



**CITY COUNCIL
MEETING AGENDA
JUNE 26, 2023 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

City Council Meeting

Disclaimer: Voting requirements may be subject to changes in the law, parliamentary procedural matters, or other unforeseen issues. The City Attorney provides opinion on questions of voting requirements in accordance with the Moorhead City Code, Minnesota State Statutes, and parliamentary procedure.

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Agenda Amendments
4. Consent Agenda

*All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*
5. Recognitions - Presentations
 - A. Presentation: 2022 Annual Comprehensive Financial Report and Audit, Eide Bailly LLP
 - B. Recognition: Minnesota GreenStep Cities
6. Approve Minutes
 - A. June 12, 2023 Meeting Minutes
7. Citizens Addressing the Council (Time Reserved: 15 Minutes)

During "Citizens Addressing the Council", the Mayor will invite residents to share issues, concerns and opportunities. Individuals must limit their comments to three minutes. The Mayor may limit the number of speakers on the same issue in the interest of time and topic. Individuals should not expect the Mayor or Council to respond to their comments tonight.
8. Mayor and Council Appointments
 - A. Ward 4 City Council Member Resignation
 - B. Accept Resignation of Ward 4 Council Member
 - C. Declare Ward 4 City Council seat Vacant
 - D. *Resolution for Appointment to Boards and Commissions
9. Public Hearings (5:45 pm)

During "Public Hearings", the Mayor will ask for public testimony after staff and/or applicants make their presentations. The following guidelines are in place to ensure an efficient, fair, and respectful hearing; limit your testimony to three minutes and to the matter under consideration; the Mayor may modify times, as deemed necessary; avoid repeating remarks or points of view made by previous speakers. The use of signs, clapping, cheering or booing or any other form of verbal or nonverbal communication is not allowed.

10. Engineering Department
 - A. *Resolution to Approve Budget Adjustment and Award Bid for the 2023 Wastewater Treatment Facility Roof Replacement Project (Eng. No. 23-06-03)
 - B. *Resolution to Approve Agreement #1054033 with MnDOT for Traffic Control Signal System Operations and Maintenance
11. Community Development Department
 - A. *Resolution to Award Bid - Taxiway Project at the Moorhead Municipal Airport Florence Klingensmith Field
 - B. *Resolution to Approve Agreement with Mead and Hunt for Construction Administration and Close Out Services - Taxiway Project
 - C. *Resolution to Approve Grant Agreements with State of MN and US Federal Aviation Administration - Taxiway Project
 - D. *Resolution to Approve Agreement with Mead and Hunt - Phase I Automated Weather Observing System (AWOS) Relocation at Moorhead Municipal Airport Florence Klingensmith Field
12. Administration
 - A. Resolution to Receive the 2022 Annual Comprehensive Financial Report (ACFR)
 - B. *Second Reading of Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services
 - C. *Resolution to Approve Title & Summary of Ordinance No. 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services
 - D. *Resolution to Approve Off-Site Gambling Permit to Moorhead Youth Hockey Association on August 14, 2023
 - E. *Resolution to Authorize Contract with the City of Fargo for Support Equipment and Vehicle Leases for Transit Purposes
 - F. *Resolution Authorizing the City Manager and Mayor to approve the Memorandum of Agreement between the City and International Association of Firefighters (IAFF), Local Union 1323 (Fire Fighters and Fire Captains) Regarding Compensation for Sick Leave Upon Separation from Employment
13. Mayor and Council Reports
14. City Manager Reports
15. Executive Session
 - A. Executive session pursuant to Minnesota Statute § 13D.05, subd. 3(a) for the purpose of conducting the City Manager's annual performance evaluation

16. New Business

17. Adjourn



CITY OF MOORHEAD, MINNESOTA

Executive Summary – December 31, 2022

Agenda Item 5.A.

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CPAs & BUSINESS ADVISORS



AUDIT RESULTS

AUDIT OPINION

- The City received a “clean” audit opinion
 - Unmodified opinion – financial statements are prepared using accounting principles generally accepted in the U.S. (GAAP)
 - Financial statements do not contain material misstatements and are fairly presented
- The City received a “clean” audit opinion for the Federal single audit
- Opinion is merely the auditor’s professional opinion, based on audit work, on whether the financial statements were prepared in accordance with GAAP, free from material misstatement, and fairly presented



FEDERAL AUDIT RESULTS

- One program tested:
 - Federal Transit Cluster 20.507
- \$1,561,601 federal dollars during 2022



Federal Audit



AUDIT FINDINGS

FINDINGS

Financial Statements:

1. **Material Journal Entries**

Federal Award Findings:

1. **None**

Minnesota Legal Compliance:

1. **None**



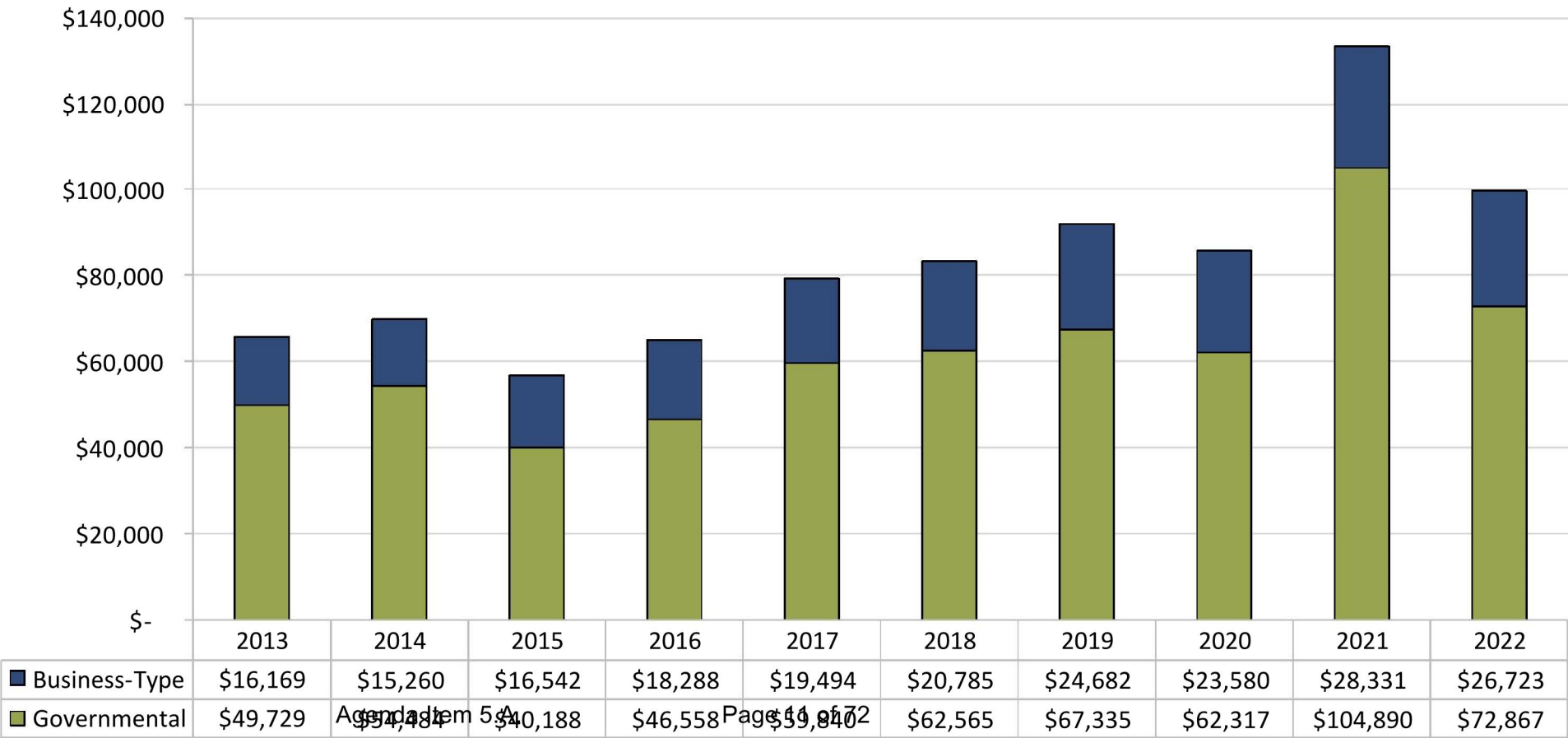


CASH AND INVESTMENTS

CASH/INVESTMENTS

Most significantly affected by the state aid payments structure and tax levy collection.

Balances of the City for the past ten years (in thousands) * excluding dollars related to capital projects funds:





GENERAL FUND

BUDGET TO ACTUAL

	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Variance With Final Budget</u>
Revenues				
Taxes	\$ 7,820,113	\$ 7,820,113	\$ 8,252,757	\$ 432,644
Licenses and permits	745,950	745,950	890,131	144,181
Intergovernmental	10,944,369	11,091,150	11,001,009	(90,141)
Charges for services	1,244,042	1,244,042	2,964,358	1,720,316
Fines and forfeitures	438,100	438,100	357,881	(80,219)
Other	531,075	531,075	943,117	412,042
Total revenues	<u>21,723,649</u>	<u>21,870,430</u>	<u>24,409,253</u>	<u>2,538,823</u>
				11.6%
				Positive
Expenditures				
Administration	5,727,595	5,754,345	5,524,550	229,795
Police	11,618,043	11,657,875	11,428,418	229,457
Fire	5,395,417	5,542,198	5,297,839	244,359
Planning & neighborhood	1,954,769	1,982,641	1,974,357	8,284
Engineering	2,466,901	2,458,026	2,075,815	382,211
Public works	3,615,824	3,615,824	3,866,525	(250,701)
Total expenditures	<u>30,778,549</u>	<u>31,010,909</u>	<u>30,167,504</u>	<u>843,405</u>
				2.7%
				Positive
Revenues over Expenditures	(9,054,900)	(9,140,479)	(5,758,251)	3,382,228
Other Financing Sources (Uses)				
Leases	-	-	13,085	13,085
Transfers in	9,091,400	9,091,400	9,154,750	63,350
Transfer out	-	(8,875)	(138,242)	(129,367)
Total other financing sources (uses)	<u>9,091,400</u>	<u>9,082,525</u>	<u>9,029,593</u>	<u>(52,932)</u>
Net Change in Fund Balance	<u>\$ 36,500</u>	<u>\$ (57,954)</u>	3,271,342	<u>\$ 3,329,296</u>
Fund Balance - Beginning			<u>23,154,522</u>	
Fund Balance - Ending			<u>\$ 26,425,864</u>	

A POSITIVE FUND BALANCE:

1

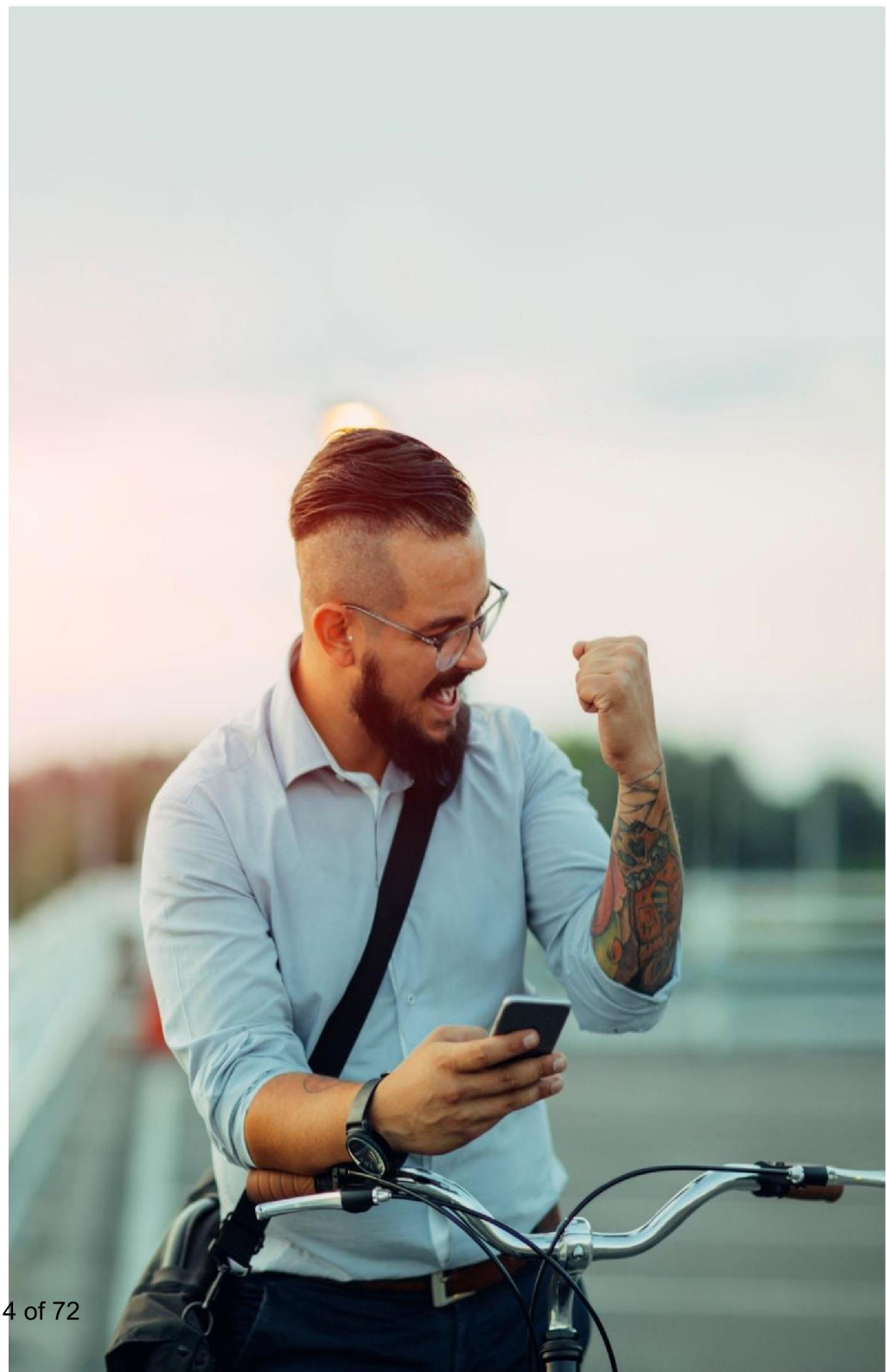
Contributes to a favorable bond rating

2

Produces investment income and provides a source of working capital to meet cash flow needs

3

Offers a cushion for unexpected expenditures or revenue shortfalls



FUND BALANCE CATEGORIES

Nonspendable

Represents amounts that cannot be spent

Not in spendable form

Inventory, prepaid expenses

Restricted

Legally restricted by outside parties

Cannot be appropriated for other spending

Agenda Item 5.A.

