall be held on such proposed improvements on the 15<sup>th</sup> day of March, 2004 in the Council chambers of City Hall at 7:30 pm and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-H**, seconded by Council Member Rowell:

WHEREAS, bids were received for the Masonry Repair Project on January 29, 2004 as summarized below:

Bradco, Fergus Falls, MN	\$154,750.00
Meinecke-Johnson, Fargo, ND	\$168,700.00
Smithco, Fargo, ND	\$175,000.00
TF Powers Construction, Fargo, ND	\$186,000.00
Eagle Construction, Little Falls, MN	\$264,000.00
Building Restoration Corp., St. Paul, MN	\$343,826.00
AJ Spanjers, Brooklyn Park, MN	\$361,760.00
Mid-Continental Restoration, Fort Scott, KS	\$365,000.00; and

WHEREAS, all bids exceeded the architect's estimate and planned budget for the improvements; and

WHEREAS, Mutchler Bartram Architects recommends that the bids be rejected and that alternative solutions be investigated for those areas that have a significant need for replacement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that all bids for the Masonry Repair Project are rejected.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-I**, seconded by Council Member Rowell:

WHEREAS, the following change orders and/or work orders were required for the completion of the Underground Utilities in Kendall's Addition, Eng. No. 02-A6-12

Work Order #1 dated 9-24-03 for	\$1,620.58
Work Order #2 dated 11-26-03 for	\$14,635.43
Work Order #3 dated 11-26-03 for	\$1,788.91

WHEREAS, the total cost of these change orders and/or work orders is \$18,044.92 and shall be recovered through special assessments to benefiting properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the aforementioned change orders and/or work orders are hereby approved.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-J**, seconded by Council Member Rowell:

WHEREAS, the following change orders and/or work orders were required for the completion of the Phase 1, 12<sup>th</sup> Ave. S. & 40<sup>th</sup> St. Improvements, Eng. No. 02-A6-7

Change Order #1 dated 9-11-03 for	\$3,210.00
Change Order #1A dated 11-8-03 for	\$31,160.00
Work Order #1 dated 11-6-03 for	\$2,800.00
Work Order #2 dated 12-8-03 for	\$11,942.50

WHEREAS, the total cost of these change orders and/or work orders is \$49,112.50 and shall be recovered through special assessments to benefiting properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the aforementioned change orders and/or work orders are hereby approved.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-K**, seconded by Council Member Rowell:

WHEREAS, the following change orders and/or work orders were required for the completion of the Street Paving in Allyson Parkway 3<sup>rd</sup> Addition, including MPSD Water Main Trench Repair Improvements, Eng. No. 03-A2-2

Work Order #1 dated 11-17-03 for	\$74,236.15
Work Order #2 dated 11-17-03 for	\$16,619.15
Work Order #3 dated 11-17-03 for	\$2,800.00

WHEREAS, the total cost of these change orders and/or work orders is \$104,473.40; and

WHEREAS, Moorhead Public Service shall reimburse the City for the total cost of water main trench repairs and the remaining balance shall be recovered through special assessments to benefiting properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the aforementioned change orders and/or work orders are hereby approved.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-L**, seconded by Council Member Rowell:

WHEREAS, the following change orders and/or work orders were required for the completion of the Street Paving in Village Green 18<sup>th</sup> Fairway Addition, including repairs to BNSF Railroad Crossings, Eng. No. 03-A2-8

Work Order #1 dated 11-4-03 for	\$8,624.05
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WHEREAS, the total cost of these change orders and/or work orders is \$8,624.05; and

WHEREAS, these costs shall be paid for with PI funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the aforementioned change orders and/or work orders are hereby approved.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-M**, seconded by Council Member Rowell:

WHEREAS, the following change orders and/or work orders were required for the completion of the Prairie Sun Addition Underground Utility Improvements, Eng. No. 02-A6-10

Change Order #1 dated 9-19-03 for	\$4,750.00
Change Order #2 dated 10-24-03 for	\$2,332.50

WHEREAS the total cost of these change orders and/or work orders is \$7,082.50 and shall be recovered through special assessments to benefiting properties.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the aforementioned change orders and/or work orders are hereby approved.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-N**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the issuance of a Minnesota Lawful Gambling Excluded Bingo Permit to the applicant listed below:

Minnesota State Community & Technical College  
1900 28<sup>th</sup> Avenue So.  
Moorhead MN 56560

**Site:**

Minnesota State Community & Technical College  
1900 28<sup>th</sup> Avenue So.  
Moorhead MN 56560

**Gambling Manager:**

Gregory Peterson

2912 15<sup>th</sup> Ave. So.  
Moorhead, MN 56560

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-O**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the renewal of a Minnesota Lawful Gambling License to the applicant listed below:

Columbia Club of Moorhead (Knights of Columbus)  
915 Main Avenue  
Moorhead MN 56560

**Sites:**

Knights of Columbus  
915 Main Avenue  
Moorhead MN 56560

Speak Easy  
1001 30<sup>th</sup> Avenue South  
Moorhead, MN 56560

**Gambling Manager:**

Joel Hoffman  
2137 100<sup>th</sup> Ave N  
Moorhead, MN 56560

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-P**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the issuance of a Minnesota Lawful Gambling Exempt Permit to the applicant listed below:

Scandinavian Hjemkomst Festival  
202 – 1<sup>st</sup> Avenue North  
Moorhead MN 56560

**Site:**

Hjemkomst Center/Viking Ship Park  
202 – 1<sup>st</sup> Avenue North  
Moorhead MN 56560

**Gambling Manager:**

Gary H. Olson  
3610 90<sup>th</sup> Avenue N.  
Moorhead, MN 56560

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-Q**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead, upon recommendation and request of the Public Service Commission, to authorize advertisement for bids for 2004 water treatment chemicals as approved by the Public Service Commission at its February 10, 2004, meeting.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-R**, seconded by Council Member Rowell:

WHEREAS, the Public Service Commission has approved a long-range plan for upgrading and improving Moorhead's substations and transmissions lines; and

WHEREAS, the projects costs are expected to total \$5.2 million over a three-year period with construction beginning in 2002.

BE IT RESOLVED by the City Council of the City of Moorhead, upon recommendation and request of the Public Service Commission, to authorize the advertisement for bids for the Southeast Substation modifications as approved by the Moorhead Public Service Commission at its February 10, 2004, meeting.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-S**, seconded by Council Member Rowell:

BE IT RESOLVED by the City Council of the City of Moorhead, upon recommendation and request of the Public Service Commission, to authorize advertisement for bids for 2004 telecommunication materials as approved by the Public Service Commission at its February 10, 2004, meeting.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-T**, seconded by Council Member Rowell:

WHEREAS, affidavits have been filed indicating check No. 152059 has been lost and/or destroyed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve issuance of a check to: Moorhead Townhomes Limited Partnership in the amount of \$15,190.64; and further resolves that the bonding requirements, in accordance to Minnesota Statute 471.415, Subd. 2, be waived for the issuance of this replacement check.

Which resolution was declared duly adopted by unanimous vote.

Council Member Otto introduced for third consideration, seconded by Council Member Rowell:

**ORDINANCE NO. 2004-2**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP IN ACCORDANCE WITH CHAPTER 3 OF TITLE 10 OF THE MOORHEAD CITY CODE REZONING 4,150 SQ FT LOCATED AT 1117 2<sup>ND</sup> AVENUE NORTH FROM B3, MIXED BUSINESS, TO R2, SINGLE AND TWO-FAMILY RESIDENTIAL

Which ordinance passed third consideration by unanimous vote.

Council Member Otto introduced the following resolution **#2004-250-U**, seconded by Council Member Rowell:

WHEREAS, the City Council of the City of Moorhead did pass Ordinance No. 2004-2, An Ordinance Amending the Official Zoning Map in Accordance with Chapter 3 of Title 10 of the Moorhead City Code Rezoning 4,150 square feet located at 1117 2<sup>nd</sup> Avenue North from B3, Mixed Business, to R2, Single and Two-Family Residential; and

WHEREAS, a title and summary for publication of the above Ordinance was submitted to the City Council for its review in accordance with Section 3.08 of the Moorhead City Charter; and

WHEREAS, the City Council has reviewed the title and summary for said Ordinance for approval and has determined that the title and summary informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Moorhead hereby approves the title and summary of Ordinance No. 2004-2, An Ordinance Amending the Official Zoning Map in Accordance with Chapter 3 of Title 10 of the Moorhead City Code Rezoning 4,150 square feet located at 1117 2<sup>nd</sup> Avenue North from B3, Mixed Business, to R2, Single and Two-Family Residential. A copy of said title and summary was before the City Council and is now of record and on file in the office of the City Clerk.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead that the City Clerk is authorized and directed to publish said title and summary in accordance with Section 3.08 of the Moorhead City Charter.