Committed

Intended for a specific activity

Imposed by formal action of the city council but is not legally restricted

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Assigned

Intended for a specific activity by city council or designated individuals

Not legally restricted

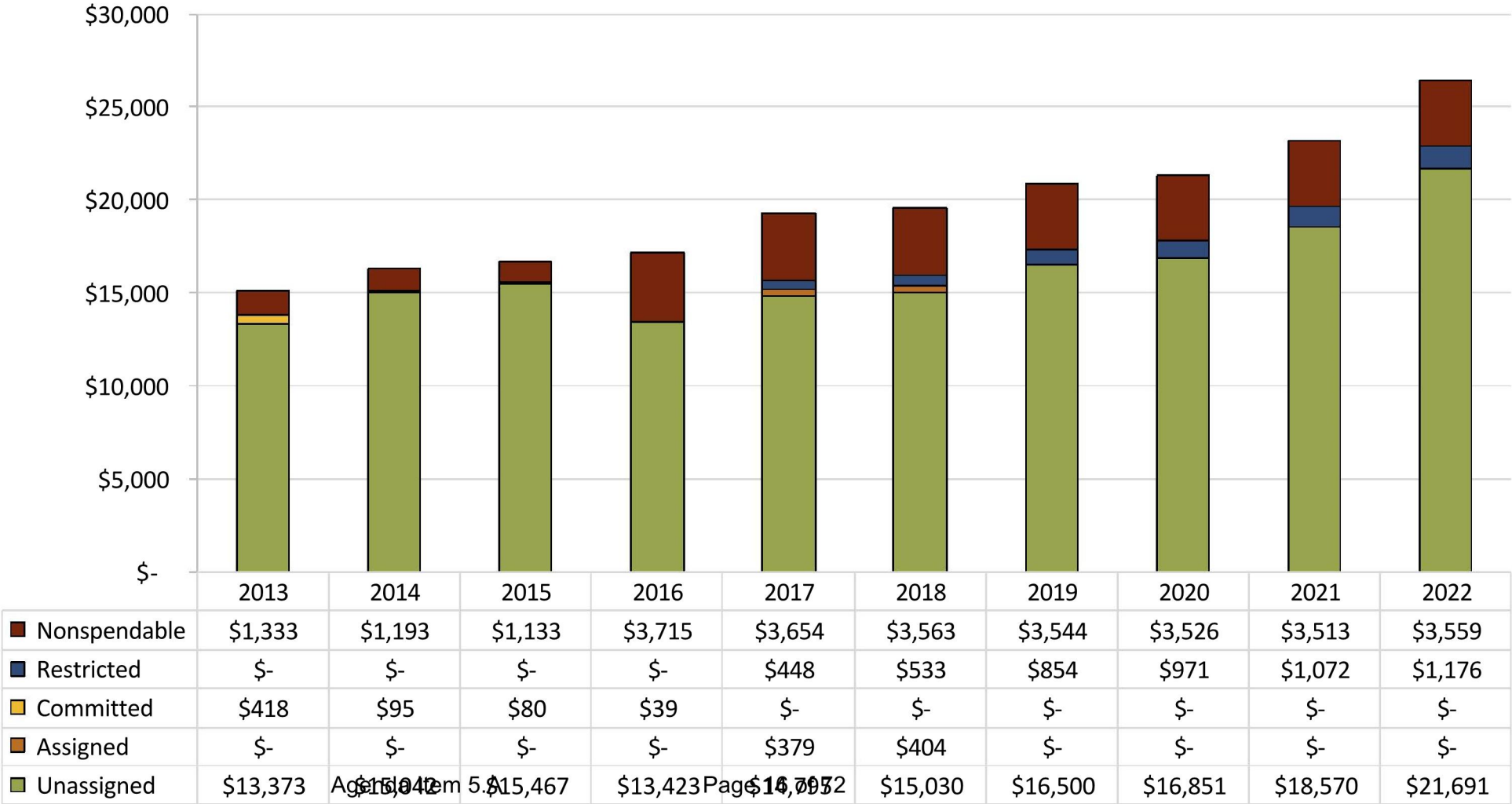
Unassigned

Reserves

“Rainy day” fund

TOTAL FUND BALANCES

Total fund balances of the General Fund for the past ten years (in thousands):



RECOMMENDATIONS REGARDING FUND BALANCES

State of Minnesota Office of the State Auditor (OSA): at year-end, local governments maintain an unrestricted fund balance in their general fund

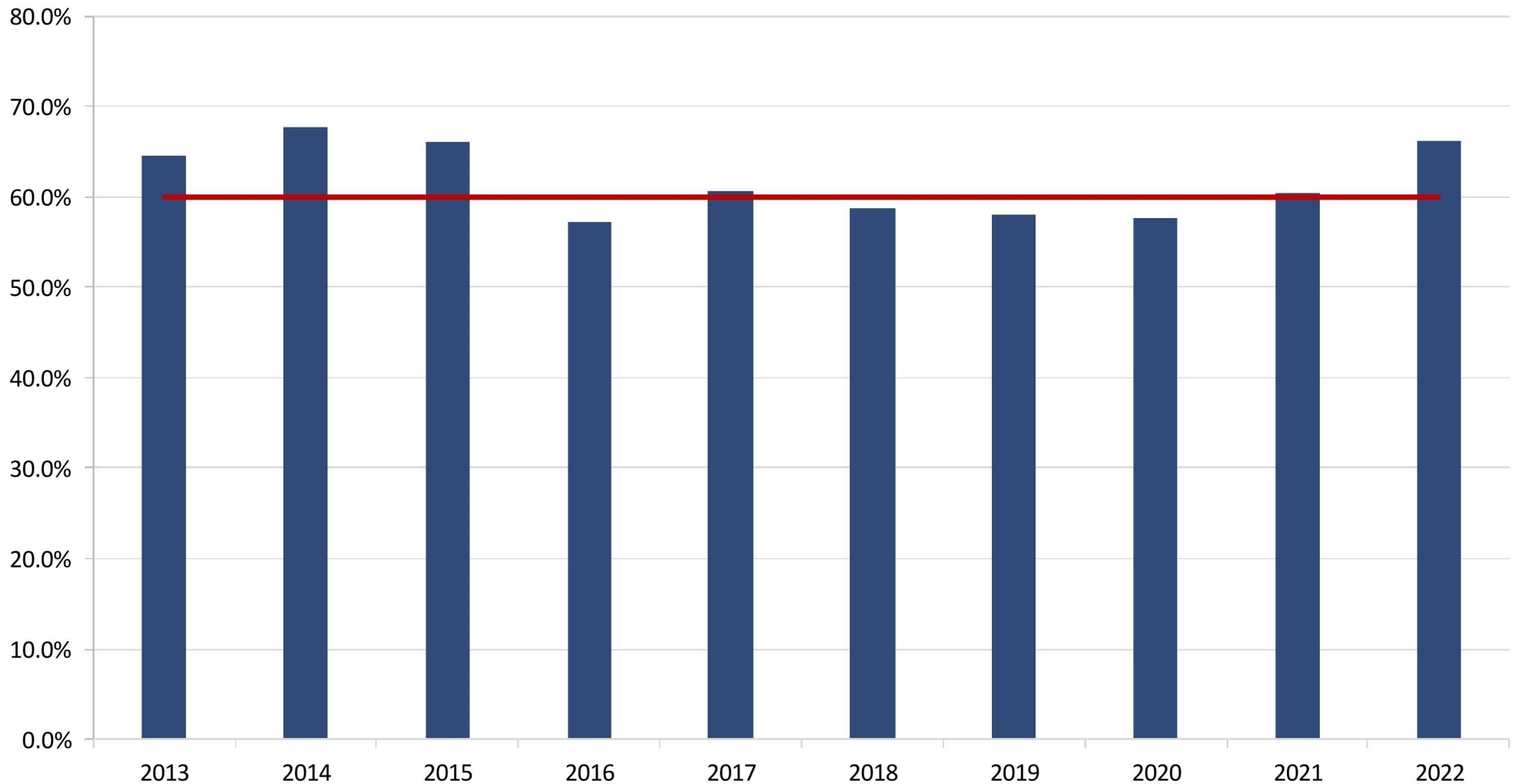
- Special Revenue Funds: approximately 35-50% of fund operating funds
- No less than 5 months of operating expenditures

Government Finance Officers Association (GFOA): at year-end, local governments maintain an unrestricted fund balance of no less than 5-15% of operating expenses.

City's Policy: it is the City's policy to maintain a minimum unassigned general fund balance of 60% of the City's General Fund operating budget, excluding those accounts associated within the Restricted category, in the combined total of the General Fund Committed, Assigned, and Unassigned fund balances.

UNRESTRICTED FUND BALANCE

The City's unrestricted fund balance as a percentage of future budgeted expenditures in the General Fund for the last ten years

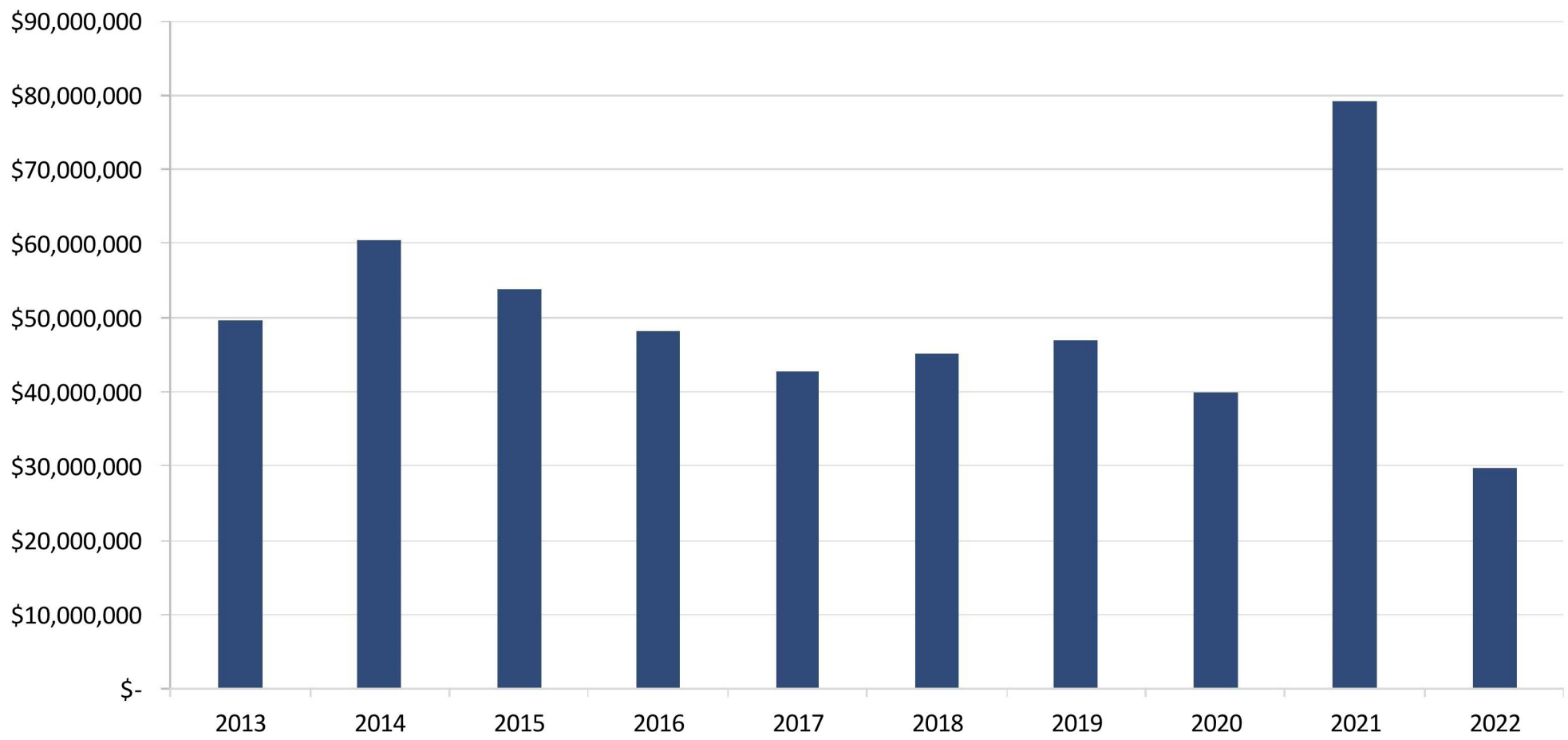




OTHER FUNDS

YEAR END FUND BALANCE – DEBT SERVICE FUNDS

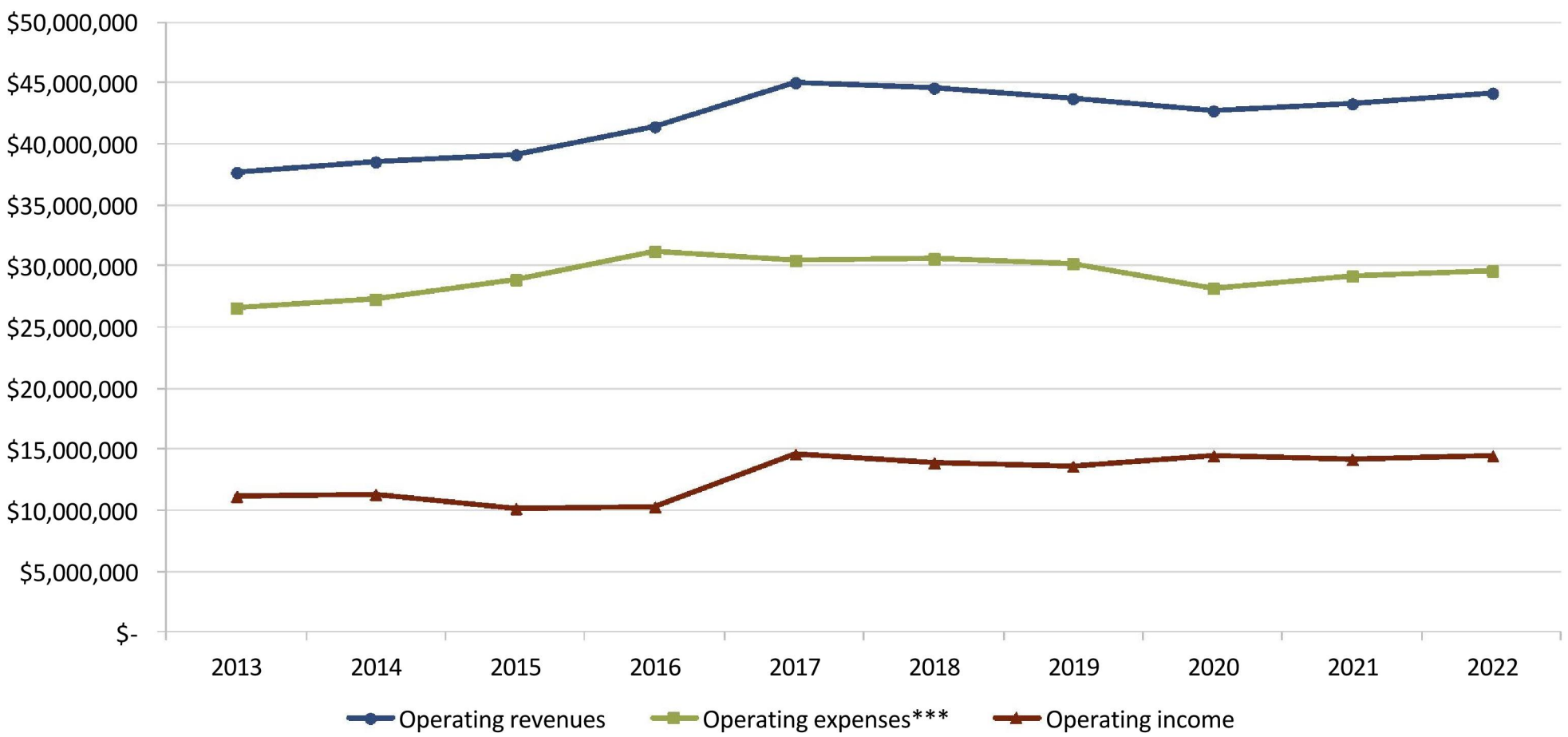
Positive fund balance indicates that revenues from property tax levies and special assessments have been sufficient to meet the required debt service payments.