Which resolution was declared duly adopted by unanimous vote.

Council Member Rowell introduced the following resolution **#2004-251**, seconded by Council Member Lemke:

WHEREAS, the City of Moorhead upgraded its emergency siren system to provide an effective, reliable method of warning its residents of imminent danger; and

WHEREAS, the aforementioned upgrade necessitated the replacement of equipment that is obsolete and no longer effective for the purpose intended; and

WHEREAS, the Boy Scouts of America have requested the donation of a Civil Defense Siren for placement in one of their camps to provide a warning system for camp attendees; and

WHEREAS, the Moorhead City Council finds the City no longer has a use for said siren and recognizes consumer demand for used sirens is very minimal, which limits the City's ability

to effectively market it for sale.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby authorize the donation of the aforementioned Civil Defense Siren to the Boy Scouts of America, contingent upon said organization providing the City of Moorhead a Hold Harmless agreement for such.

Which resolution was declared duly adopted by unanimous vote.

Council Member Wray Williams introduced a resolution #2004-252, seconded by Council Member Rowell, to approve a budget adjustment relative to the visiting delegation from Moorhead's Sister City, Druskininkai, Lithuania. Council Member Lemke questioned the benefit of such to the City of Moorhead in light of the recent budget cuts. Council Member Rowell pointed out the previous Council must have deemed it to be of significant value to authorize such a relationship.

Resolution #2004-252, reads as follows:

WHEREAS, a delegation from the City of Moorhead's Sister City, Druskininkai, Lithuania, will be visiting the Moorhead February 28 through March 7, 2004; and

WHEREAS, the Moorhead City Council finds funds were not budgeted in the 2004 Budget, which necessitates a transfer of funds from the Unallocated/Discretionary Account to an appropriate account within the General Fund to support the Sister City programs and activities;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve Budget Adjustment No. 004-05; and

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead that the City Manager is hereby authorized to provide in-kind support for the visit of the Lithuanian delegation.

Which resolution was declared duly adopted by unanimous vote.

Bruce Briggs, Minnesota State University – Moorhead, distributed information outlining a draft itinerary for the visiting delegation.

Bruce Messelt, City Manager, provided a brief report regarding Senator Coleman's visit to Moorhead on February 16, 2004.

Council Member Danielson introduced for second consideration, seconded by Council Member Rowell, Ordinance No. 2003-17 (An Ordinance Amending Chapter 20 of the Moorhead Zoning Ordinance in Relation to Portable and High Impact Sign Regulations).

Sarah Bolton, Bolton Sign, Horace, North Dakota, appeared before Council to express her concern regarding the proposed portable and high-impact sign ordinance. She reflected on a few businesses/organizations that might be somewhat limited in their ability to undertake seasonal and/or special event advertisements utilizing portable signs. Bolton also pointed out portable signs are currently used as directional/informational signs during construction projects and asked if these too would be regulated by the ordinance. In closing, Bolton feels the proposed sign ordinance would result in significantly higher permit fees paid by them.

In an effort to provide a clear understanding of the revised draft ordinance, Jeff Schaumann, Planning/Zoning Administrator, highlighted the following ordinance amendments as recommended by the Joint Sign Committee.