OPERATING REVENUES, EXPENSES, AND INCOME

ELECTRIC FUND

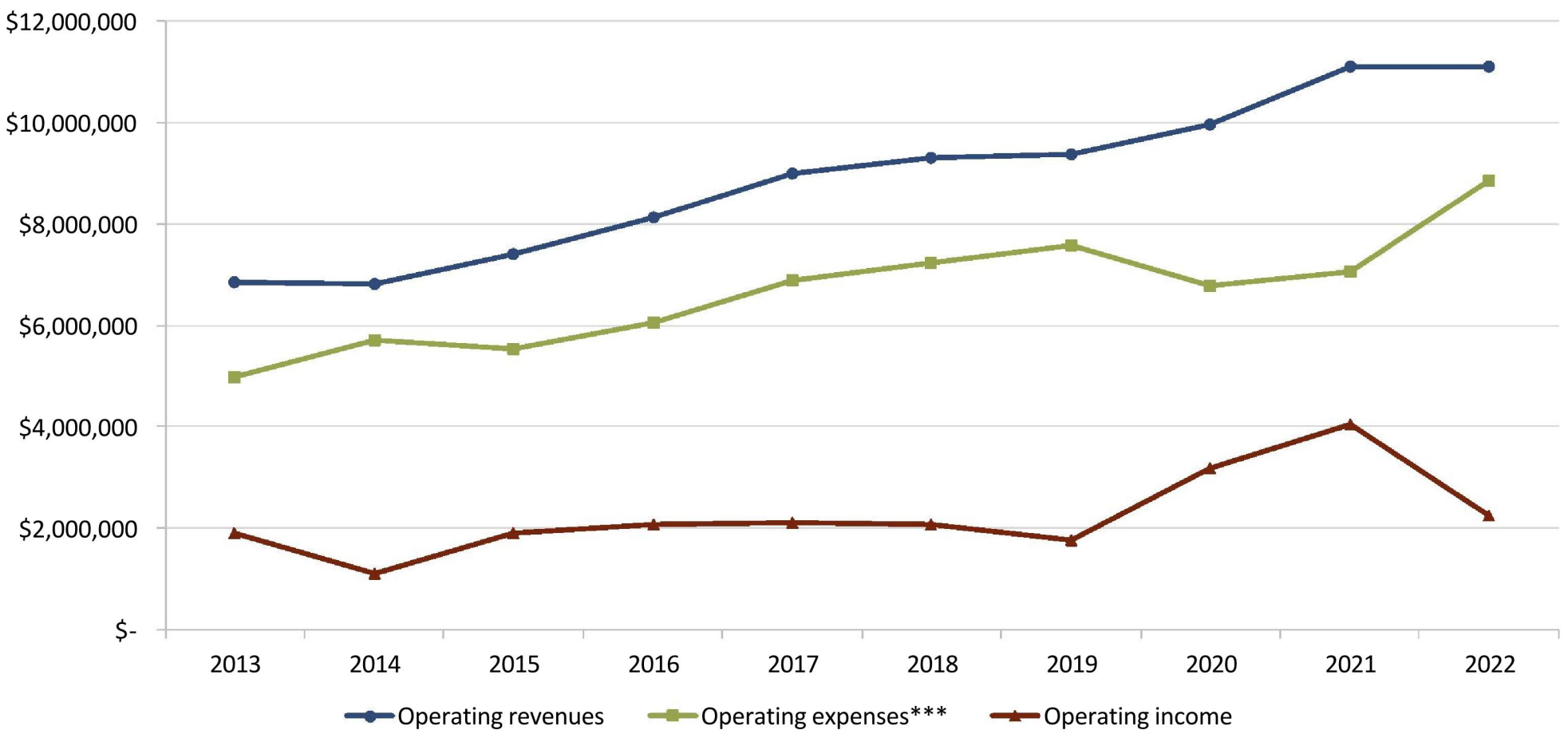
The operating revenues (blue), operating expenses (green), and operating income (red) for the electric fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the electric utility.



OPERATING REVENUES, EXPENSES, AND INCOME

WATER FUND

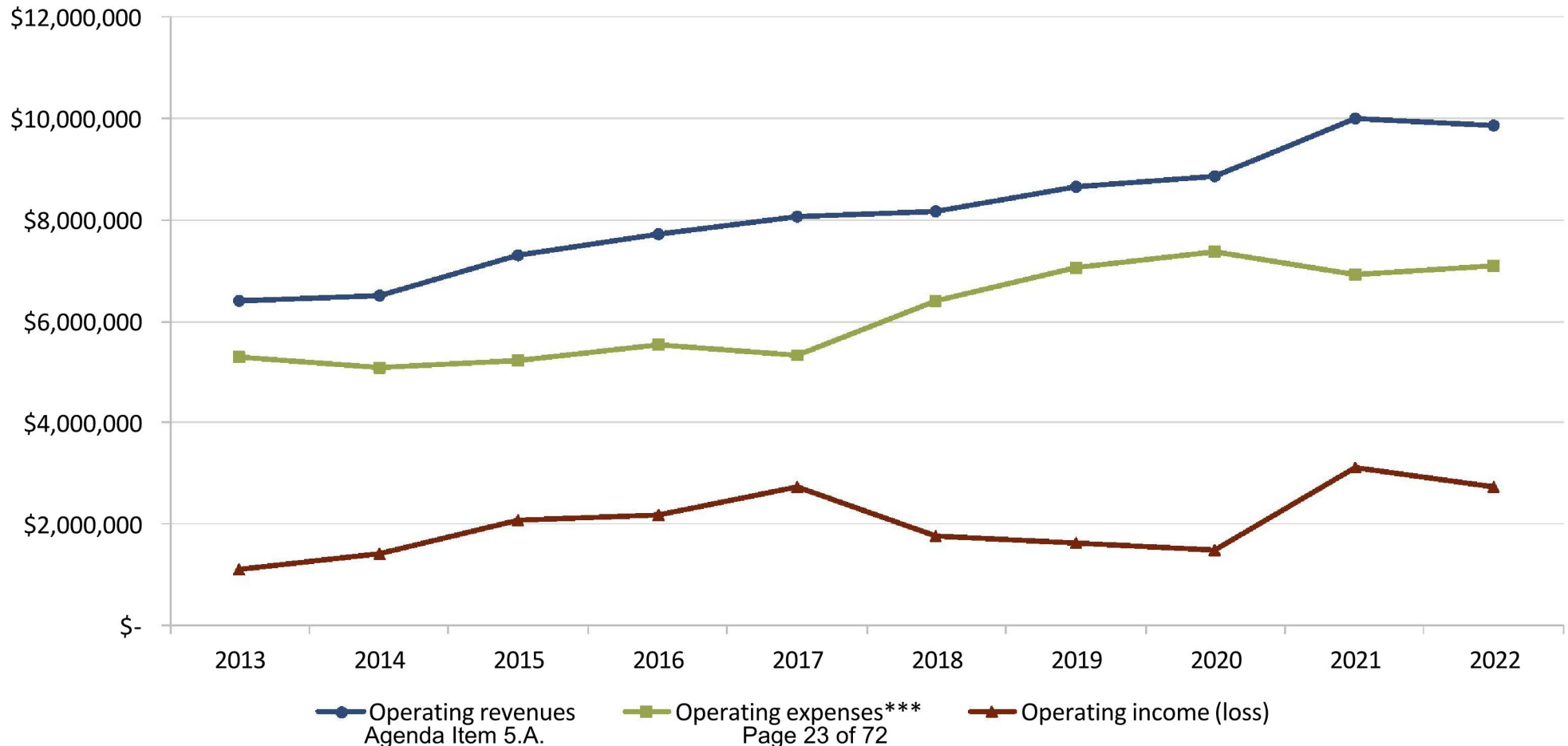
The operating revenues (blue), operating expenses (green), and operating income (red) for the sewer fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the water utility.



OPERATING REVENUES, EXPENSES, AND INCOME

WASTEWATER TREATMENT FUND

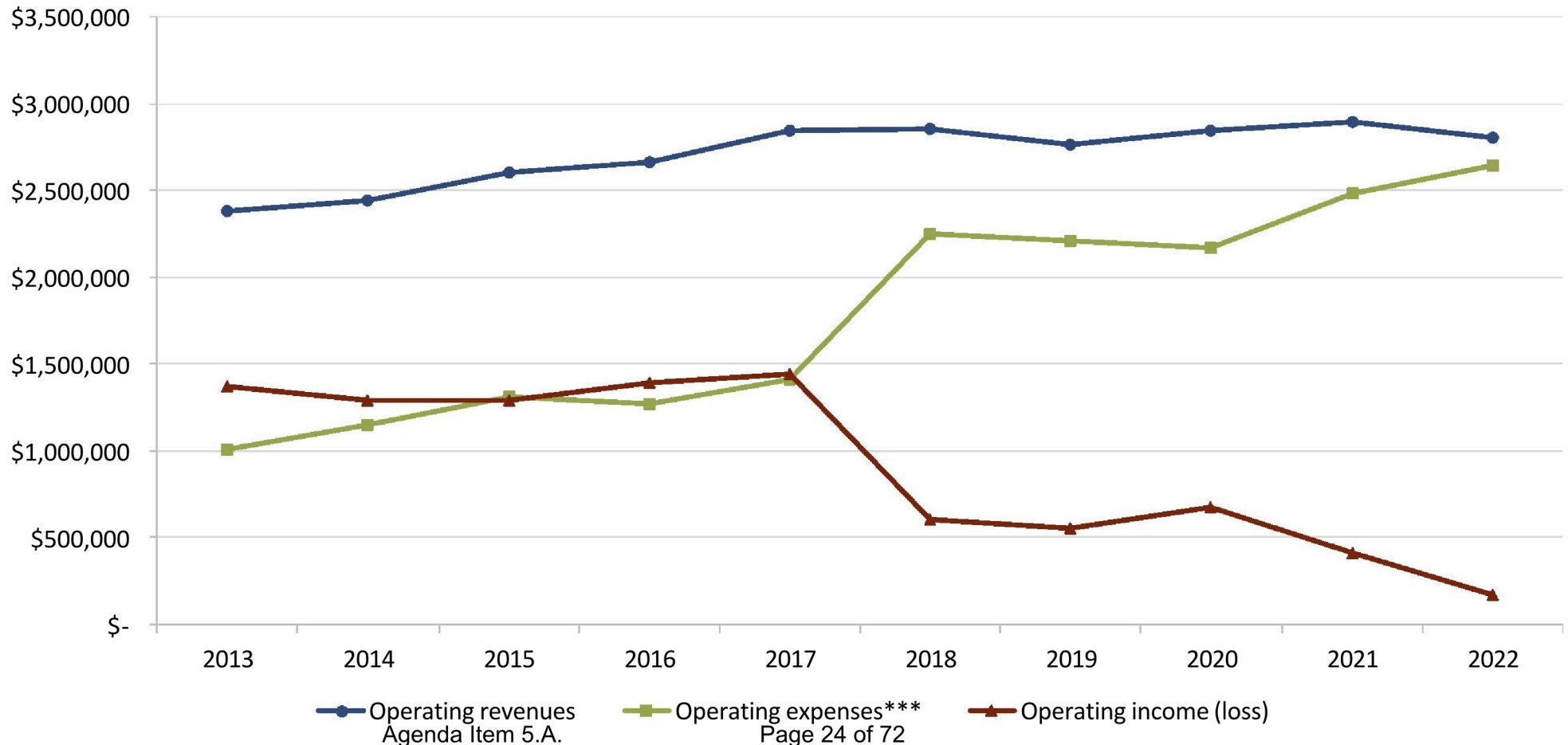
The operating revenues (blue), operating expenses (green), and operating income (red) for the wastewater treatment fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the wastewater treatment system.



OPERATING REVENUES, EXPENSES, AND INCOME

STORM WATER FUND

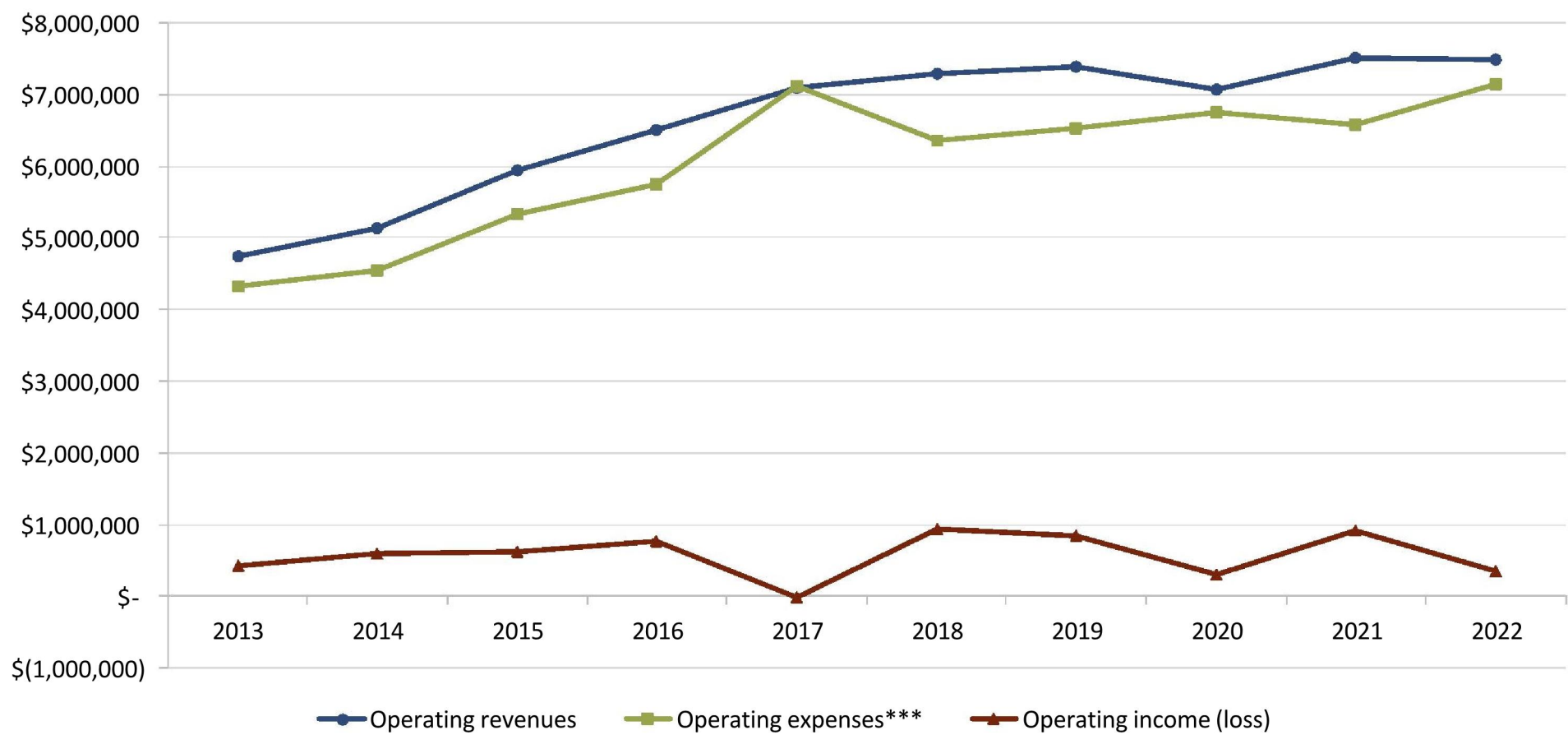
The operating revenues (blue), operating expenses (green), and operating income (red) for the storm water fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the storm water system.



OPERATING REVENUES, EXPENSES, AND INCOME

NONMAJOR UTILITY FUNDS (SANITATION, PEST CONTROL, FORESTRY, AND STREET LIGHT FUNDS)

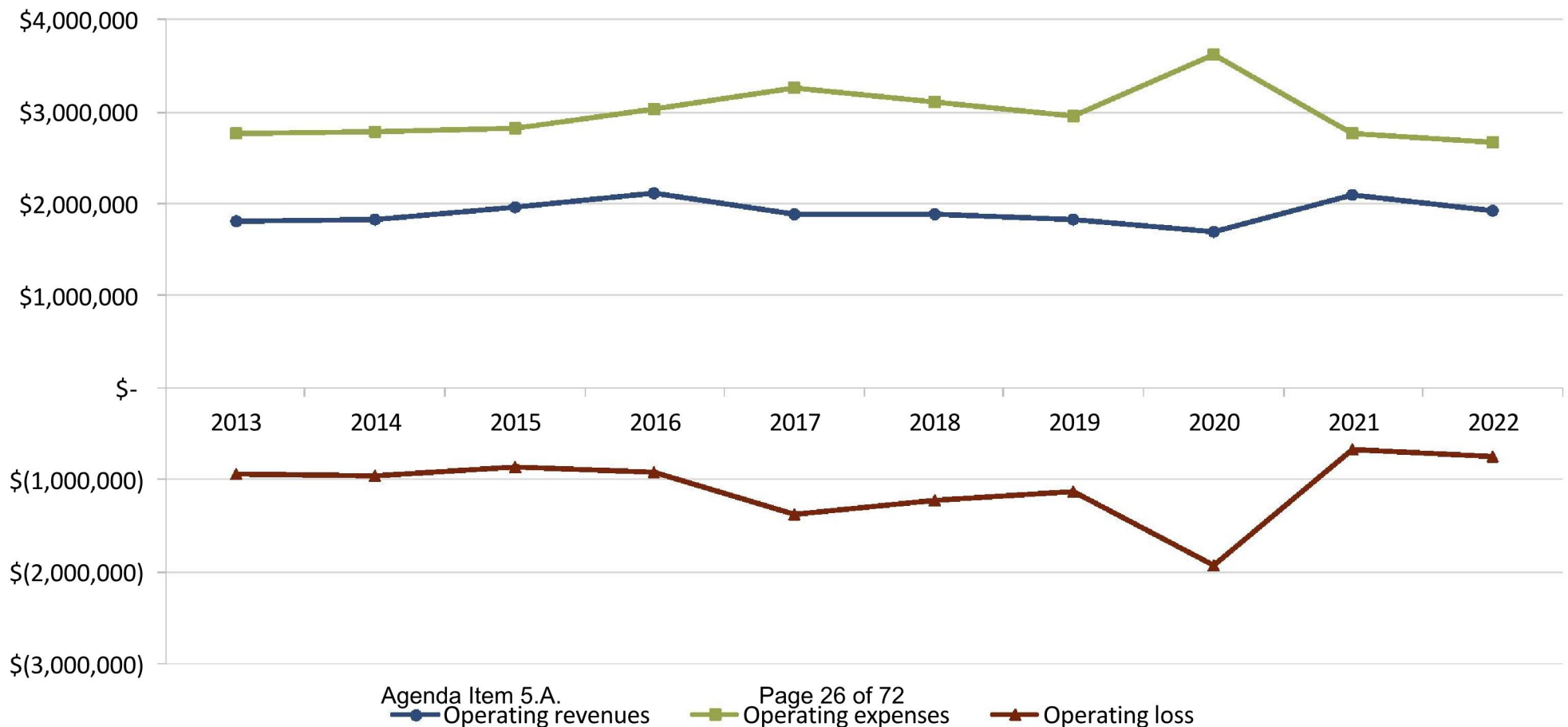
The operating revenues (blue), operating expenses (green), and operating income (red) for nonmajor utility funds are presented below. For nine of the last ten years, operating revenues have been sufficient to cover the operating expenses of the nonmajor utility systems.



OPERATING REVENUES, EXPENSES, AND INCOME

NONMAJOR NONUTILITY FUNDS (GOLF COURSE, SPORTS CENTER, AND AIRPORT FUNDS)

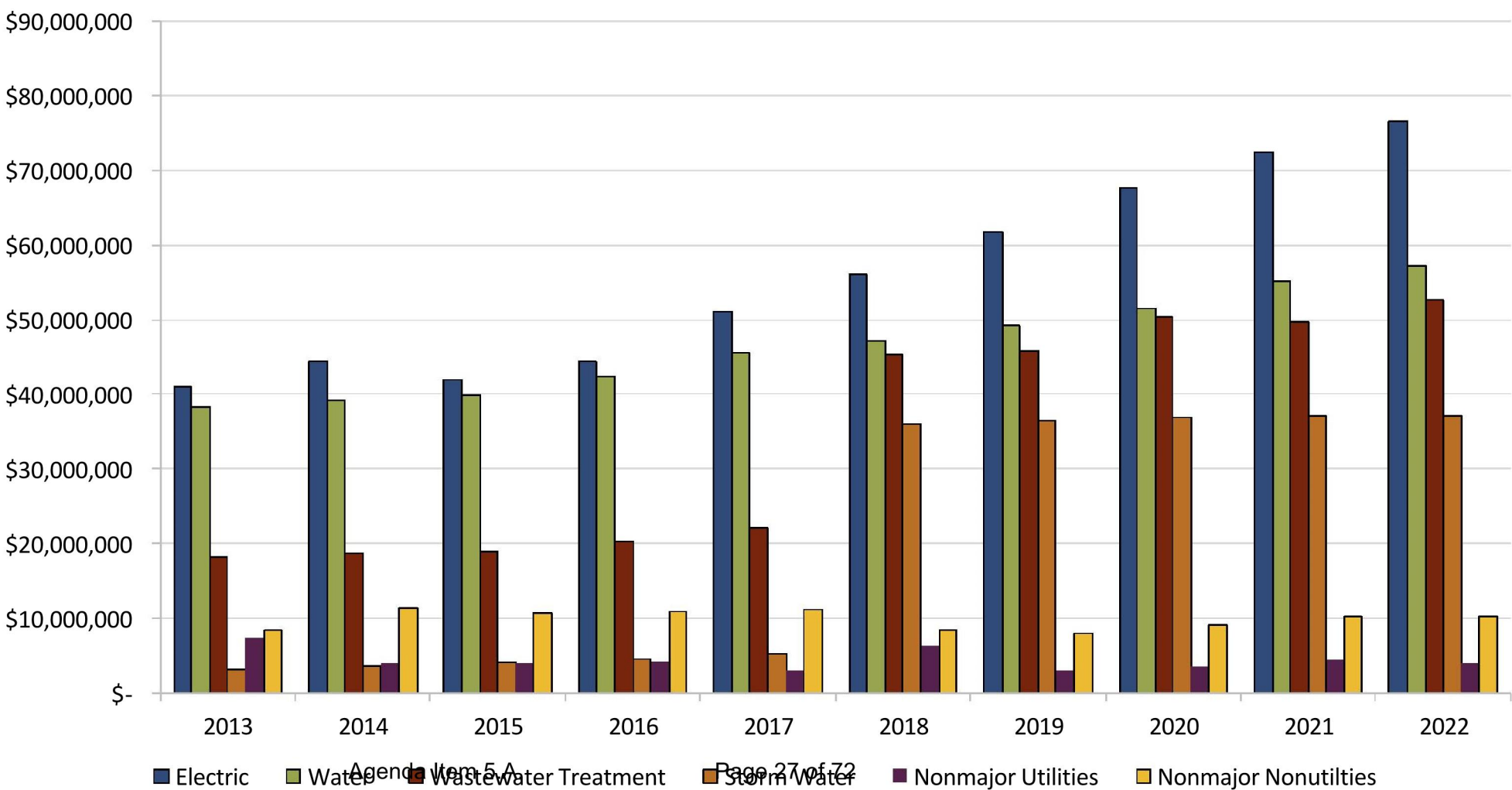
The operating revenues (blue), operating expenses (green), and operating income (red) for nonmajor nonutility funds are presented below. For the last ten years, operating revenues have not been sufficient to cover the operating expenses of the nonmajor nonutility services.



YEAR-END NET POSITION

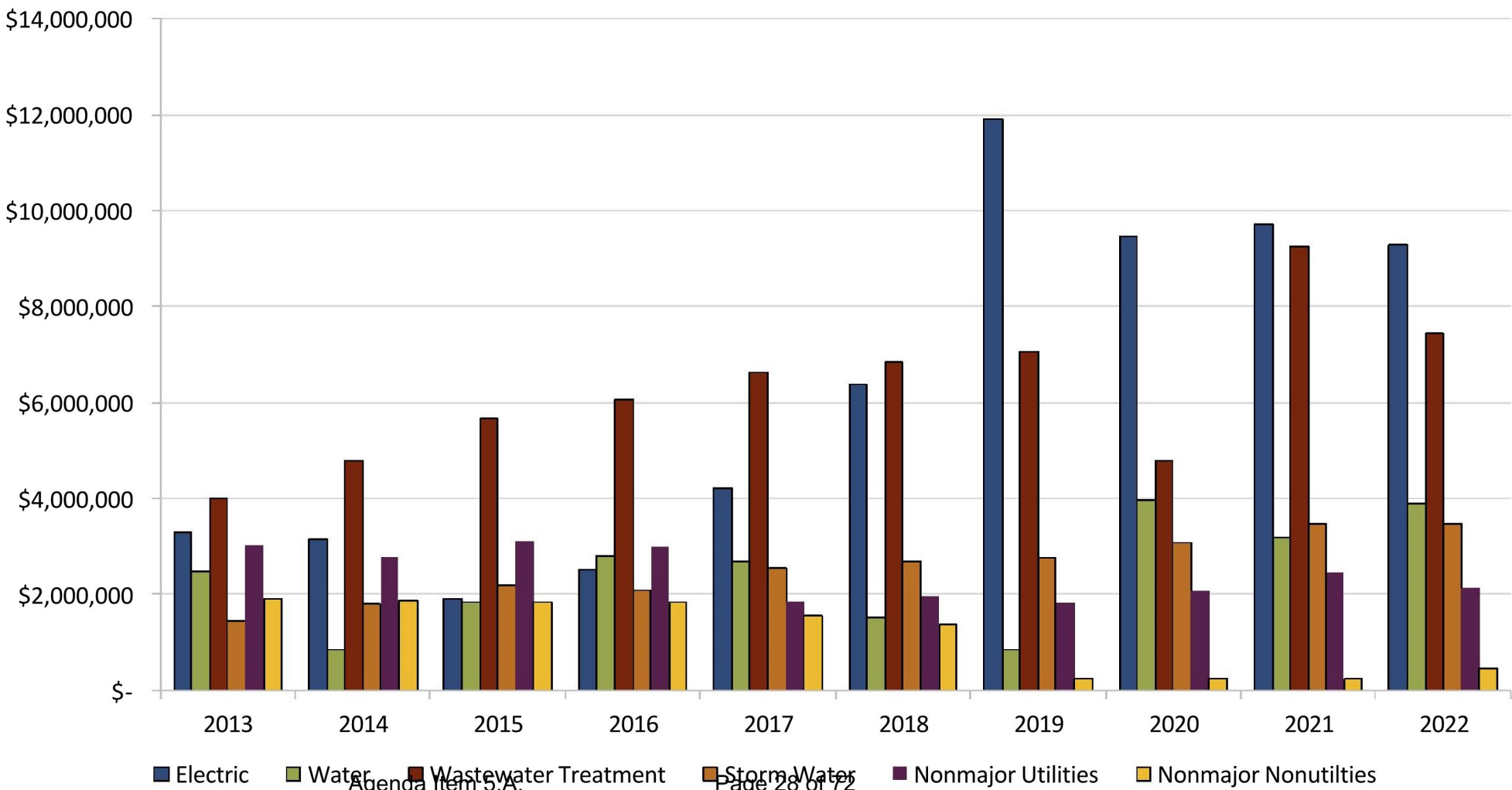
ENTERPRISE FUNDS

Positive net position indicates that revenues from operating activities, grant revenues, and interest have been sufficient to meet the required debt service payments and provide for transfers to governmental activities.