1. The size of portable signs would be limited to 60 square feet in area, which is the maximum size of any of the existing portable signs.
2. Enforcement would be altered to provide for a four-step, phased penalty approach (First Violation - Written Warning Issued; Second Violation - \$200 Fine Imposed; Third Violation - License Suspended for 60-Days; Fourth Violation - License Revoked for One Year).
3. The maximum number of allowable days for a high impact sign to be located on any given site within a calendar year would be increased from 12 to 14 days.
- 4a. Modification to the proposed portable sign duration limit lacked sufficient support to warrant alteration; therefore, no changes were made to the ordinance.
- 4b. Individual communities have sufficient flexibility to set their own licensing and permit requirements. Pursuant to the Committee recommendation above (item 4-a), and based upon prior City Council discussion as it relates to the proliferation of portable signs, the draft ordinance has been amended to include a cap on the total number of portable sign permits issued in a given year. Schaumann noted the recommended cap is 180 permits per year (15 per month) and when compared to the total number of permits currently issued (124), the cap provides for ample increases in portable sign utilization. (Appropriate controls to administer the per-month limit would be developed by the Zoning Administrator.)

Discussion followed regarding the proposed ordinance. Council Member Rowell indicated he would support the amended ordinance for second consideration but is interested in the outcome of such in the cities of Fargo and West Fargo. Council Member Danielson related, as a participant of the joint effort, believes there is common agreement. Brian Neugebauer, City Attorney, conveyed West Fargo's draft ordinance is essentially "identical to Moorhead's". Council Member Wray Williams pointed out that a number of unsightly permanent signs would still not be addressed by this ordinance.

Bruce Messelt, City Manager, noted, for the record, written comments received from Enson Maattala, Moorhead. Mr. Maattala requested that the ability for homeowners to place a two sq. ft. sign on their principal building be extended to tenants as well for placement of signs on their apartment doors.

**Ordinance No. 2003-17** (An Ordinance Amending Chapter 20 of the Moorhead Zoning Ordinance in Relation to Portable and High Impact Sign Regulations) passed second consideration by unanimous vote.

Council Member Hunt moved, seconded by Council Member Otto, to open the public hearing to consider Storm Water Pollution Preventive Program 2004 Annual Report, which motion passed by unanimous vote.

Bob Fogel, Manager of Environmental & Regulatory Compliance, explained the purpose of the public hearing, which is to receive comments regarding the 2004 Storm Water Pollution Prevention Program (SWPPP) as it relates to the submission of the City's Storm Water Permit Application (MN

R 040000) for Small Municipal Separate Storm Sewer Systems. Fogel reported the City of Moorhead, along with 155 other Minnesota communities, were required to submit a permit application to the Minnesota Pollution Control Agency for discharge of storm water during the next five years. He noted the State permit has been challenged, which subsequently delayed the permit process for the communities. However, the City was advised to continue with the required process as if the permit had been issued.

The following suggestions were noted during Mayor and Council discussion:

- Reflect under the education area all the agencies that the City works and/or partners with.
- Reserve a City calendar page in May for public awareness.

Fogel conveyed the completed report would be forwarded to Mayor and Council for consideration on March 1, 2004.

No one else wished to speak regarding this hearing. Council Member Wray Williams moved, seconded by Council Member Rowell, to close the public hearing, which motion passed by unanimous vote.

It was announced there is no need for the conduct of an executive session tonight.

Council Member Rowell provided a brief report on the rail safety measures noting the project(s) will be delayed until the final rule becomes effective December 18, 2004. He noted this delays the installation of the proposed rail safety measures, but will result in a significant project savings.

Council Member Otto provided a brief report/update on the Joint Powers and MCAT meetings. She inquired as to whether or not a formal request should be made to have MCAT broadcast the committee of the whole meetings. It was reported MCAT is currently not in a position to accommodate this request due to insufficient staffing levels.

Bruce Messelt, City Manager, provided the following reports:

- Twenty applications have been received for the Fire Chief position;
- Community Development Block Grant (CDBG) funding has been reduced by \$10,000 for the second half of the program period;
- Distributed information pertaining to the smoking in restaurants ordinance; and
- Announced an open house and community reception has been scheduled for the three final downtown proposals, to be held February 19, 2004 from 6:00 to 8:00 p.m. at the Heritage Hjemkomst Interpretive Center.

Council Member Wray Williams requested Council be provided with a report/briefing on this year's CDBG program.

The meeting adjourned at 8:30 p.m. to 5:30 p.m. on February 23, 2004 to consider the Downtown Redevelopment Proposals.

APPROVED:

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LAURI WINTERFELDT-SHANKS, Mayor Pro Tem

ATTEST:

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KAYE BUCHHOLZ, City Clerk