YEAR-END CASH AND INVESTMENTS ENTERPRISE FUNDS

A healthy cash balance in the enterprise funds allows for continued payments towards debt and operations.





QUESTIONS?

This presentation is presented with the understanding that the information contained does not constitute legal, accounting or other professional advice. It is not intended to be responsive to any individual situation or concerns, as the contents of this presentation are intended for general information purposes only. Viewers are urged not to act upon the information contained in this presentation without first consulting competent legal, accounting or other professional advice regarding the facts of a particular fact situation. Questions and additional information can be submitted to your Eide Bailly representative, or to the presenter of this session.



THANK YOU



**CITY COUNCIL
MEETING MINUTES
JUNE 12, 2023 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

1. Call to Order and Roll Call

Roll call of the members was made as follows:

Present: Council Member: Ryan Nelson
Council Member: Heather Nesemeier
Council Member: Laura Caroon
Council Member: Steve Lindaas
Council Member: Larry Seljevold
Council Member: Chuck Hendrickson
Mayor: Shelly Carlson

Absent: Council Member: Matthew Gilbertson
Council Member: Deb White

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve made by Heather Nesemeier and seconded by Steve Lindaas

Motion Passed

For: 6; Nelson, Nesemeier, Caroon, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 2; Gilbertson, White

5. Recognitions - Presentations

A. MoorHeart Recognition: Pat Lenertz

Governmental Affairs Director Lisa Bode presented the MoorHeart recognition to Pat Lenertz. Ms. Bode shared notes of accolades from the nomination for Mr. Lenertz.

B. Presentation: Cass-Clay Food Partners, Michelle Draxten & Janice Tweet

Michelle Draxten & Janice Tweet shared an update and overview of the Cass Clay Food Commission and partnership network.

C. Presentation: Fowzia Adde, Executive Director, Immigrant Development Center

Immigrant Development Center Executive Director Fowzia Adde presented the proposed Cultural Mall project. Ms. Adde shared the vision of the Cultural Mall which is introducing goods and services from local entrepreneurs and offering a platform to integrate new and innovative ideas and products in the local economy.

6. Approve Minutes

A. May 22, 2023 Meeting Minutes

Motion to Approve May 22, 2023 Meeting Minutes made by Steve Lindaas and seconded by Laura Caroon

Motion Passed

For: 6; Nelson, Nesemeier, Caroon, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 2; Gilbertson, White

7. Citizens Addressing the Council (Time Reserved: 15 Minutes)

8. *Mayor and Council Appointments

9. Public Hearings (5:45 pm)

10. Economic Development

A. Resolution to Authorize City Manager to assist in filing a Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative

Derrick LaPoint shared information and background on a planned grant filing application to the West Central Initiative's Main Street initiatives for redevelopment projects on the Highway 10 corridor.

Motion to Approve Resolution to Authorize City Manager to assist in filing a Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative made by Laura Caroon and seconded by Steve Lindaas

Motion Passed

For: 6; Nelson, Nesemeier, Caroon, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 2; Gilbertson, White

11. Engineering Department

A. *Resolution to Approve Biennial Routine Maintenance Agreement No. 1053876 with MnDOT

12. Parks and Recreation Department

A. Resolution to Proceed with Construction of the Inclusive Playground at Southside Regional Park

Moorhead Parks & Recreation Director Holly Heitkamp and Public Works Director Paul Fiechtner shared information on the proposed Inclusive Playground at Southside Regional Park. The proposed project is \$554,000 and the City of Moorhead will continue to fundraise for future expansion of the playground.

Motion to Approve Resolution to Proceed with Construction of the Inclusive Playground at Southside Regional Park made by Chuck Hendrickson and seconded by Heather Nesemeier

Motion Passed

For: 6; Nelson, Nesemeier, Caroon, Lindaas, Seljevold, Hendrickson
Against: 0
Abstain/Recuse: 0
Absent: 2; Gilbertson, White

13. Community Development Department

- A. *Resolution to Approve Grant Agreement with MN Department of Transportation Office of Aeronautics for Maintenance and Operations - Moorhead Municipal Airport Florence Klingensmith Field
- B. *Resolution to Approve Vacation of Easements within Prairie Parkway First Addition

14. Police Department

- A. *Resolution to Authorize Budget Adjustment #23-026 to Approve Purchases from the State of MN Drug Seizure Fund
- B. *Resolution to Approve Budget Adjustment #23-027 to Accept 2023-2024 Pathway to Policing Grant

15. Administration

- A. 2023 Legislative Recap - Lisa Bode, Governmental Affairs Director

Governmental Affairs Director Lisa Bode shared an update on the 2023 Minnesota legislative session.

- B. *Resolution of Support - Minnesota Capital Investment Funding Request for Flood Mitigation
- C. Resolution to Authorize Staff to Submit Preliminary Minnesota Capital Investment Application on behalf of the Immigrant Development Center

Governmental Affairs Director Lisa Bode noted that submitting a preliminary application to Minnesota Management and Budget does not obligate the City of Moorhead to pursue projects in the 2024 legislative session. It does allow the project to move forward for further evaluation and discussion. If the project receives General Obligation Bond approval, regulations will require the City to own the facility and leased to the Immigrant Development Center for eligible purposes subject to a formal agreement.

Motion to Approve Resolution to Authorize Staff to Submit Preliminary Minnesota Capital Investment Application on behalf of the Immigrant Development Center made by Steve Lindaas and seconded by Heather Nesemeier

Motion Passed

For: 4; Nesemeier, Caroon, Lindaas, Seljevold
Against: 2; Nelson, Hendrickson
Abstain/Recuse: 0
Absent: 2; Gilbertson, White

- D. *Resolution to Authorize Advertisement for Construction Manager At Risk (CMAR) Services for the Moorhead Community Center/Public Library
- E. *Resolution to Award Contract to KLJ for a Transit Reorganization Study

- F. *Resolution to Approve 2023-2024 Liquor License Renewals
- G. *First Reading of Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services
- H. *Resolution to Authorize City Manager and Mayor to execute Memorandums of Agreement with labor unions recognizing Juneteenth as a paid holiday

16. Mayor and Council Reports

Council member Laura Caroon shared her participation in the Minnesota Young American First program and the great opportunity to learn and meet emerging leaders from across the State of Minnesota.

Council member Heather Nesemeier spoke about a ribbon cutting at MSUM to celebrate the expansion of the Oceanarium on the campus. Council Member Nesemeier thanked Jennifer Jamieson and the Girl Scouts for asking her to be a judge at the Savannah Cup Pinewood Derby. Ms. Nesemeier talked about budget approval for the Clay County Collaborative and noted that a new Executive Director will start July 1.

Mayor Shelly Carlson shared the opportunity to welcome the Minnesota Public Health Association at its annual conference at Concordia College. Mayor Carlson provided a summary of the Fargo Moorhead Diversion project and spoke of her participation in a listening session with Star Tribune Publisher Steve Grove. Mayor Carlson talked about judging a pet show at the Moorhead Public Library and her attendance at the Midwest Ag Summit for the Chamber of Commerce. She also met with the Executive Director of the Cass Clay Community Land Trust. Mayor Carlson spoke of her attendance and participation in a program called Native Americans and the Criminal Justice System in the Fargo Moorhead Area.

17. City Manager Reports

City Manager Dan Mahli spoke of a presentation with Mayor Shelly Carlson at Eventide University. Mr. Mahli invited all to a groundbreaking of the Rotary Natural Playground and Bike Park on Thursday June 15 at 4:00 at River Front Park. He added a reception is to follow at River Haven. Dan Mahli shared that the Moorhead Community Center Regional Library design team is hosting an open house at the Moorhead Public library on June 28 from 4:00-6:30 p.m. Mr. Mahli also reminded the public that Monday, June 19 is the Juneteenth holiday and City offices will be closed.

18. Executive Session

19. New Business

20. Adjourn

Meeting adjourned at 6:47pm

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson
Mayor

Christina Rust
City Clerk

The proceedings of this meeting are digitally recorded and are available for public review.

MOORHEAD CITY COUNCIL MEETING MINUTES

June 12, 2023

MEMORANDUM

TO: Mayor Carlson and the Moorhead City Council
FROM: John T. Shockley
DATE: June 21, 2023
RE: Appointment to Fill the Vacancy in the Fourth Ward City Council Seat



This memorandum addresses the process involved in filling the City Council (“Council”) member vacancy created by the resignation of Fourth Ward City Council Member Steve Lindaas, dated June 15, 2023, and effective August 31, 2023 (attached as Attachment A). The term of the Fourth Ward council seat expires on December 31, 2024.¹

I. INTRODUCTION

At the Council meeting (June 2023), the Council should formally accept the resignation and declare a vacancy in the City Council for the Ward 4 seat effective as of August 31, 2023. The Moorhead City Charter requires that when a vacancy occurs in a Council member’s office, the Council must fill the vacancy by appointment from an interested and qualified pool of applicants. The options and processes to select a replacement Council member are explained further in this memorandum.

II. DISCUSSION

Under Section 2.06, subd. 1(c) of the Moorhead City Charter, “A vacancy in the office of mayor or council member exists for the following reasons . . . (c) The resignation of the mayor or a council member.” Additionally, “When a vacancy occurs in a city council member’s office, the council must by resolution declare the vacancy to exist. The council shall give public notice of the vacancy, and anyone who is qualified may apply for the position. The council shall fill the vacancy by council appointment from the qualified applicants until a special election is held as provided in subdivision 4.” Moorhead City Charter § 2.06, subd. 2.² In this matter, a city wide special election is not currently scheduled and the next general statewide election is scheduled to occur in 2024. Council Member Lindaas term was through 2024, and thus, the vacancy will exist after the last day for filing an affidavit for the regular city election that last occurred in 2022. Thus, the City Council can either appoint a new member to Council Member Lindaas’s position or call a special election.³

¹ The term for this seat commenced in 2020.

² Subd. 4. of Section 2.06 provides: “If the vacancy occurs and exists before the first day to file affidavits of candidacy for the next regular city election, a special election must be held at the next regular city election or on the date of the next ensuing state general election as the case may be, and the appointed person serves until the qualification of a successor elected at the special election to fill the unexpired portion of the term. If a vacancy occurs and exists on or after the last day for filing affidavits of candidacy for the regular city election or for a special election to be held on the date of the next ensuing state general election, the appointed person serves until the qualification of a successor elected at the next regular city election.”

³ Experts on municipal law submit that the decision to appoint a successor is discretionary. See 63C Am. Jur. 2d Public Officers and Employees § 86 (“[W]here a public officer resigns his or her office to take effect at a future date, and his or her resignation is accepted, the appointing power being, as then organized, authorized to fill the vacancy when it is to occur, may appoint a successor[.]”) (emphasis added).

The first option is for the Council to solicit candidates and appoint someone immediately to fill the vacancy until the expiration of Council Member Lindaas's term.

The second option is to call a special election for the vacant position. In this case the prospective or anticipated vacancy first begins approximately one year before a general election. The process to call and hold a special election would take a minimum of 90 to 120 days and add significant cost for the city.⁴ Further, a statewide general election will be held in 2024, meaning that any successful candidate running in the special election would likely serve only 6-9 months in the position and may have to run a second time in less than a year if a special election were called.

The determination to utilize the first or second option is a policy decision, rather than a legal question, and the choice lies fully within the discretion of the City Council. Due to the limited time between Council Member Lindaas's effective resignation and the general election, the Council may want to opt for the first option.

Process for Option 1 to Solicit Candidates and Appoint Successor

If the Council chooses the first option, after the motion declaring the vacancy, a motion would be approved directing the City Clerk and City Attorney to prepare a draft application to be circulated with the Council. The Council will then review the draft application, publish notice of the vacancy, review applications, and narrow the pool of qualified applicants (if necessary), conduct interviews, and fill the vacancy. The Council will determine a timeline for conducting this process. The following is an estimated timeline based upon past council vacancies.

June 26, 2023 to July 10, 2023 (approx. 2 weeks):

The Council members would review this memorandum and finalize the draft application in this timeframe. The Council members provide input on the information contained in the draft application.

July 10, 2023 to August 14, 2023 (approx. 1 month):

After the Council members approve the application, the City Clerk and City Attorney publish notice of the vacancy on the City website and in the newspaper. Within this timeframe, the Council accepts applications. Any applications received by the City Clerk and/or City Attorney will be forwarded to the Council members for review.

August 14, 2023 to August 28, 2023 (approx. 2 weeks):

The Council members will have this time period to review the applications. The Applicants will be notified and asked to appear at the August 28, 2023, Council meeting for an interview.

August 28, 2023 City Council Meeting:

The Applicants will be seated in front of the Council. The Applicants will be asked questions and will be allowed to present closing statements to the Council. After interviews have been conducted, the Council may deliberate and discuss the Applicants before voting to fill the vacancy. After closing statements and deliberation, the Council members will have an opportunity to consider all of the information and will vote at the following Council meeting.

⁴ The City Clerk estimates that a special election would cost the city \$[____].

September 11, 2023 City Council Meeting:

After interviews have been conducted, the Council may deliberate and discuss the Applicants before voting to fill the vacancy. The Applicant with a majority of the votes of the Council members will be appointed to fill the vacancy by final resolution of the Council immediately thereafter and at the same meeting.

September 25, 2023 City Council Meeting:

The newly appointed Council member will be officially sworn in at the September 25, 2023, City Council meeting.

III. RECOMMENDED ACTIONS

At the next Moorhead City Council meeting on June 26, 2023, the Council should make a motion to “accept the resignation of City Council Member Steve Lindaas effective August 31, 2023.” The Council will then vote on the motion if a quorum has been reached. The vote will pass upon a majority of affirmative votes of a quorum of the Council members present. The Council should then discuss next steps, including whether to 1) appoint a successor until the end of Council Member Lindaas’s current term or 2) to call a special election, as discussed in this Memorandum.

ATTACHMENT A



June 15, 2023

I will be resigning my position representing Ward 4 on the Moorhead City Council effective August 31, 2023.

I have received an AAAS Science and Technology Policy Fellowship and will be working for the Department of Energy in Washington DC starting September 1, 2023. This fellowship will allow me to apply my scientific expertise to policy and problems in the executive branch of the Federal Government. I welcome the opportunity to work, serve and learn about another area of our government. Expanding my knowledge and experiences will augment my ability to be effective working on new initiatives. Of course, I will carry with me the lessons learned from my service in Moorhead and apply those sensibilities to my service at the Department of Energy and interactions across the federal government.

I am proud of what has been accomplished during my time serving on the Moorhead City Council. My focus has always been on strengthening the intersection of Kids, Community and Climate. Our children are the future of our community and we need to create a nurturing climate as well as address the challenges of a changing physical climate. The following actions the City Council has taken are very meaningful.

- Engaging the community in developing the Onward Moorhead comprehensive plan subsequently adopted by the City Council.
- Supporting work on Green Step Cities so that Moorhead has now received the top level designation for the second year in a row.
- Restricting flavored tobacco and vaping in the City of Moorhead
- Supporting ongoing flood control measures and the downtown development process.
- Expanding food resilience by allowing urban agriculture such as backyard chickens.
- Expanding native plantings and pollinator habitats and simplifying or eliminating resident permitting.
- Unanimously declaring a Climate Emergency in January 2022

The work developing the climate emergency declaration was directly related to my work as a founding member of the MN Cities Climate Coalition. This coalition led to a score of cities simultaneously declaring climate emergencies to request state and federal support for needed actions. Involvement in the following additional organizations followed and supported climate actions.

- Serving on the steering committee of Resilient Moorhead.
- Participating on a Food Sovereignty Community of Practice run by Johns Hopkins University.
- Participating on a committee to develop a climate action plan template through the West Central Initiative.
- Participation on the League of MN Cities: Improving Services Delivery committee and on the Coalition of Greater MN Cities: Energy and the Environment committee to support and introduce climate forward initiatives.

It has been an honor to serve the residents of Moorhead working with dedicated city staff, the mayor and fellow council members.

Sincerely,

Steve Lindaas
Ward 4, Moorhead City Council

RESOLUTION

Resolution for Appointment to Boards and Commissions

BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City council does hereby approve the following committee appointments:

Park Advisory Board

- Jessica Warren, Moorhead resident, is appointed to a term commencing June 26, 2023 and ending January 31, 2026. (At-Large)

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

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Approve Budget Adjustment and Award Bid for the 2023 Wastewater Treatment Facility Roof Replacement Project (Eng. No. 23-06-03)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve a budget adjustment and to award the bid for the 2023 Wastewater Treatment Facility Roof Replacement Project to Herzog Roofing, Inc. of Detroit Lakes, MN in the amount of \$360,000.00.

BACKGROUND/KEY POINTS:

The proposed project will replace a portion of the roof of Wastewater Treatment Facility (North Oxygen Activated Sludge Building). The building is 40 years old and the current roof membrane is about 20 years old. There are multiple areas of the facility in need of replacement. Phases of this work are being programmed into the Wastewater Treatment budget annually.

FINANCIAL CONSIDERATIONS:

One bid was received on June 7, 2023 and is summarized below:

Bidder	Bid
Herzog Roofing, Inc.	\$360,000.00
Engineer's Estimate	\$357,225.00

The total cost of the project, including contingencies, is estimated to be approximately \$378,000 and will be financed through the 2023 Wastewater Treatment budget.

Although the budget for the 2023 replacement project was increased based on experience with costs from 2022, inflation has continued to significantly impact this type of work. The single bid was close to the engineer's estimate, but significantly exceeded the estimate used to prepare the 2023 budget. Therefore, in order to proceed with these repairs in 2023, budget adjustment #23-028 is necessary to transfer \$160,000 from Wastewater Treatment Reserves to the building rehabilitation account in the 2023 Wastewater Treatment budget. Because the existing roof leaks and is causing damage to the building and contents, staff recommends proceeding with the work this year. As noted above, additional phases to address other parts of the facility are programmed into future years, and delaying the work planned for this year will further delay that work.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Tom Sopp, Assistant Superintendent

Attachments: Bid Tabulation



Project Name: **2023 Phase 2 Moorhead Wastewater Treatment Facility OAS Bldg Roof Replacement**

I hereby certify that this is an exact reproduction of bids received.

City Project No.: **23-06-03**

Stantec Project No.: **193806145**

Bid Opening: **Wednesday, June 7, 2023 at 10:00 AM CDT**

Owner: **Moorhead, Minnesota**

Bruce P. Paulson, RA
License No. 20910

Bidder No. 1

BID TABULATION

Herzog Roofing, Inc.

Item Num	Item	Units	Qty	Unit Price	Total
PART 1 - BASE BID:					
1-1	MATERIALS AND LABOR NECESSARY TO COMPLETE THE WORK AS DEFINED ON THE DRAWINGS AND IN THE PROJECT MANUAL	LUMP SUM	1	\$360,000.00	\$360,000.00
TOTAL BASE BID					\$360,000.00
PART 2 - UNIT PRICES:					
2-1	MATERIALS, LABOR, AND EQUIPMENT NECESSARY TO REMOVE AND REPLACE WATER OR DRY-ROT DAMAGED DIMENSIONAL WOOD BLOCKING	BF	50	\$5.50	\$275.00
2-2	MATERIALS, LABOR, AND EQUIPMENT NECESSARY TO REMOVE AND REPLACE WATER OR DRY-ROT DAMAGED PLYWOOD SHEATHING AT PARAPETS	SF	32	\$6.75	\$216.00

Contractor Name and Address: Herzog Roofing, Inc.
PO Box 245
Detroit Lakes, MN 56502
Phone: 218-847-1121
Email: austin@herzogroofing.com
Signed By: Austin Askelson
Title: Project Manager
Bid Security: Bid Bond
Addenda Acknowledged: n/a

RESOLUTION

Resolution to Approve Budget Adjustment and Award Bid for the 2023 Wastewater Treatment Facility Roof Replacement Project (Eng. No. 23-06-03)

WHEREAS, bids were received, opened and tabulated according to law, and the following bids were received:

Bidder	Bid
Herzog Roofing, Inc.	\$360,000.00
Engineer's Estimate	\$357,225.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that:

1. It is found, determined, and declared that the lowest responsive, responsible bid with respect to the proposed project was received from Herzog Roofing, Inc. of Detroit Lakes, MN in the amount of \$360,000.00. Said bid is in all respects in accordance with the plans and specifications for the project. Thus, said bid is hereby approved and accepted.
2. The project will be financed through the 2023 Wastewater Treatment Budget.
3. The Mayor and City Manager are hereby authorized and directed to enter a Contract with Herzog Roofing, Inc. of Detroit Lakes, MN, for the Wastewater Treatment Facility Admin Building Roof Replacement (Eng. No. 23-06-03), according to the plans and specifications on file in the office of the City Engineer.
4. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bid, except the deposits of the successful bidder and the next lowest bid shall be retained until a contract has been signed.
5. The City Manager is hereby authorized to approve minor extra work orders and change orders as necessary to satisfactorily complete the work up to a cumulative total not-to-exceed 5% (\$18,000.00) of the total contract amount.

BE IT FURTHER RESOLVED that Budget Adjustment #23-028 to transfer \$160,000 from Wastewater Treatment Reserves to the 2023 Wastewater Treatment Budget is hereby approved.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Approve Agreement #1054033 with MnDOT for Traffic Control Signal System Operations and Maintenance

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve Agreement #1054033 with MnDOT for Traffic Control Signal System Operations and Maintenance.

BACKGROUND/KEY POINTS:

Since 2016, the City has had an agreement with the Minnesota Department of Transportation (MnDOT) for Traffic Control Signal System Operations and Maintenance. Under this agreement, the City has been providing operation and maintenance services to the State for traffic signals in the City owned by MnDOT. The current agreement expires on June 30, 2023. Agreement #1054033 is proposed to continue the current arrangement for a term of five years.

MnDOT currently owns 26 signal systems and a fiber optic cable network within City limits. Under the terms of the proposed agreement, the City will provide minor and preventative signal system maintenance, Gopher State One-Call utility locates, and signal system operations to be reimbursed at the unit rate per signal system. When major signal system maintenance is required, the State will reimburse the City for the cost of materials that exceed \$500 per incident per signal system.

The agreement provides benefits to both parties including, but not limited to: more efficient utilization of existing City and State resources; improved (reduced) response time to incidents, equipment malfunctions, and citizen inquiries; improved coordination between City and State signal systems; and more frequent review and revision of signal operations and signal timing plans.

Agreement #1054033 will become effective upon execution by both parties and expire on June 30, 2023. The agreement includes provisions for amendments to reflect the addition of new MnDOT signal systems in the future.

Staff has reviewed the proposed agreement and recommends Council approval.

FINANCIAL CONSIDERATIONS:

Under the terms of the agreement, the City will provide the services noted above at a unit rate of \$3,600.00 per signal system. Excluding the cost of materials used for major signal maintenance (as defined in the agreement), the State's total obligation will not exceed \$100,000.00 per State fiscal year. For the existing 26 MnDOT signal systems, the unit rate reimbursement will generate \$93,600.00 in revenue. Engineering staff performs the duties required under the agreement using existing staff resources.



City Council Communication

June 26, 2023

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Tom Trowbridge, Assistant City Engineer
Bob Zimmerman, Engineering Director
Ruth Sierra, Office Specialist

Attachments: Draft Resolution

RESOLUTION

Resolution to Approve Agreement #1054033 with MnDOT for Traffic Control Signal System Maintenance

WHEREAS, the City of Moorhead has entered into MnDOT Agreement No.1054033 with the State of Minnesota, Department of Transportation for the following purposes:

For the City to perform the State traffic signal system operation and maintenance responsibilities and the State to provide for payment to the City for the maintenance of the traffic signal systems on trunk highways within the corporate City limits of Moorhead.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Mayor and City Manager are authorized to execute the Agreement and any said amendments to the Agreement.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Award Bid - Taxiway Project at the Moorhead Municipal Airport Florence Klingensmith Field

RECOMMENDATION:

The Mayor and City Council are asked to consider the following actions in relation to a new taxiway at the Moorhead Municipal Airport Florence Klingensmith Field:

- A. Resolution to Award Bid
- B. Resolution to Approve Agreement with Mead and Hunt for Construction Administration and Close Out Services
- C. Resolution to Approve Grant Agreements with the State of MN and US Federal Aviation Administration

BACKGROUND/KEY POINTS:

Available spaces for new hangars at the Moorhead Municipal Airport are limited and the Airport Improvement Plan includes a taxiway with emphasis on attracting commercial airport users. The new 35'x360' bituminous taxiway would provide multiple, large hangar building spaces. There were four parties that were interested in commercial private hangar spaces that provided letters of support for the project. The Airport Committee unanimously recommended proceeding with this project at their August 2022 meeting.

FINANCIAL CONSIDERATIONS:

This project was included in the 2023 Capital Improvement Plan for the Airport. It qualifies for U.S. FAA Bipartisan Infrastructure Law (BIL) grant funds. The bids received included:

Knife River Materials Northern MN Division.: \$319,639.00

Sellin Brothers Inc: \$340,145.50

Northern Improvement Company: \$352,149.00

Engineer's Opinion of Costs: \$261,370.00

Mead and Hunt Construction Administration and Close Out Costs: \$38,500

Other costs:

- Project Design and Bid: \$28,300

Total project cost: \$386,439.00

The estimated cost breakdown would be:

FAA Estimated Grant Share: \$347,795

MnDOT Grant Share: \$19,322

Local Estimated Grant Share: \$19,322



City Council Communication

June 26, 2023

The BIL funds are distributed annually to airports. Based on the current balance, the project grant will be in two phases – phase one being the construction costs and phase two being the Engineering costs. The US FAA has approved this two-phase request for the project. Because the project came in above the engineers anticipated cost, an additional \$1,672.00 (local cost) is included in Budget Adjustment 23-029 (transfer from Airport Capital Improvement funds).

Budget Adjustment #23-029

Fund Name	Account Description	Expenditure	Funding Source
Airport	Federal Grant		\$ 29,795
Airport	State Grant		1,672
Airport	Local Share		1,672
Airport	Improvements Other than Buildings	\$ 33,139	
		<u>\$ 33,139</u>	<u>\$ 33,139</u>

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Kristie Leshovsky, Community Development Director

Attachments: Draft Resolution – Bid Award
 Draft Resolution – Mead and Hunt Agreement
 Draft Resolution – MnDOT and FAA Agreements

RESOLUTION

Resolution to Award Bid - Taxiway Project at the Moorhead Municipal Airport Florence Klingensmith Field

WHEREAS, pursuant to an advertisement for bids for a new taxiway at the Moorhead Municipal Airport – Florence Klingensmith Field, bids were received, opened, and tabulated according to law and the following bids were received complying with the advertisement:

Knife River Materials Northern MN Division: \$319,639.00

Sellin Brothers Inc: \$340,145.50

Northern Improvement Company: \$352,149.00

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

1. This project is anticipated to be funded by a combination of US Federal Aviation Administration, MnDOT Office of Aeronautics and City airport funds.
2. The City Council does hereby authorize and direct the Mayor and City Manager to enter into a contract with Knife River Materials Northern MN Division for a new taxiway at the Moorhead Municipal Airport – Florence Klingensmith Field according to the plans and specifications.
3. The City Manager and/or designee are hereby authorized to approve minor work orders and change orders necessary to satisfactorily complete the work up to a cumulative total not to exceed a local/City funding amount of \$2,500.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead that budget adjustment 23-029 is hereby approved.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Approve Agreement with Mead and Hunt for Construction Administration and Close Out Services - Taxiway Project

WHEREAS, Mead and Hunt have prepared a proposal to provide Construction Services, Oversight, Project Management and Close Out Services for the Taxiway project at the Moorhead Municipal Airport – Florence Klingensmith Field; and

WHEREAS, the cost for the services is \$38,500 and will be financed through U.S. FAA and MnDOT Office of Aeronautics Grant Agreements and funds within the Airport Capital Improvement Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the Service Work Agreement/Service Work Order is approved and the Mayor and City Manager are authorized to enter into the Agreement/Order and any required amendments to complete the work up to a cumulative total not to exceed local/City funding amount of \$500 with Mead and Hunt for the completion of the Construction Services, Oversight, Project Management and Close Out Services for the Taxiway project at the Moorhead Municipal Airport – Florence Klingensmith Field.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Approve Grant Agreements with State of MN and US Federal Aviation Administration - Taxiway Project

WHEREAS, the City of Moorhead desires the financial assistance of the State of Minnesota and United States Federal Aviation Administration for the Taxiway Project at the Moorhead Municipal Airport – Florence Klingensmith Field; and

WHEREAS, the State of Minnesota is willing and authorized to provide financial assistance to the City of Moorhead for improvements of the Moorhead Airport.

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

1. That the State of Minnesota Agreement No. “Grant Agreement for Airport Improvements Excluding Land Acquisition” for State Project No. 1401- at the Moorhead Municipal Airport – Florence Klingensmith Field is accepted.
2. That the Mayor and City Manager are authorized to execute this Agreement and any related Amendments on behalf of the City of Moorhead.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead that the Mayor and City Manager are authorized to execute the necessary Agreements with the U.S. Federal Aviation Administration on behalf of the City of Moorhead for Electrical Vault and Equipment Replacement at the Moorhead Municipal Airport – Florence Klingensmith Field.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Approve Agreement with Mead and Hunt - Phase I Automated Weather Observing System (AWOS) Relocation at Moorhead Municipal Airport Florence Klingensmith Field

RECOMMENDATION:

The Mayor and City Council are asked to approve an Agreement with Mead and Hunt for Phase I Automated Weather Observing System (AWOS) Relocation at Moorhead Municipal Airport Florence Klingensmith Field

BACKGROUND/KEY POINTS:

The AWOS at the Moorhead Airport is at an age that it needs replacement. The AWOS is currently in a location that no longer meets aviation standards. The City is working in partnership with MnDOT Office of Aeronautics to replace the aging AWOS and site it in a new location. MnDOT will purchase the new AWOS and the City is required to go through the siting study and bring the needed electrical infrastructure to the new AWOS site.

The proposed Phase I AWOS scope includes the siting and related administrative approvals for the new AWOS location. Future phases will include design/bidding for bringing needed infrastructure to the new location and construction administration/close out. Based on preliminary comments from the FAA and MnDOT on a new location, it is anticipated that property acquisition may be needed for the new location. If acquisition is required, additional documentation (environmental, airport layout plan, etc.) will also be needed.

FINANCIAL CONSIDERATIONS:

Phase I: Siting and Administration qualifies for a 70/30 grant from MnDOT as follows:

MnDOT:	\$9,800
City:	\$4,200
Project Total:	\$14,000

Costs for this project are in an approved Airport Capital Improvement budget.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Kristie Leshovsky, Community Development Director

Attachments: Draft Resolution

RESOLUTION

Resolution to Approve Agreement with Mead and Hunt - Phase I Automated Weather Observing System (AWOS) Relocation at Moorhead Municipal Airport Florence Klingensmith Field

WHEREAS, the City of Moorhead desires the financial assistance of the State of Minnesota for the Phase I Automated Weather Observing System (AWOS) Relocation at Moorhead Municipal Airport Florence Klingensmith Field; and

WHEREAS, the State of Minnesota is willing and authorized to provide financial assistance to the City of Moorhead for improvements of the Moorhead Airport.

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

1. That the State of Minnesota Agreement No. 1053829 "Grant Agreement for Airport Improvement Excluding Land Acquisition" for State Project No. 1401-32 at the Moorhead Municipal Airport – Florence Klingensmith Field is accepted.
2. That the Mayor and City Manager are authorized to execute this Agreement and any related Amendments on behalf of the City of Moorhead.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Receive the 2022 Annual Comprehensive Financial Report (ACFR)

RECOMMENDATION:

The Mayor and City Council are asked to receive the 2022 Annual Comprehensive Financial Report (ACFR).

BACKGROUND/KEY POINTS:

The ACFR is prepared each year to present the financial results for all funds and account groups of the City. The audit was conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. This report has been prepared following the guidelines recommended by the Government Finance Officers Association (GFOA) of the United States and Canada. GFOA awards Certificates of Achievement for Excellence in Financial Reporting to those governments whose ACFR's are judged to conform to standards of public financial reporting. The City of Moorhead's financial reports have received this award for the past thirty-nine consecutive years (1983-2021). Staff believes the 2022 ACFR meets the program standards and it will be submitted to GFOA for review. There will be links posted to the Finance Department page on the City's website for the following documents:

2022 Annual Comprehensive Financial Report (ACFR)
Schedule of Expenditures of Federal Awards (SEFA)

This action is a procedural matter only to formally receive the report and does not indicate approval of the report. Jamie Fay from Eide Bailly, LLP will be presenting a review of the 2022 Annual Report to the City Council at Monday's Council meeting and will address any questions or comments at that time.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Jenica Flanagan, Finance Director

Attachments:

RESOLUTION

Resolution to Receive 2022 Annual Comprehensive Financial Report

WHEREAS, the 2022 Annual Comprehensive Financial Report (ACFR) has been completed by the City of Moorhead Finance Division and submitted to the City Manager and the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council does hereby receive the 2022 Annual Comprehensive Financial Report. A copy of which can be found on the City of Moorhead website and on file in the office of the City Clerk.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Second Reading of Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services

RECOMMENDATION:

The Mayor and City Council are asked to consider a Second reading of Ordinance 2023-07: An Ordinance relating to administrative procedures for utility service disconnection due to nonpayment of municipal services.

BACKGROUND/KEY POINTS:

Payment for the supply of municipal services is vitally important to the City's ability to continue to provide such services. Pursuant to Chapter 12.06, subsection (e) of the Moorhead City Charter, the Moorhead Public Service Commission has jurisdiction over the procedures for the termination of electrical and water service. Accordingly, the City and Moorhead Public Service have desired to set forth administrative procedures for service discontinuance and collection of past-due amounts in the event of non-payment.

City Attorney John Shockley worked with City and MPS staff to develop this ordinance that declares that there is a connection between water, electric, wastewater, stormwater, garbage and street lighting in the promotion and protection of public health. As such, disconnection of water and electrical services can occur for non-payment for any of those services and all past due balances related to those services must be addressed prior to reconnection. The ordinance establishes procedures for discontinuance and remedies for non-payment of utility charges. The first reading of Ordinance 2023-07 was approved by the Council on June 12, 2023.

FINANCIAL CONSIDERATIONS:

Without this ordinance there is no way to enforce customers to pay delinquent charges for wastewater, stormwater, garbage or street lighting fees.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

Attachments: Ordinance 2023-07

ORDINANCE 2023-07

AN ORDINANCE TO CREATE AND ENACT TITLE 1 CHAPTER 15 OF THE MOORHEAD MUNICIPAL CODE RELATING TO ADMINISTRATIVE PROCEDURE FOR UTILITY SERVICE DISCONNECTION DUE TO NONPAYMENT OF MUNICIPAL SERVICES.

BE IT ORDAINED by the City Council of the City of Moorhead as follows:

SECTION 1. Title 1, Chapter 15 of the Moorhead Municipal Code is hereby created and enacted to read as follows:

CHAPTER 15 ADMINISTRATIVE PROCEDURE FOR UTILITY SERVICE DISCONNECTION

- 1-15-1: FINDINGS**
- 1-15-2: JURISDICTION**
- 1-15-3: PURPOSE**
- 1-15-4: DEFINITIONS**
- 1-15-5: AUTHORITY TO DISCONNECT WATER AND ELECTRICAL SERVICE**
- 1-15-6: DELINQUENCY**
- 1-15-7: DISCONTINUANCE PROCEDURE**
- 1-15-8: CONSENT TO DISCONTINUANCE OF UTILITY SERVICES**
- 1-15-9: REMEDIES FOR NONPAYMENT OF UTILITY CHARGES**
- 1-15-10: RESTRICTIONS IF RESIDENTIAL DISCONNECTION NECESSARY**
- 1-15-11: RESTRICTIONS ON DISCONNECTION OF GENERAL MUNICIPAL SERVICES**
- 1-15-12: SAFE HARBOR PROVISION**

1-15-1: FINDINGS:

A. The city exercises its police power to protect the public health of its residents by ensuring the removal and proper processing of wastewater, the removal of storm water, and the removal of garbage and rubbish from the city. These three services bear a clear and demonstrable relationship to the goal of protecting public health. Further, these three services are directly related to providing residents clean drinking water because without drinking water service, residents would not have a need for sewer service, and structures and buildings would not be habitable.

B. The city, by and through its Moorhead Public Service Commission, provides residents with cost-efficient and reliable electrical service and clean drinking water. The provisions of electrical service and clean drinking water to the residents, along with the three other interrelated fee-based services described in Section A, directly impact and support the public health of the city and its residents.

C. The city hereby finds that because the services of electrical, drinking water, wastewater, storm water, garbage service, and street light service are interrelated, the non-payment of one of these interrelated services may result in service being discontinued pursuant to the due process protections and procedures set forth in this chapter.

1-15-2: JURISDICTION:

Pursuant to Chapter 12.06, subsection (e) of the Moorhead City Charter, the Moorhead Public Service Commission has jurisdiction over the procedures for the termination of the Electrical and

Water Service. Because the city provides three services consisting of wastewater, the removal of storm water, the removal of garbage and rubbish, and street light service which are interrelated to the provision of Water and Electrical service, the Moorhead Public Service Commission will not discontinue Electrical or Water service except as provided in this ordinance.

1-15-3: PURPOSE:

The payment for supply of municipal services is vitally important to the city's ability to continue to provide such municipal services. Accordingly, the city desires to set forth its authority for service discontinuance and collection of past-due amounts in the event of nonpayment. Additionally, the City Council finds there is a connection between Water and Electrical Service and wastewater service, storm water service, and garbage service in the promotion and protection of public health. Accordingly, the City Council finds the operation, regulation, and discontinuance of Electrical and Water Service in relation to the nonpayment of wastewater service, storm water service, garbage service, and street light service as a means to promote and protect public health.

1-15-4: DEFINITIONS:

For purposes of this chapter, the following terms shall be defined as follows:

ACCOUNT HOLDER: the individual in whose name a Service account is registered.

CLAY COUNTY: Clay County, Minnesota.

ELECTRICAL SERVICE: the providing of Electrical Service via a meter or electric meter.

GENERAL MANAGER: the General Manager of the Moorhead Public Service Commission, or his or her designee.

GENERAL MUNICIPAL SERVICES: all services provided by the city, with the exception of Water and Electrical Service.

HEARING: a proceeding at which evidence and arguments may be presented by an Account Holder related to discontinuance of Water and/or Electrical Service.

MOORHEAD PUBLIC SERVICE: the entity responsible for billing and discontinuing Electrical and Water Service within the city.

MOORHEAD PUBLIC SERVICE COMMISSION: the Moorhead Public Service Commission as created and continued by Chapter 12 of the City Charter.

SERVICE: Water or Electrical Service supplied by the Moorhead Public Service Commission.

WATER SERVICE: water, wastewater, stormwater and/or garbage.

1-15-5: AUTHORITY TO DISCONNECT WATER AND ELECTRICAL SERVICE:

A. Water Service Discontinuance for Nonpayment. The Moorhead Public Service Commission has the authority to discontinue Water Service (including wastewater service, storm water service, garbage service, and street light service to a premises with a delinquent utility bill as set forth under this chapter.

B. Electrical Service Discontinuance for Nonpayment. The Moorhead Public Service Commission has the authority to discontinue Electrical Service to a premises with a delinquent electrical bill as set forth in this chapter.

C. No Liability. The Moorhead Public Service Commission reserves the right to shut off the supply of Water Service to any customer without any preliminary notice for any reason whatsoever. This includes the specific right, power, and authority to cut off the supply of water any time without incurring any liability or cause of action for damages, any regulation to the contrary notwithstanding, and the Moorhead Public Service Commission shall not be liable under any circumstances for a deficiency or failure in the supply of water as a result of shutoffs for delinquent bills. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at such time and kept off as long as necessary. In addition, the Moorhead Public Service Commission shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations.

1-15-6: DELINQUENCY:

When an account has a past-due balance for a Service, notice of such balance will be provided to the Account Holder. Included within such notice will be a due date for the past-due balance. If an Account Holder does not (i) pay the past-due balance in full by the due date, (ii) establish a payment arrangement for the past-due balance with the Moorhead Public Service Commission by the due date, or (iii) dispute the past-due balance, stating specific reasons therefor, and request an investigation of the past-due balance in writing with the General Manager by the due date, the account will be deemed delinquent, and the Service may be discontinued in accordance with the following section. If an Account Holder requests an investigation, the General Manager will conduct such an investigation and report his or her written findings to the Account Holder within thirty (30) calendar days of the Account Holder's written request for an investigation. An account will not be considered delinquent while an investigation is pending. If the General Manager determines through his or her investigation that a past-due balance is owed, the General Manager's written findings will contain a due date for such past-due balance. If an Account Holder does not (i) pay the past-due balance in full by the due date, or (ii) establish a payment arrangement for the past-due balance with Moorhead Public Service by the due date, the account will be deemed delinquent, and the Service may be shut off in accordance with the following section. Although an Account Holder may request an investigation, the Account Holder is not excused from making payment on Service charges that are not in dispute.

1-15-7: DISCONTINUANCE PROCEDURE:

A. Notice. Except as provided in this chapter, Moorhead Public Service will not discontinue Service unless a written cut-off notice has been provided to the Account Holder with a due date of twenty-two (22) days. The Moorhead Public Service Commission will send the Account Holder a second, separate written notice at least ten (10) days prior to the due date with notice that disconnection may occur at any time after the due date. The Moorhead Public Service Commission shall keep an accurate record of the date of mailing or personal service of a discontinuance notice.

B. Form of Notice. A notice of discontinuance of Service shall contain, at a minimum, the following information:

1. The name and address of the Account Holder;
2. The address of the premises to which Services are provided;
3. A clear and concise statement of reasons for the proposed discontinuance of Service;

4. The date on or after which Service will be discontinued unless the Account Holder acts to prevent discontinuance;
5. A description of the appropriate action the Account Holder must take to prevent discontinuance and contact information for whom to contact;
6. The right to dispute the discontinuance with the business office, Finance Manager, and before the General Manager, and that Service will not be discontinued prior to a decision by such officer; and
7. A statement describing the steps necessary for an Account Holder to have Service restored following discontinuance.

C. Hearing.

1. An Account Holder has the opportunity to request a Hearing before the General Manager following the receipt of the discontinuance notice and prior to discontinuance. Discontinuance of Service may not occur prior to a requested Hearing. Such a request must be in writing and must be postmarked or hand delivered to the Moorhead Public Service Commission prior to the date for discontinuance contained in the discontinuance notice. An Account Holder may request a Hearing before the General Manager to address technical administrative issues and for any other reason deemed appropriate by the General Manager and Moorhead Public Service.
2. The General Manager shall be empowered to hear argument and review evidence from the Account Holder and to render a decision.
3. The General Manager must schedule a Hearing within thirty (30) calendar days of the receipt of a written request for a Hearing and provide written notice of the date, time, and place of Hearing to the Account Holder at least seven (7) calendar days prior to the scheduled Hearing.
4. At the Hearing, the Account Holder will have the opportunity to present objections to discontinuance and evidence supporting the same. The Moorhead Public Service Commission also has the opportunity to present support for discontinuance during the Hearing.
5. Within thirty (30) calendar days of the Hearing, the General Manager will render his or her decision on discontinuance in writing and provide a copy of such to the Account Holder. If the General Manager finds in favor of discontinuance, the General Manager will include a timeline for discontinuance in the decision.
6. Although an Account Holder may request a Hearing, the Account Holder is not excused from making payment on Service charges that are not in dispute.

D. Limitation on Discontinuance. The Moorhead Public Service Commission must abide by all applicable federal and state laws in discontinuing Service.

E. Discontinuance of Service to Accounts Affecting Tenants.

1. Residential Rental Rule. In situations where the Moorhead Public Service Commission has reason to believe (i) a landlord-tenant relationship exists, (ii) the landlord is the Account Holder of the Service, and (iii) the landlord

as the Account Holder would otherwise be subject to discontinuance of Service, then, prior to discontinuance, this section shall apply.

2. Notice. Where the Moorhead Public Service Commission has reason to believe that the circumstances set forth in the immediately preceding subsection are met and the Moorhead Public Service Commission proposes to discontinue Service at such premises for Service nonpayment, the Moorhead Public Service Commission will use the following procedures:
 - (A) The Moorhead Public Service Commission will provide written notice to the landlord by first class mail.
 - (B) The Moorhead Public Service Commission will post in a conspicuous place on or near the front or rear entrances of the premises where the Service is rendered a notice of intent to discontinue Service and a copy of the notice provided to the landlord pursuant to the prior subsection.
 - (C) Said notices shall be posted not less than seven (7) calendar days prior to the date upon which the Moorhead Public Service Commission proposes to terminate Service.
3. Tenant's Rights and Continuance of Service. The posted notice required under the prior subsection shall also contain the following information:
 - (A) The date the Service will be discontinued;
 - (B) The telephone number to call at the Moorhead Public Service Commission to obtain further information;
 - (C) The right to dispute the discontinuance and request a Hearing before the General Manager in accordance with this chapter;
 - (D) The right of tenants to pay to have the Service continued;
 - (E) A brief description of the rights of tenants under Minn. Stat. § 504B.215, as may be amended from time to time; and
 - (F) A statement that tenants are encouraged to consider seeking assistance from legal aid, a private attorney, or a housing organization in exercising the rights of tenants under Minnesota law to maintain their Service.
4. Account Information. The General Manager will make available to any requesting tenant, the account of the premises that has been posted pursuant to this section.

1-15-8: CONSENT TO DISCONTINUANCE OF UTILITY SERVICES:

Notwithstanding any provision of this chapter, and if no landlord/tenant relationship exists, an Account Holder may forego procedures for discontinuance of Services and provide consent to

Moorhead Public Service for shutoff of Services for the Account Holder's property during or after a move out.

1-15-9: REMEDIES FOR NONPAYMENT OF UTILITY CHARGES:

A. Collection Remedies for Water, Sewer, and Garbage Services.

1. Certification for Collection with Taxes. After disconnection for non-payment, the Moorhead Public Service Commission may provide the city with information related to unpaid charges for certification to the County Auditor to be collected in accordance with Minn. Stat. § 444.075, Subd. 3e. Unpaid charges shall not be certified to the County Auditor until notice and an opportunity for a Hearing have been provided to the Account Holder. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the County Auditor for collection as other taxes are collected. The notice shall also state that the Account Holder may, before such certification date, attend or schedule a Hearing on the matter to object to certification of unpaid charges. Unpaid charges may also be recovered in a civil action against the Account Holder.
2. Revenue Recapture. The Minnesota Department of Revenue has the authority to recapture individual tax refunds or other payments and apply them to debts owed to state, local, and county agencies. The city and Moorhead Public Service Commission may utilize the revenue recapture program to apply individual tax refunds or other payments to debts for nonpayment of Services.
3. Option of Payment. The Account Holder shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but may include unpaid penalties.
4. Hearing. A Hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to certification of unpaid charges to be collected as taxes are collected. If, after the Hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the city may certify the unpaid charges to the County Auditor for collection as other taxes are collected.
5. Options after Hearing. For each certification sustained, the Account Holder shall have the following options after the Hearing.
 - (A) To pay the delinquent amount after the Hearing date, but before certification, with no interest.
 - (B) To pay the certified charges as billed to them by Clay County on their property tax statement with a collection term of one (1) year.

B. Collection Remedies for Electrical Services. The Moorhead Public Service Commission shall offer a payment agreement for the payment of arrears. Payment agreements

must consider an Account Holder's financial circumstances using MN Cold Weather requirements regarding household income and State median income as a guide, and any extenuating circumstances. Unpaid charges may be recovered in a civil action against the Account Holder.

C. Implementation. The Moorhead Public Service Commission is tasked with the primary responsibility for the implementation of this chapter for discontinuance of services and may adopt such additional policies and procedures that are not in contravention with this chapter to accomplish such implementation.

1-15-10: RESTRICTIONS IF RESIDENTIAL DISCONNECTION NECESSARY:

If a residential customer must be involuntarily disconnected, the disconnection must not occur:

A. On a Friday, unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by the Public Service Commission;

B. On a weekend, holiday, or the day before a holiday;

C. When Moorhead Public Service Commission offices are closed; or

D. After the close of business on a day when disconnection is permitted, unless a field representative of the Moorhead Public Service Commission who is authorized to enter into a payment agreement, accept payment, and continue Service, offers a payment agreement to the customer.

Further, the disconnection must not occur until at least ten (10) days after the notice required in Section 1-15-7(A) has been mailed to the customer or ten (10) days after the notice has been personally delivered to the customer. If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by Section 1-15-7(C) the Moorhead Public Service Commission must not disconnect until the appeal is resolved.

1-15-11: RESTRICTIONS ON DISCONNECTION OF GENERAL MUNICIPAL SERVICES:

A. Restrictions. The Moorhead Public Service Commission does not have the authority to discontinue Water or Electrical Service to a premise for nonpayment or for delinquent bills relating to General Municipal Services, including forestry and vector control services, except as set forth under this chapter.

B. Collection Remedies. The Moorhead Public Service Commission shall offer a payment agreement for the payment of charges relating to General Municipal Services that are in arrears. Payment agreements must consider an Account Holder's financial circumstances using MN Cold Weather requirements regarding household income and State median income as a guide, and any extenuating circumstances. Unpaid charges may be recovered in a civil action against the Account Holder.

C. Unpaid Charges for General Municipal Services May be Levied as Special Assessments. The Moorhead Public Service Commission will provide the city with information necessary for the collection of unpaid special charges, including the amount unpaid, as a special assessment against the property benefited for all or any part of the cost of (i) operation of a street lighting system, (ii) treatment and removal of insect infested or diseased trees on private property, (iii) trimming and care of trees and removal of unsound trees from any street, or (iv) for all or any part of the costs set forth in Minn. Stat. § 429.101, Subd. 1(a), as amended from time to time. The

city shall conduct the special assessment process in accordance with the procedures set forth in Minnesota law, as amended from time to time.

1-15-12: SAFE HARBOR PROVISION:

The city and Moorhead Public Service Commission reserve the right to deviate from the terms of this ordinance if the Account Holder can provide assurances that it will maintain a payment agreement for the payment of Services that are in arrears, or pay the amount of the delinquent bill in full.

SECTION 2. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED by the City Council of the City of Moorhead this 26th day of June, 2023.

APPROVED BY:

ATTEST:

MICHELLE (SHELLY) A. CARLSON, Mayor

CHRISTINA RUST, City Clerk

First Reading: 06/12/2023
E-Post: 06/13/2023
Second Reading: 06/26/2023
Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services; 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 3.07 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 by the City Council of the City of Moorhead, Minnesota that the Title and Summary for Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services is hereby approved. 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, Minnesota that the City Clerk is hereby authorized and directed to publish said Title and Summary in accordance with Section 3.08 of the Moorhead City Charter

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

TITLE AND SUMMARY OF ORDINANCE 2023-07

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

An Ordinance Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services.

2. Summary of Ordinance

An Ordinance that amends Title 1, Chapter 15, Administrative Procedure for Utility Service Disconnection

3. Availability of Ordinance

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the Office of the City Clerk, Third Floor, City Hall, 500 Center Avenue, Moorhead, MN.

The Ordinance was passed by the City Council of the City of Moorhead this 26th day of June, 2023.

First Reading: 06/12/2023

E-Post: 06/13/2023

Second Reading: 06/26/2023

Publication:



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Approve Off-Site Gambling Permit to Moorhead Youth Hockey Association on August 14, 2023

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve an application from the Moorhead Youth Hockey Association for the issuance of an Off-Site Gambling Premises Permit to operate lawful gambling activities.

BACKGROUND/KEY POINTS:

Moorhead Youth Hockey Association is requesting authorization to conduct “off-site” gambling activities on August 14, 2023 at the Village Green Golf Course, 3421 30th Ave S., Moorhead. The applicant is responsible for the submission of pertinent documentation to the Minnesota Gambling Control Board for consideration subsequent to City of Moorhead approval.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Kelle Jenkins, Deputy City Clerk

Attachments:

RESOLUTION

Resolution to Approve Off-Site Gambling Permit to Moorhead Youth Hockey Association on August 14, 2023

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 Off-Site Gambling Premises Permit to the applicant listed below for the conduct of lawful gambling activities on August 14, 2023:

Applicant:

Moorhead Youth Hockey Association
707 SE Main Avenue
Moorhead MN 56560

Site:

Village Green Golf Course
3421 30th Ave S
Moorhead, MN 56560

Gambling Manager:

Anne Norris

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Resolution to Authorize Contract with the City of Fargo for Support Equipment and Vehicle Leases for Transit Purposes

RECOMMENDATION:

The Mayor and City Council are asked to consider authorizing the Mayor and City Manager to enter into a contract with the City of Fargo whereby equipment and vehicles owned by each City may be leased to the other City for customary public transit purposes as needed, with operating costs governed by the Master Operating Agreement.

BACKGROUND/KEY POINTS:

Currently, the Cities of Fargo and Moorhead have a Master Operating Agreement that allows for the equitable cost share and coordination of several operational facets of the public transit system.

Each City owns equipment and vehicles that are available for use by the other City by transit staff for transit purposes. However, the Master Operating Agreement does not completely address specifics for leasing equipment to each other as needed when equipment or vehicles are down for maintenance or repair and no spares are available.

Recently, the City of Moorhead's spare vehicles were all down for repair or maintenance and awaiting parts. The City of Fargo provided a spare vehicle so that service could continue without interruption. Moorhead insured the spare vehicle and paid for maintenance and fuel during the time of this temporary lease. Moorhead has temporarily leased Fargo vehicles and equipment in the past as well. In order to formalize this arrangement and allow the flexibility to enter into such leases as needed, a contract was drafted.

Under the draft contract, ownership of the equipment or vehicle would remain as is. Any revenue generated through exterior advertisements would be retained by the vehicle owner. The equipment or vehicle would be inspected prior to usage and returned in good repair except for normal wear and tear. Insurance requirements and cost allocation formulas would be governed by the Master Operating Agreement.

FINANCIAL CONSIDERATIONS:

The lease to the other party would be \$1 per year or part thereof. Operating costs such as fuel, parts, and maintenance, as well as insurance, would be covered by the City leasing the equipment or vehicle. Such operating costs are customary and would have little effect on the Mass Transit budget.



City Council Communication

June 26, 2023

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Lori Van Beek, Transit Manager

Attachments:

RESOLUTION

Resolution to Authorize Contract with the City of Fargo for Support Equipment and Vehicle Leases for Transit Purposes

WHEREAS, Fargo and Moorhead are providing public mass transportation services for the citizens and residents of their respective governmental subdivisions; and

WHEREAS, Fargo and Moorhead recognize the need to coordinate resources and service delivery to enhance efficiency and maximize the communities' investment in transportation; and

WHEREAS, each party owns equipment and vehicles that are available for use by the other party by transit staff for transit purposes;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that they authorize the Mayor and City Manager to enter into a contract with the City of Fargo whereby equipment and vehicles owned by each City may be leased to the other City for customary public transit purposes as needed, with operating costs governed by the Master Operating Agreement.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

June 26, 2023

SUBJECT:

Authorizing the City Manager and Mayor to approve the Memorandum of Agreement between the City and International Association of Firefighters (IAFF), Local Union 1323 (Fire Fighters and Fire Captains) Regarding Compensation for Sick Leave Upon Separation from Employment

RECOMMENDATION:

The Mayor and City Council are asked to consider authorizing the City Manager and Mayor to approve the Memorandum of Agreement (MOA) between the City and International Association of Firefighters (IAFF), Local Union 1323 (Fire Fighters and Fire Captains) regarding compensation for sick leave upon separation from employment.

BACKGROUND/KEY POINTS:

The City and IAFF are parties to a Labor Agreement for January 1, 2022 through December 31, 2024 which states in relevant part that “[e]mployees shall be compensated in cash at their regular rate of pay, for any unused accumulation of sick leave when they are permanently separated from service by retirement or death only.” However, the Labor Agreement does not define ‘retirement’. Based on the foregoing and other unique and specific circumstances, the City and the Union desire to amend the Labor Agreement establishing requirements for compensation for sick leave upon separation from employment.

FINANCIAL CONSIDERATIONS:

The City shall compensate eligible employees for a portion of their unused accumulation of sick leave as specified in the Labor Agreement when an employee permanently separates from service by retirement or death only. Retirement is defined as terminating employment with the City and either: (i) meeting the age and service requirements on the date of termination to receive retirement benefits from Public Employees Retirement Association (PERA); or (ii) determined eligible by PERA as of the date of termination to receive disability benefits from PERA

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Amy Settergren, HR Director

Attachments:

RESOLUTION

Resolution to Authorize the City Manager and Mayor to approve the Memorandum of Agreement between the City and International Association of Firefighters (IAFF), Local Union 1323 (Fire Fighters and Fire Captains) Regarding Compensation for Sick Leave Upon Separation from Employment

WHEREAS, the City of Moorhead and International Association of Firefighters (IAFF) are parties to a Labor Agreement for January 1, 2022 through December 31, 2024;

WHEREAS, the parties desire to amend Section 18.4 of the Labor Agreement establishing requirements for compensation for sick leave upon separation from employment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council approves and directs the Mayor and City Manager to ratify the Memorandum of Agreement with IAFF, Local 1323 regarding compensation for sick leave upon separation from employment.

PASSED: June 26, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk