



**CITY COUNCIL
MEETING AGENDA
JUNE 24, 2024 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: 2023 Annual Comprehensive Financial Report and Audit, Eide Bailly LLP
 - B. Presentation: 2024B Bond Sale Issuance - Baker Tilly Municipal Advisors
6. Approve Minutes
 - A. June 10, 2024 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. *Resolution for Appointments to Boards and Committees
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 Master Services Agreement with SEH, Inc.
 - B. *Resolution to Order Report for Proposed Street Improvements on 10-1/2 Street North (Eng. No.

24-A2-09)

- C. *Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)

11. Parks and Recreation Department

- A. *Resolution to Enter into a Lease Agreement with Northern Prairie Performing Arts dba Fargo Moorhead Community Theatre (FMCT) to lease space at the Hjemkomst Center
- B. *Second Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations
- C. *Resolution to Approve Title & Summary of Ordinance 2024-05

12. Community Development Department

- A. *Second Reading of Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks
- B. *Resolution to Approve Title & Summary of Ordinance 2024-04
- C. *Resolution to Approve Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Community Center and Public Library
- D. *First Reading of Ordinance 2024-07: An Ordinance to amend and reenact section 3-7-10 of the Moorhead Municipal Code relating to the Keeping of Chickens

13. Moorhead Public Service

- A. Resolution to Approve Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2024 Lead Service Line Replacement Pilot Project

14. Administration

- A. Resolution to Receive the 2023 Annual Comprehensive Financial Report (ACFR)
- B. Resolution Providing for the Competitive Sale of General Obligation Sales Tax Revenue Bonds Series 2024B
- C. *Resolution to Authorize Contracts with MnDOT for 2025 Public Transportation Services
- D. *Resolution to Authorize Contract with MnDOT for 2025 Special Transportation Services for Persons with Disabilities and Senior Citizens
- E. *Resolution to Authorize Advertisement for Construction Manager at Risk Services for the City Hall Renovation/Civic Plaza Project
- F. *Resolution to Solicit Bids and Approve Award of Contract Bulk Fuel

G. *Resolution to Approve 2024-2025 Liquor License Renewals

15. Mayor and Council Reports
16. City Manager Reports
17. Executive Session
18. New Business
19. Adjourn



CITY OF MOORHEAD, MINNESOTA

Agenda Item 5.A.

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Executive Summary – December 31, 2023



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
- Emphasis of Matter
 - Change in Accounting Principle
 - Adoption of New Accounting Standard



FEDERAL AUDIT RESULTS

- Two programs tested:
 - 21.027 – COVID-19 Coronavirus State and Local Fiscal Recovery Funds
 - 66.458 – Clean Water State Revolving Fund
- \$11,314,666 federal dollars during 2023



Federa 1 Audit



AUDIT FINDINGS

FINDIN

GS

Financial Statements:

1. None

Federal Award Findings:

1. None

Minnesota Legal Compliance:

1. None



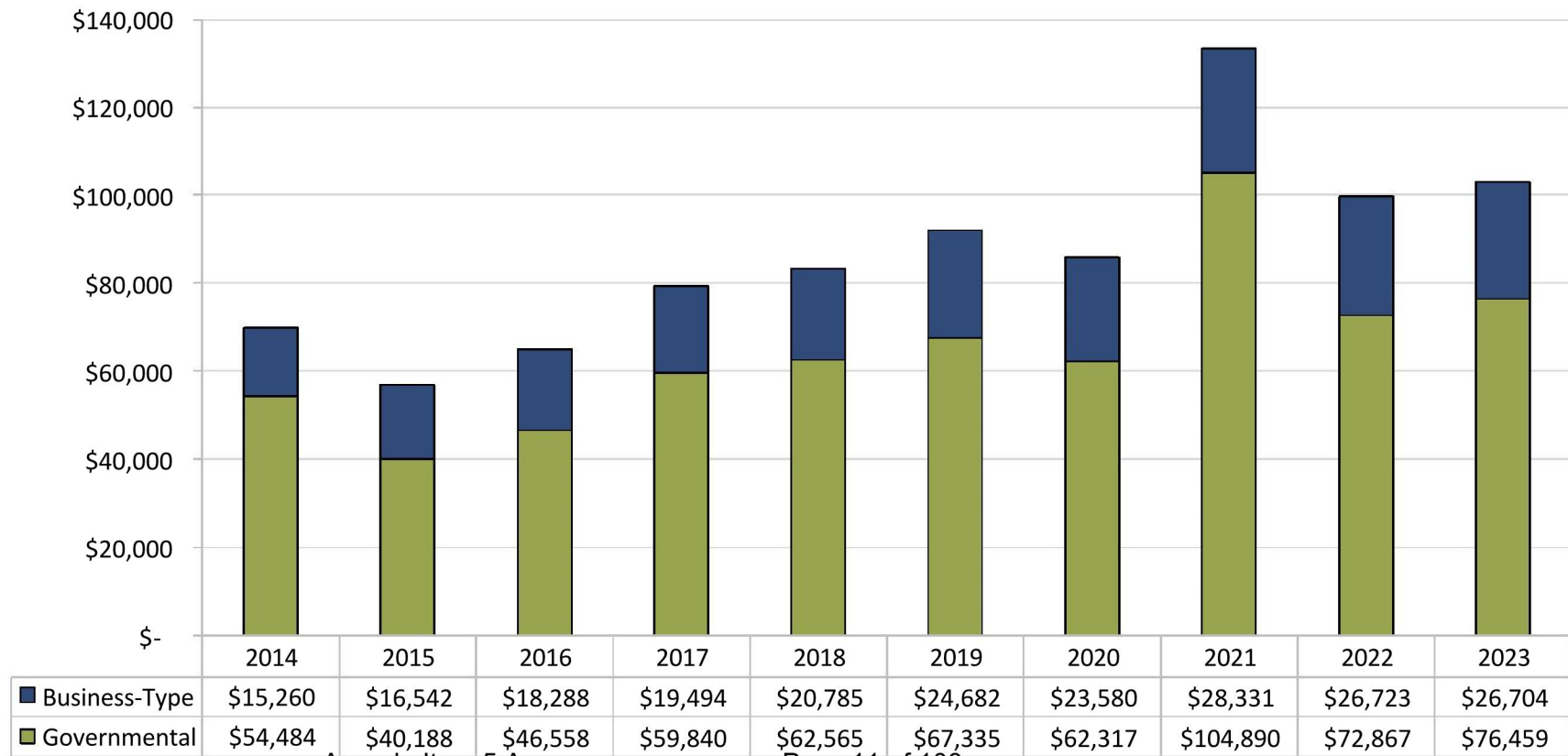


CASH AND INVESTME NTS

CASH/INVEST MENTS

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	\$ 9,415,316	\$ 9,415,316	\$ 9,580,142	\$ 164,826
Licenses and permits	757,750	757,750	1,062,070	304,320
Intergovernmental	11,188,947	11,496,483	11,495,164	(1,319)
Charges for services	1,290,135	1,290,135	1,761,405	471,270
Fines and forfeitures	361,100	361,100	345,414	(15,686)
Other	524,575	524,575	1,174,861	650,286
Total revenues	<u>23,537,823</u>	<u>23,845,359</u>	<u>25,419,056</u>	<u>1,573,697</u>
				6.6%
				Positive
Expenditures				
Administration	6,500,869	6,606,369	6,649,825	(43,456)
Police	11,982,137	12,077,210	11,706,646	370,564
Fire	6,128,284	6,376,571	6,291,716	84,855
Community development	1,999,168	2,088,344	2,078,809	9,535
Engineering	2,936,191	2,968,463	3,012,853	(44,390)
Public works	3,218,774	3,218,774	3,271,855	(53,081)
Total expenditures	<u>32,765,423</u>	<u>33,335,731</u>	<u>33,011,704</u>	<u>324,027</u>
				1.0%
				Positive
Revenues over Expenditures	(9,227,600)	(9,490,372)	(7,592,648)	1,897,724
Other Financing Sources (Uses)				
Leases	-	-	13,894	13,894
Transfers in	9,260,600	9,285,600	9,403,161	117,561
Transfer out	-	(273,359)	(1,688,007)	(1,414,648)
Total other financing sources (uses)	<u>9,260,600</u>	<u>9,012,241</u>	<u>7,729,048</u>	<u>(1,283,193)</u>
Net Change in Fund Balance	<u>\$ 33,000</u>	<u>\$ (478,131)</u>	136,400	<u>\$ 614,531</u>
Fund Balance - Beginning			<u>26,425,864</u>	
Fund Balance - Ending			<u>\$ 26,562,264</u>	

A POSITIVE FUND

1 BALANCE:

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

Committed

Intended for a specific activity

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

Assigned

Intended for a specific activity by city council or designated individuals

Not legally restricted

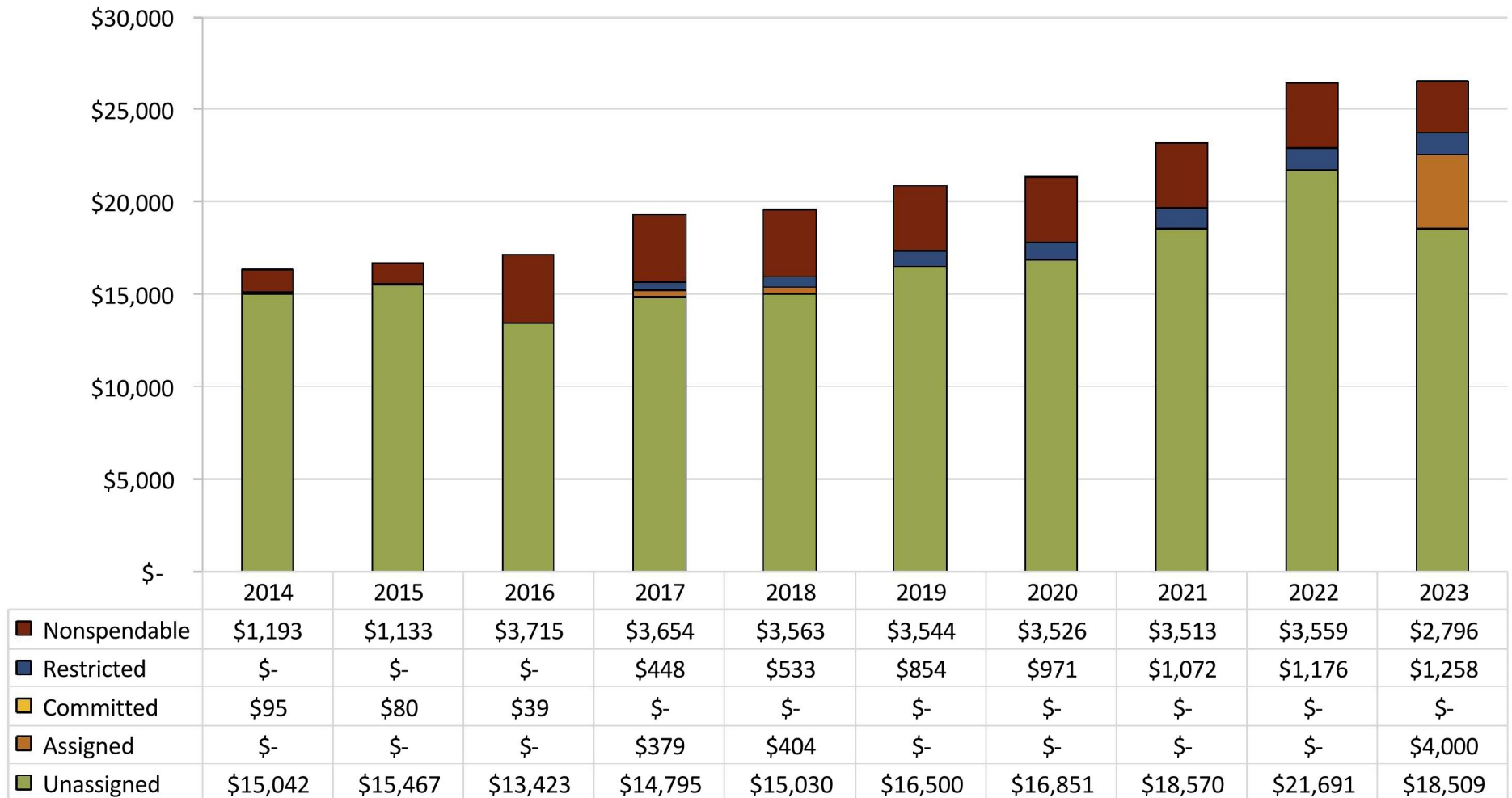
Unassigned

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

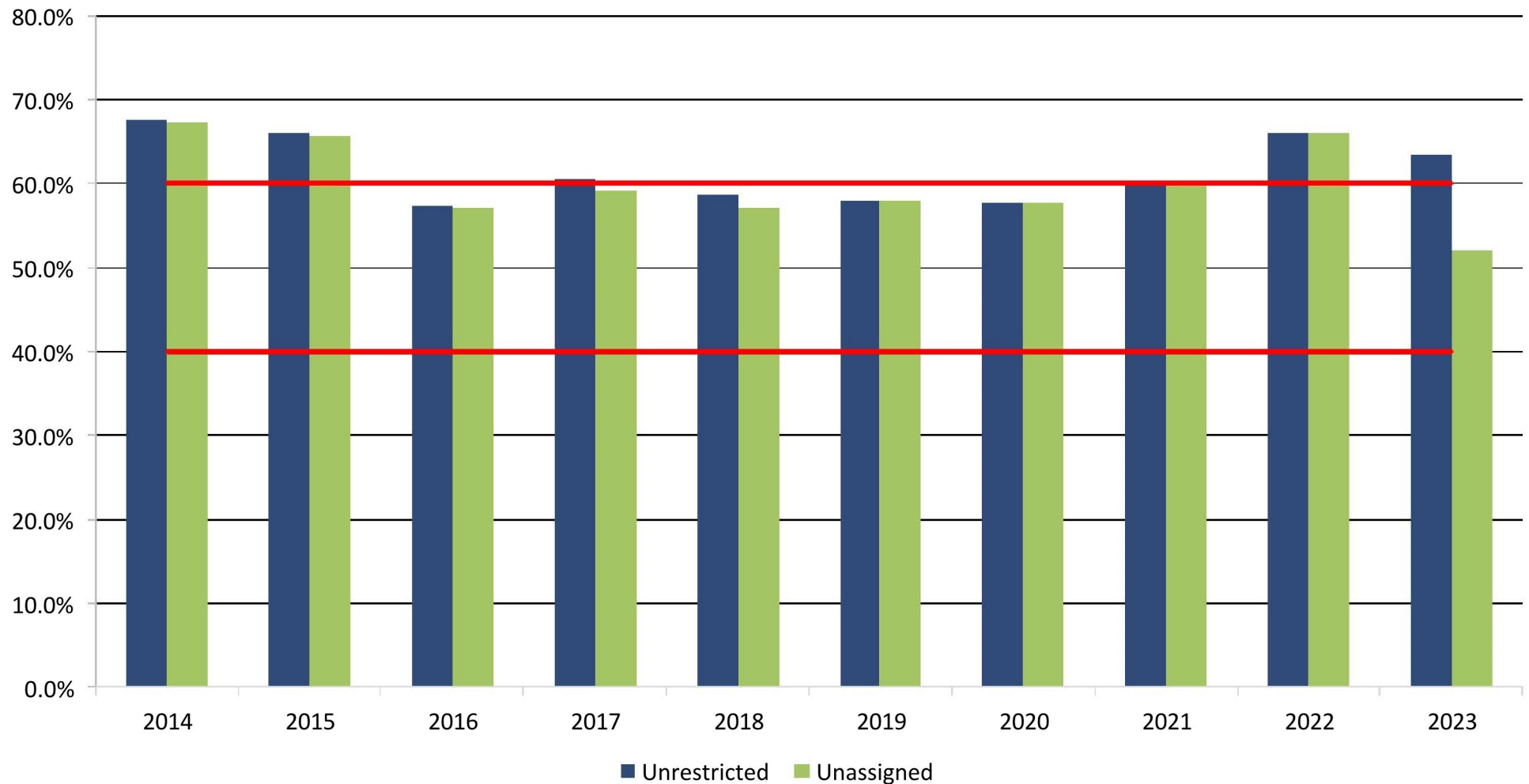
Government Finance Officers Association (GFOA): at year-end, local governments maintain an unrestricted fund balance of no less than 5-15% of operating expenses.

City's Policy: it is the City's goal to maintain a minimum unrestricted 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. The City's policy is to maintain

a minimum unrestricted general fund balance of at least 40%.

UNRESTRICTED AND UNASSIGNED FUND BALANCE

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

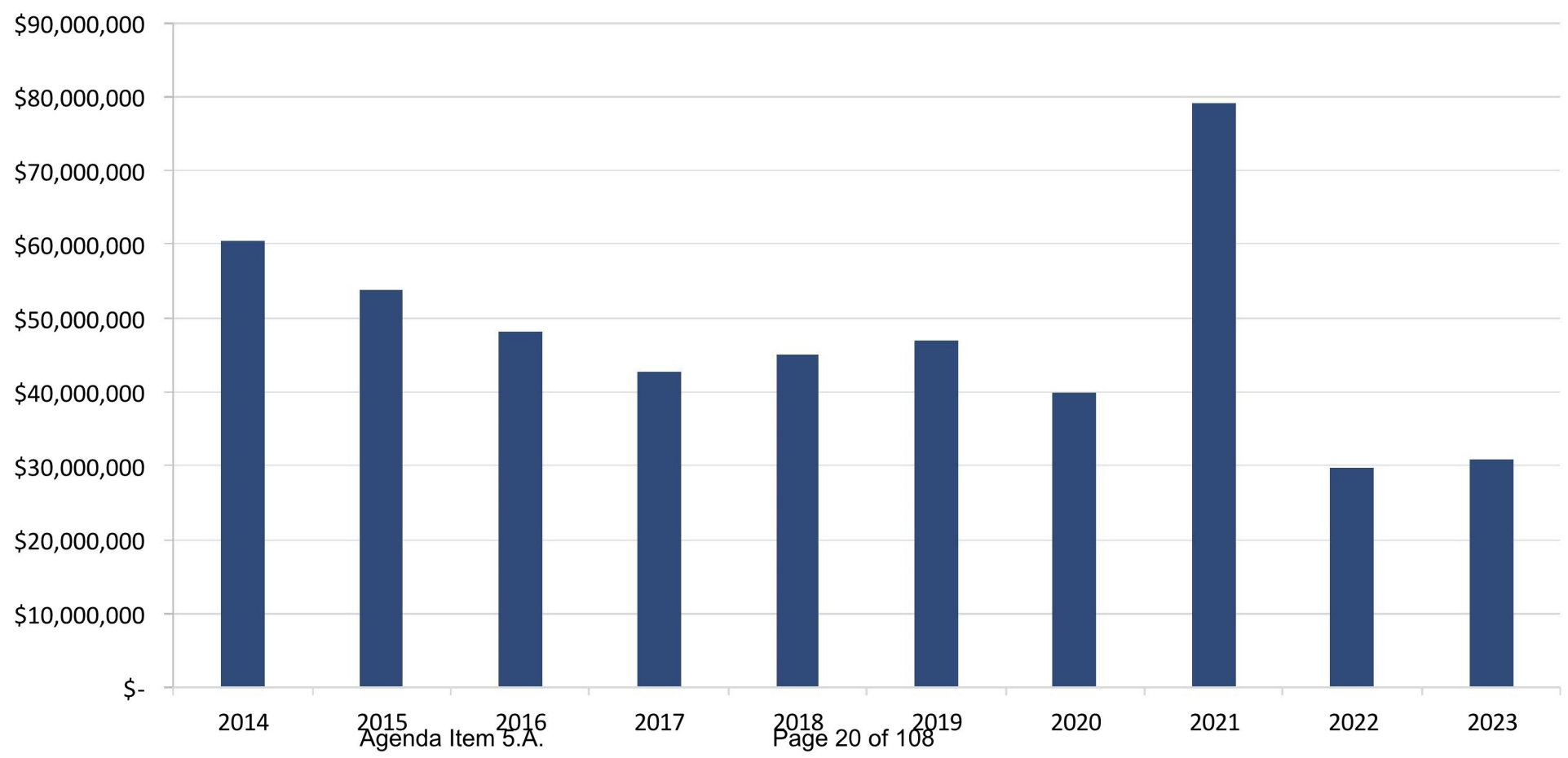




OTHER FUNDS

YEAR END FUND BALANCE – DEBT SERVICE FUNDS

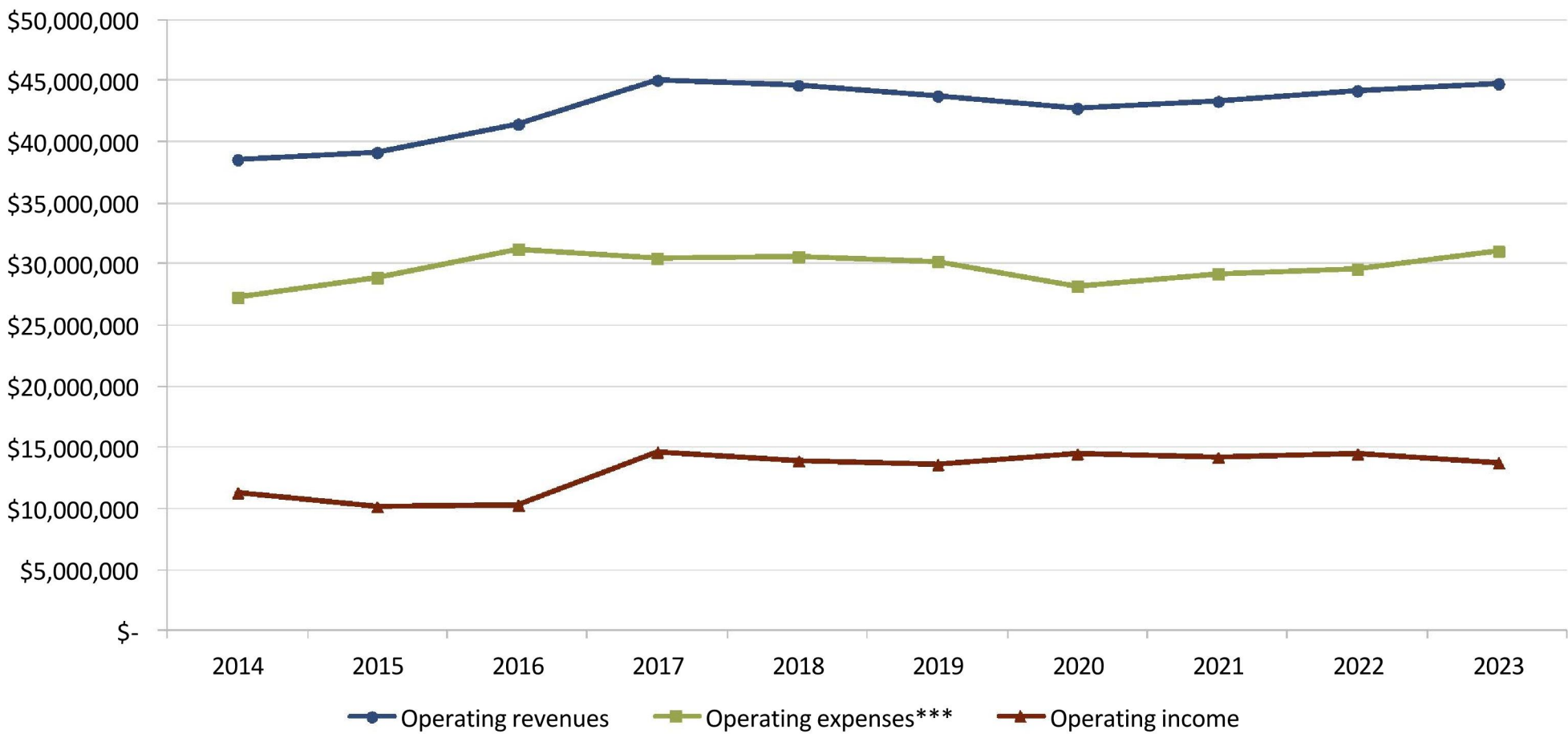
Positive fund balance indicates that revenues from property tax levies and special assessments have been sufficient to meet the required debt service payments.



OPERATING REVENUES, EXPENSES, AND INCOME

ELECTRIC FUND

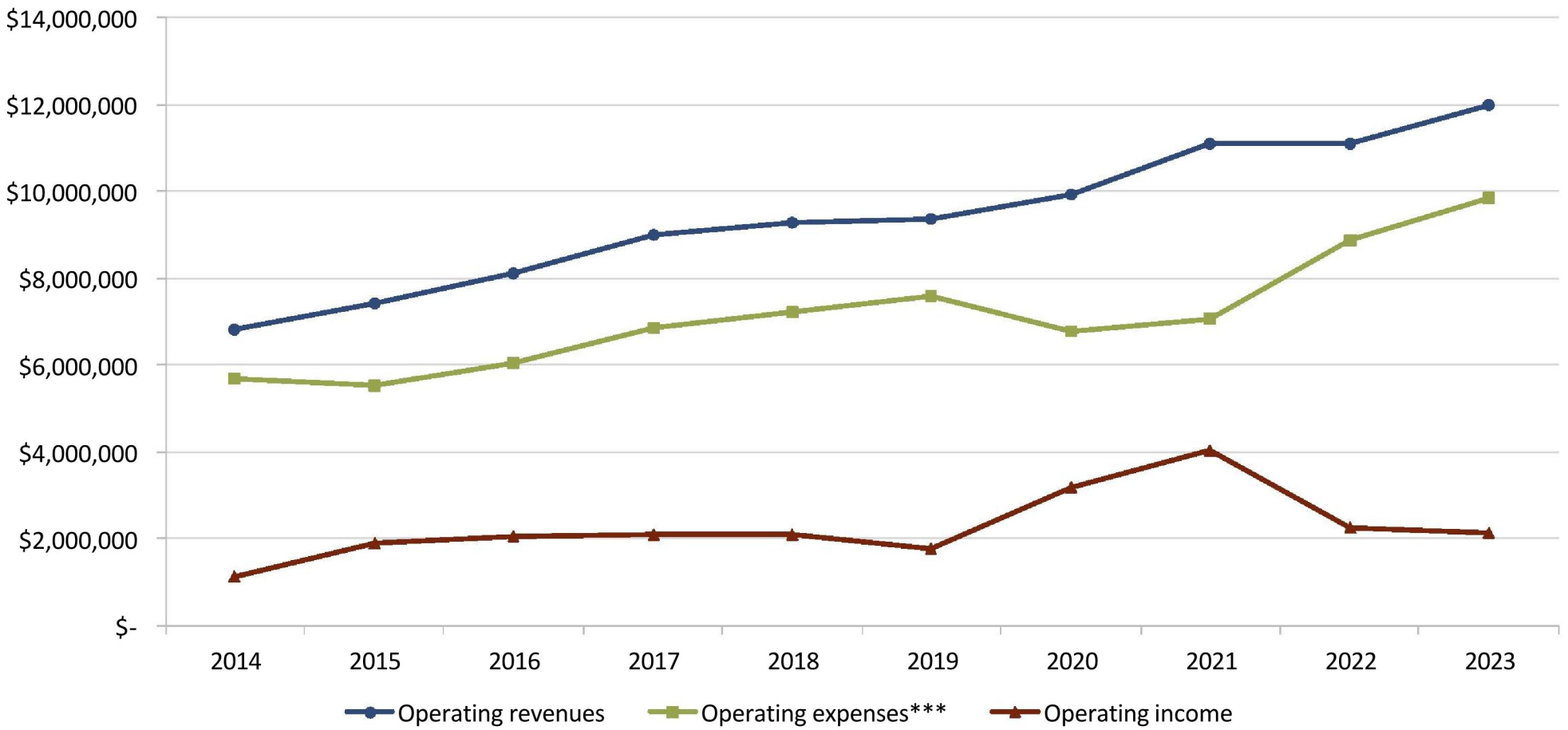
The operating revenues (blue), operating expenses (green), and operating income (red) for the electric fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the electric utility.



OPERATING REVENUES, EXPENSES, AND INCOME

WATER FUND

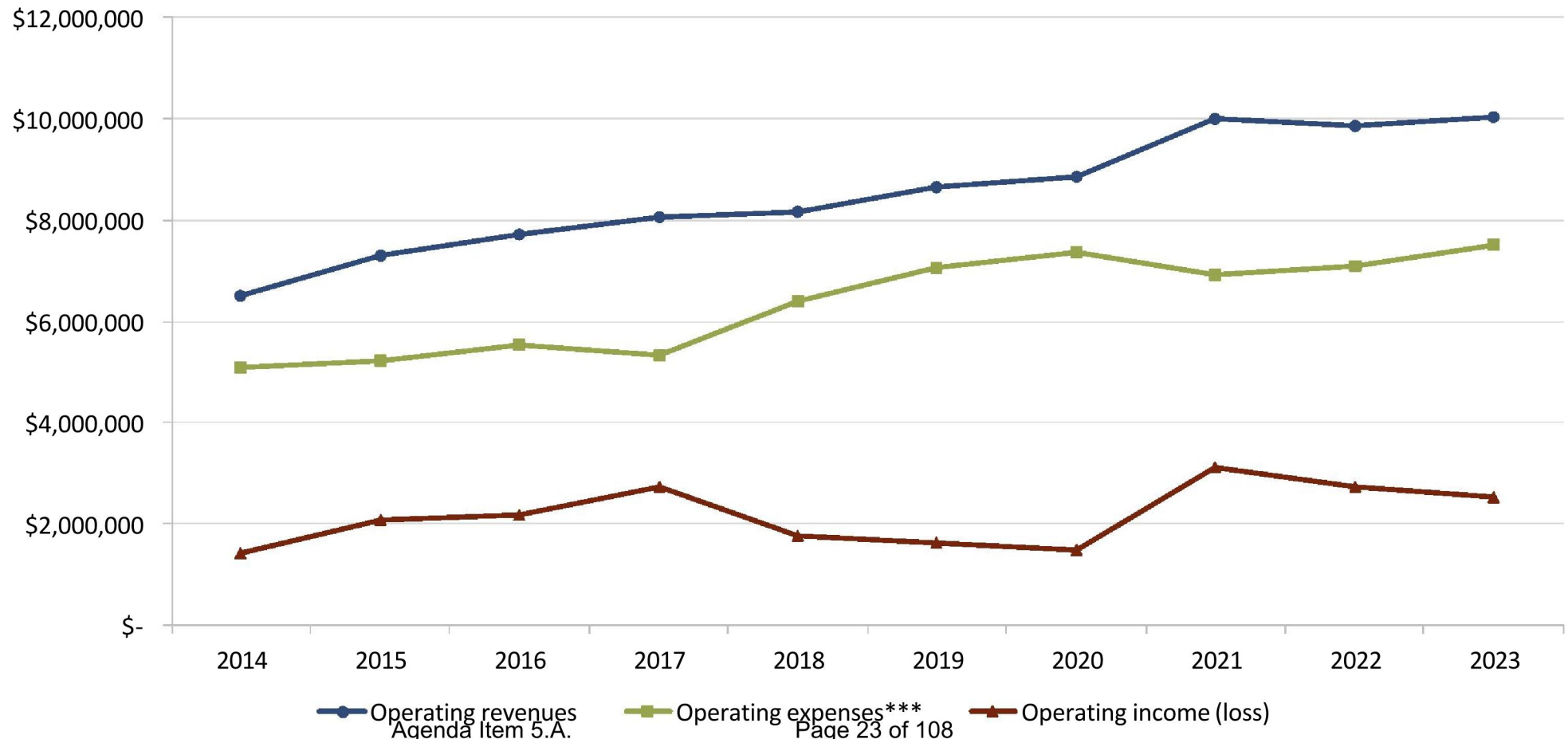
The operating revenues (blue), operating expenses (green), and operating income (red) for the sewer fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the water utility.



OPERATING REVENUES, EXPENSES, AND INCOME

WASTEWATER TREATMENT FUND

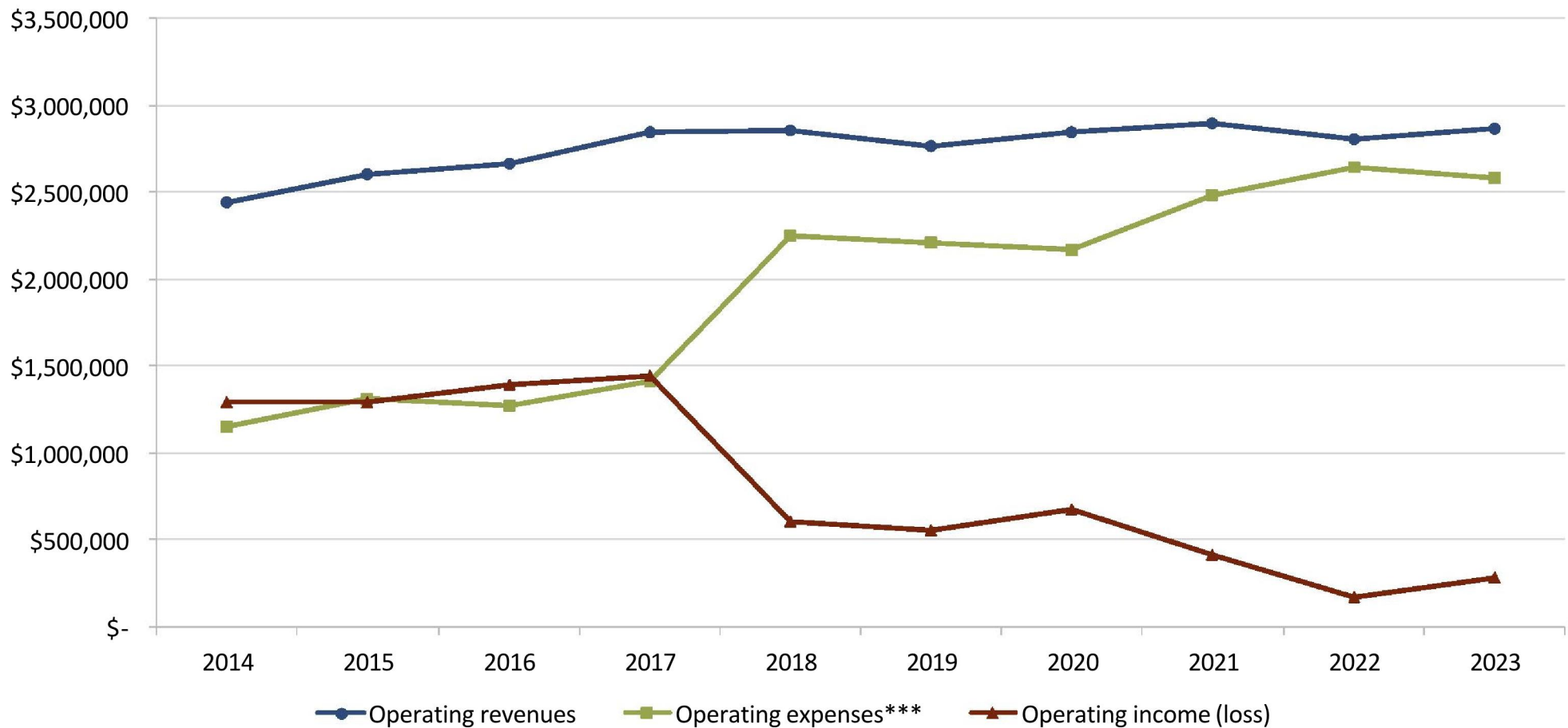
The operating revenues (blue), operating expenses (green), and operating income (red) for the wastewater treatment fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the wastewater treatment system.



OPERATING REVENUES, EXPENSES, AND INCOME

STORM WATER FUND

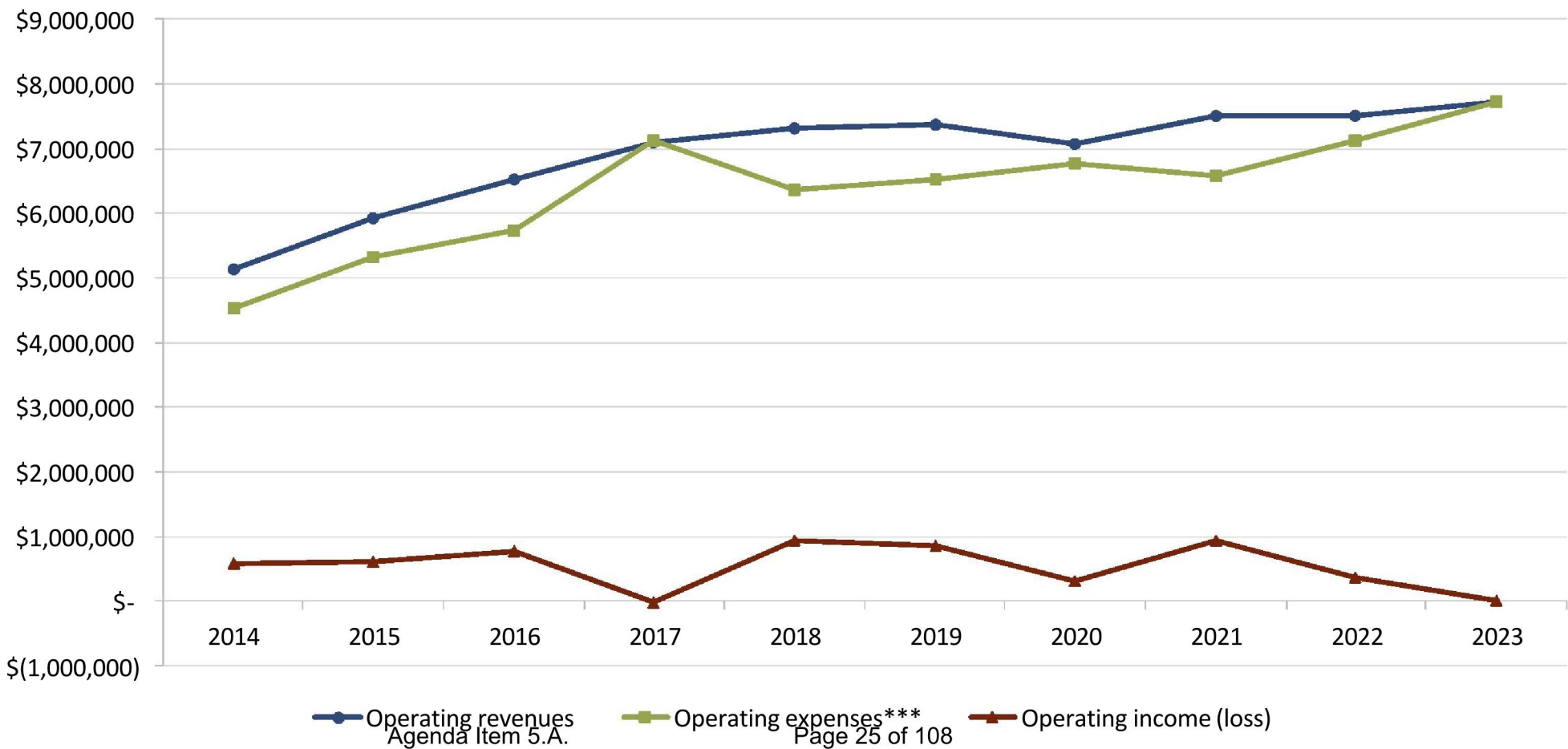
The operating revenues (blue), operating expenses (green), and operating income (red) for the storm water fund are presented below. For the last ten years, operating revenues have been sufficient to cover the operating expenses of the storm water system.



OPERATING REVENUES, EXPENSES, AND INCOME

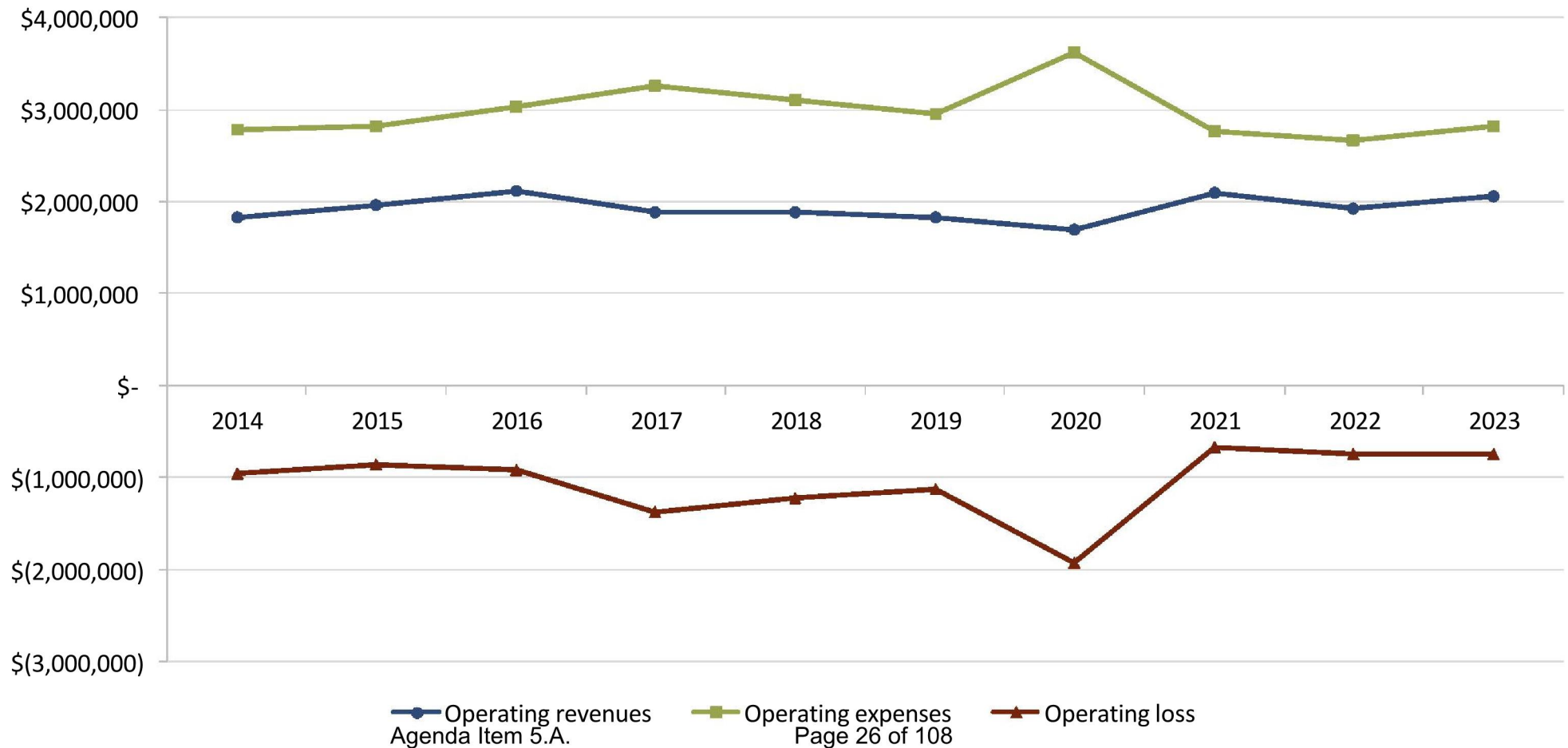
NONMAJOR UTILITY FUNDS (SANITATION, PEST CONTROL, FORESTRY, AND STREET LIGHT FUNDS)

The operating revenues (blue), operating expenses (green), and operating income (red) for nonmajor utility funds are presented below. For eight 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)

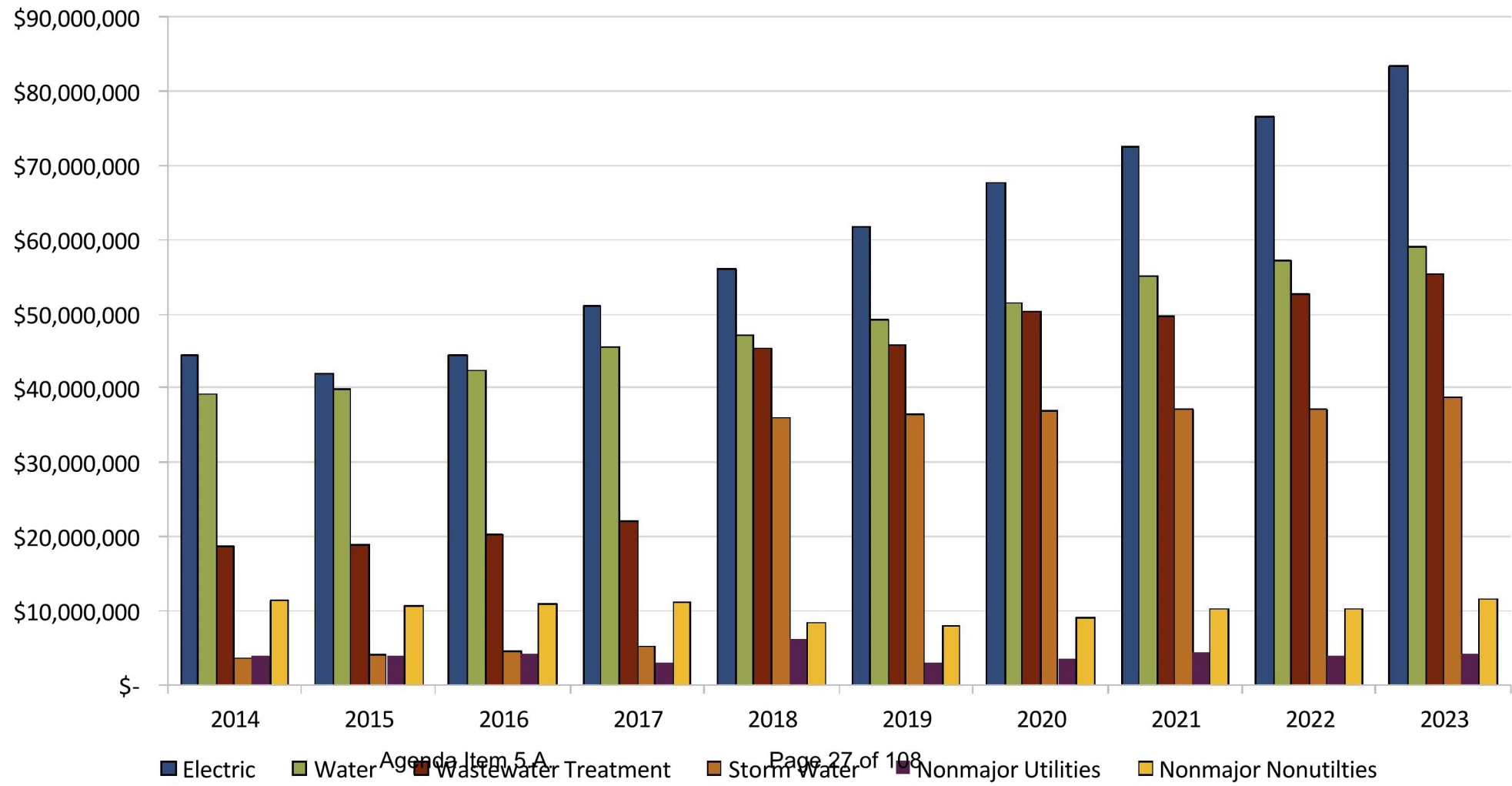
The operating revenues (blue), operating expenses (green), and operating income (red) for nonmajor nonutility funds are presented below. For the last ten years, operating revenues have not been sufficient to cover the operating expenses of the nonmajor nonutility services.



YEAR-END NET POSITION

ENTERPRISE FUNDS

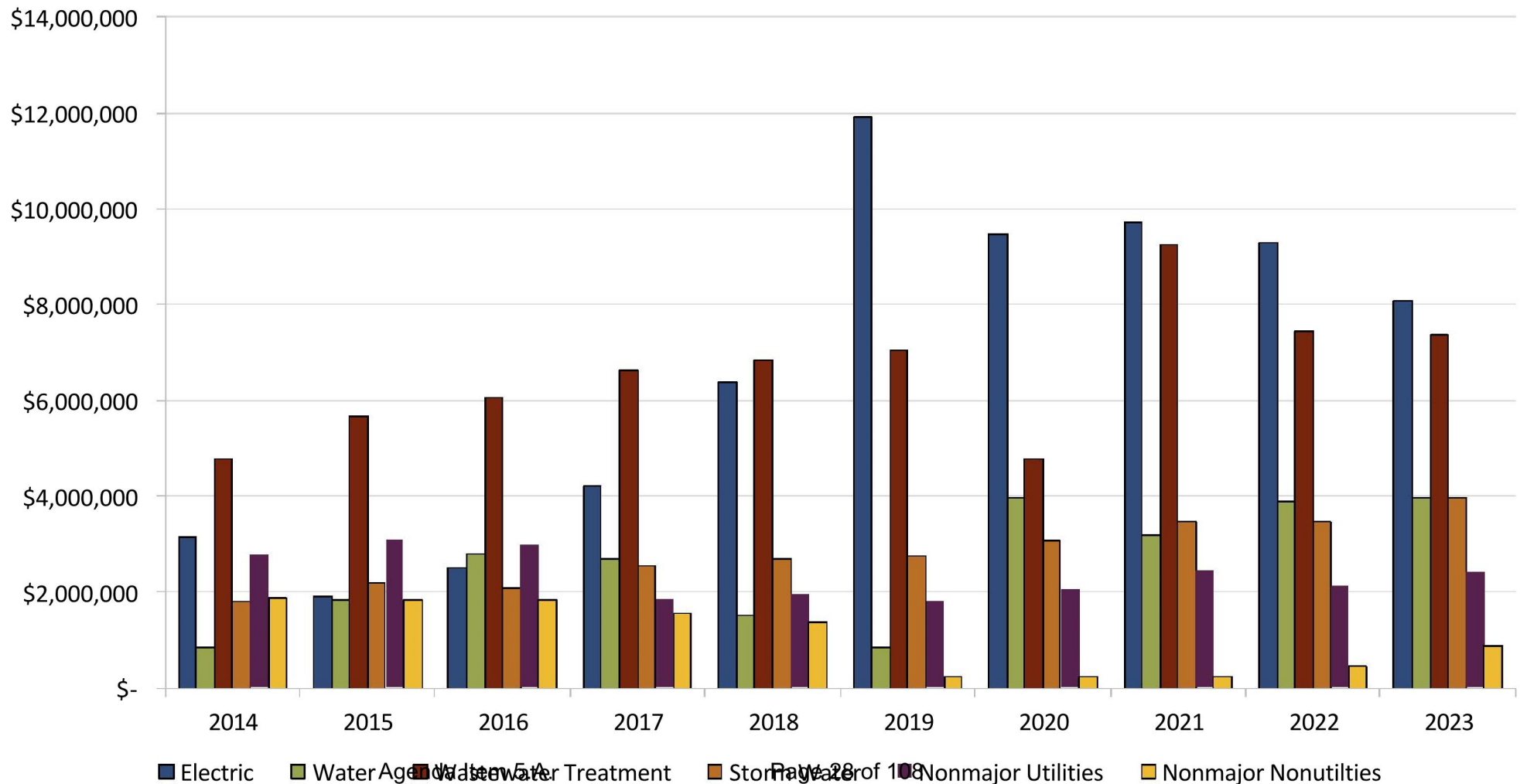
Positive net position indicates that revenues from operating activities, grant revenues, and interest have been sufficient to meet the required debt service payments and provide for transfers to governmental activities.



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 a particular factual situation. **Agenda Item 5.A** and additional information can be submitted to your Eide Bailly representative, or to the presenter of this session. **Page 29 of 108**



THANK

YOU



**CITY COUNCIL
MEETING MINUTES
JUNE 10, 2024 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: Matthew Gilbertson
Council Member: Heather Nesemeier
Council Member: Laura Caroon
Council Member: Deb White
Council Member: Larry Seljevold
Council Member: Sebastian McDougall
Council Member: Chuck Hendrickson
Mayor: Shelly Carlson
Absent: Council Member: Ryan Nelson

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve Consent Agenda made by Chuck Hendrickson and seconded by Heather Nesemeier

Motion Passed

For: 7; Gilbertson, Nesemeier, Caroon, White, Seljevold, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Nelson

5. Recognitions - Presentations

A. MoorHeart Recognition: Heather Ranck and FM Rotary

Moorhead Director of Parks and Recreation Holly Hietkamp presented a MoorHeart Award to Heather Ranck and members of Rotary Clubs in Fargo and Moorhead. The Grand Opening of the of the Rotary Natural Play Hill and Bike Park is taking place on June 20 at 10:00 at Riverfront Park.

B. Presentation: Transit Reorganization Study, Wade Kline (KLJ Engineering)

Wade Kline from KLJ Engineering presented the Transit Reorganization Study for mass transit services in the metro area.

C. Clean Up Weeks Update – Paul Fiechtner

Public Works Director Paul Fiechtner shared an update on Clean-Up Weeks. During Clean-Up Weeks, 696 tons of waste were collected by 28 city employees and 10 contracted support workers

D. Proclamation: Juneteenth

Mayor Shelly Carlson presented a Proclamation for Juneteenth and activities in Moorhead that will take place on June 17 at the Hjomkomst Center.

E. Proclamation: World Refugee Day

Council member Sebastian McDougall presented a World Refugee Day Proclamation.

Mayor Shelly Carlson asked for a moment of silence for fallen Minneapolis Police Officer Jamal Mitchell.

6. Approve Minutes

A. May 28, 2024 Meeting Minutes

Motion to Approve May 28, 2024 Meeting Minutes made by Sebastian McDougall and seconded by Larry Seljevoid

Motion Passed

For: 7; Gilbertson, Nesemeier, Caroon, White, Seljevoid, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Nelson

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

A man addressed the City Council about an incident at a local hotel involving Moorhead Police and Emergency Medical Services during a visit to the area for the Fargo Marathon.

8. *Mayor and Council Appointments

A. *Resolution for Appointments to Boards and Committees

9. Public Hearings (5:45 pm)

A. Public Hearing Related to Proposals that the City adopt the Redevelopment Plan for the Moorhead Prairie Parkway Redevelopment Project Area

Motion to Open Public Hearing Related to Proposals that the City adopt the Redevelopment Plan for the Moorhead Prairie Parkway Redevelopment Project Area made by Heather Nesemeier and seconded by Laura Caroon

Motion Passed

For: 7; Gilbertson, Nesemeier, Caroon, White, Seljevoid, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Nelson

City Manager Dan Mahli stated the developer is requesting time to further define the scope of the development project. The recommendation is to adjourn the public hearing and reconvened this summer.

Motion to Adjourn Public Hearing made by Larry Seljevold and seconded by Sebastian McDougall

Motion Passed

For: 7; Gilbertson, Nesemeier, Caroon, White, Seljevold, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Nelson

10. Engineering Department

- A. *Resolution to Approve MnDOT Agreement No.1057018 for Federal Participation in an LED Lighting Project
- B. *Resolution to Receive Report, Order Preparation of Plans & Specifications and Call for a Public Hearing for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)

11. Parks and Recreation Department

- A. *First Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations
- B. *Resolution to Accept a Donation and Transfer Ownership from the Fargo Moorhead Rotary Foundation of the Rotary Natural Play Hill & Bike Park at 600 1st Ave North

12. Community Development Department

- A. *Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks.
- B. *Resolution to Approve Agreements for Primary Fixed Based Operator and Airport Manager

13. Administration

- A. *Resolution to Approve Easement Agreement with Wal-Mart for Dilworth Transit Hub Improvements
- B. *Resolution to Approve Short Term Extension to Lien Agreement
- C. *Resolution to Approve Amendment to the Employment Agreement between the City of Moorhead and City Manager

14. Mayor and Council Reports

Council member Matt Gilbertson announced there will be a ground breaking for Downtown Chiropractic on Tuesday June 18 at 1:30 p.m. on the corner of 6 Street and Center Avenue.

Mayor Shelly Carlson highlighted the Groundbreaking on June 5 for the new Community Center Library. She stated it was a great event and well attended. Mayor Carlson also reported on the Ribbon Cutting for the Inclusive Playground at Southside Regional Park that occurred on June 7. Mayor Carlson stated the next ribbon cutting is the Natural Play Hill and Bike Park.

15. City Manager Reports

City Manager Dan Mahli spoke about the celebration for the Rotary Natural Play Hill and Bike Park. The grand opening is set for June 20 at 10:00 a.m. at Riverfront Park. If weather is an issue, the back-up day and time is June 27 at 10:00 a.m.

City Manager Mahli added, in addition to Moorhead receiving Pathways to Policing grants, the City is also the recipient of a new initiative called the Intensive and Comprehensive Peace Officer Education and Training program (ICPOET). The ICPOET funding will assist the Police Department in hiring people interested in a career in law enforcement with two or four year degrees in areas other than public safety. Individuals can apply online at cityofmoorhead.com or contact Moorhead PD Sergeant Joe Brannan at 218-299-5233.

16. Executive Session

17. New Business

18. Adjourn

Meeting adjourned at 6:27pm

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.

RESOLUTION

Resolution for Appointments to Boards and Committees

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

Charter Commission

- Tracy Peters, Moorhead resident, is appointed to a term commencing June 25, 2024 and ending January 31, 2028. (Ward 4)

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Approve Master Services Agreement with SEH, Inc.

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve, and authorize the Mayor and City Manager to execute, a Master Services Agreement for Engineering Consultation Services with SEH, Inc.

BACKGROUND/KEY POINTS:

Each year, the Engineering Department designs, bids, and manages the construction of multiple capital improvement projects. On occasion, City staff requires support from consultants with specialized technical expertise or to manage workload in excess of staff capacity. Prior to 2018, proposals for consultant engineering support were solicited on an as-needed basis and executed through project-specific engineering service agreements.

In conjunction with City staff, the City Attorney developed a Master Services Agreement (MSA) for various professional services which has been used since 2018. The MSA runs for a term of 5 years and then is reviewed and updated. The City issues a Request for Proposals (RFP) to have consultants submit Statements of Qualifications (SOQ) for specific types of services covered under the MSA. The SOQ's are used to develop a pool of qualified consultants for each type of service. The current MSA was approved by the Council on February 13, 2023, and will be effective through December 31, 2027. The City currently has an executed MSA with 17 consultants.

SEH, Inc. has submitted a SOQ to provide various types of engineering services. Staff has reviewed the SOQ and recommends that the City execute an MSA, to be effective through 2027, with SEH, Inc. for the following types of services and/or projects:

Civil Engineering Services											Survey	Environmental			Prop.
1. New Subdivisions	2. Rehab/Reconstruction	3. Federal & State Aid	4. Trunk Storm Sewer	5. Trunk Sanitary Sewer	6. Flood Mitigation	7. Bridges	8. Traffic Operations	9. Geotechnical	10. Materials Testing	11. Land Use Planning	Land Surveying	1. Environmental Services	2. Struct/Prop Assessments	3. AUAR	Property Acquisition Services
		●	●	●	●	●	●	●		●	●	●	●	●	●



City Council Communication

June 24, 2024

Execution of the MSA provides uniformity to the City's relationship with outside consultants and conserves staff and City Attorney resources previously used to develop and/or review project-specific engineering services agreements. Execution of the MSA does not guarantee any particular volume, level, or amount of work either in terms of the number of projects or dollar value of work to any consultant. The proposed action will add SEH, Inc. to the pool of consultants authorized to work under the MSA.

Under the MSA, as project-specific needs for consultant assistance are identified, staff will solicit and negotiate a scope of work and cost proposal from a pre-qualified consultant or consultants. The scope of work and cost will be incorporated into a Task Order issued pursuant to the MSA. There is no limit to the number or scope of Task Orders which may be issued by the City under any MSA.

FINANCIAL CONSIDERATIONS:

There is no cost associated with execution of the MSA. Any future costs will be identified in Task Orders executed under the MSA and will be specific to the project and scope of work identified in the Task Order.

The draft resolution is consistent with the February 13, 2023 resolution, and authorizes the Engineering Director/City Engineer to issue Task Orders, not to exceed \$200,000 per Task Order, under the Master Services Agreement for services and/or projects utilizing funds available within the approved City budget, for services and/or projects in the approved Capital Improvement Plan, and for petitioned improvement projects.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Bob Zimmerman, Engineering Director
Tom Trowbridge, City Engineer
Sylvia Lizotte, Office Specialist

Attachments:

RESOLUTION

Resolution to Approve Master Services Agreement with SEH, Inc.

WHEREAS, each year, the Engineering Department designs, bids, and manages the construction of multiple capital improvement projects; and

WHEREAS, on occasion, City staff requires support from consultants with specialized technical expertise or to manage workload in excess of staff capacity; and

WHEREAS, staff has received and evaluated a Statement of Qualifications for engineering services from SEH, Inc. and recommends that the City execute a Master Services Agreement, to be effective through 2027, with SEH, Inc. for Federal & State Aid, Trunk Storm Sewer, Trunk Sanitary Sewer, Flood Mitigation, Bridges, Traffic Operations and Transportation Engineering, Geotechnical, Land Use Planning, Land Surveying, Environmental Services, Structural & Property Assessments, AUAR Analysis, and Property Acquisition Services; and

WHEREAS, as project-specific needs for consultant assistance are identified, staff will solicit and negotiate a scope of work and cost proposal from a pre-qualified consultant or consultants to be incorporated in a Task Order issued by the City under the Master Services Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the proposed Master Services Agreement for Engineering Consultation Services is approved.

BE IT FURTHER RESOLVED that the Mayor and City Manager are authorized to execute the Master Services Agreement with SEH, Inc. for each type of service and/or project identified above.

BE IT FURTHER RESOLVED that the Engineering Director/City Engineer is authorized to issue Task Orders, not to exceed \$200,000 per Task Order, under the Master Services Agreement for services and/or projects utilizing funds available within the approved City budget, for services and/or projects in the approved Capital Improvement Plan, and for petitioned improvement projects.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Order Report for Proposed Street Improvements on 10-1/2 Street North (Eng. No. 24-A2-09)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution Ordering Report for Street Improvements on 10-1/2 Street North from 15th Ave N to 17th Ave N.

BACKGROUND/KEY POINTS:

On March 21, 2005, the Mayor and City Council adopted the City's first five-year Pavement Management & Transportation Capital Improvement Plan for the years 2005-2009. Since then, the plan has been updated or amended on an annual basis. More recently, the plan has been incorporated into the City-wide Capital Improvement Plan (CIP) considered by the Council as part of the annual budget process. The 2024-2028 CIP was approved by the City Council on December 11, 2023.

Based on age and condition, 10-1/2 St N is eligible for a mill & overlay. However, to maintain annual street CIP expenditures near proposed funding levels, the project was not included in the current CIP.

Late in the fall of 2023, the City was authorized to receive Federal funding from the Promoting Resilient Operations for Transformative, Efficient and Cost-Saving Transportation (PROTECT) grant program. These grants are intended to improve resiliency of the nation's transportation system in response to climate change. The City's application was based on the results and recommendations from the City's Climate Change Resiliency Planning Report. The proposed project will make storm drainage improvements to the 15th Ave N corridor (one of several areas identified as having insufficient storm sewer capacity). The proposed project will install a larger diameter storm sewer down 10-1/2 St N from 17th Ave N to 15th Ave N. Patching the pavement over the utility trench is an eligible grant cost. However, rather than just complete a patch over the utility trench width, the pavement will perform better if it receives a full rehabilitation. It is proposed to use special assessments in accordance with the City's special assessment policy to partially finance the additional cost of completing a full pavement rehabilitation.

Staff will recommend adding this project to the proposed 2025-2029 City-wide CIP (for construction in 2025) to be considered by the City Council later in 2024. However, to facilitate the grant process and schedule, several actions will be needed prior to adoption of the 2025-2029 City-wide CIP.

For projects that may include partial funding using special assessments, Minnesota Statutes Chapter 429 includes a specific list of actions that must be taken before the assessments are approved. The first of these steps is to order the preparation of a preliminary engineering report (a.k.a. feasibility study). These reports are to be prepared by or under the direct supervision of the City Engineer, and must evaluate the need, cost-effectiveness and feasibility of constructing the



City Council Communication

June 24, 2024

proposed improvements. The reports must also determine whether the improvements should best be constructed independently as a stand-alone project or combined with some other improvements, and must also include an explanation of how the proposed special assessments are to be determined for the properties benefiting from the improvements. Since this process can take some time, and it is necessary to have the Federal grant funding secured by September of 2024, staff is requesting that the Council approve a resolution ordering the report now.

FINANCIAL CONSIDERATIONS:

There is no budgetary impact for the requested action, as the report will be completed by City Staff. The preliminary engineering report will provide a more detailed cost estimate for the project and will allow the Council to make a more informed decision at the time the report is received as to whether to proceed with the project as currently proposed.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Bob Zimmerman, Engineering Director
Tom Trowbridge, City Engineer
Sylvia Lizotte, Office Specialist

Attachments: Location Map

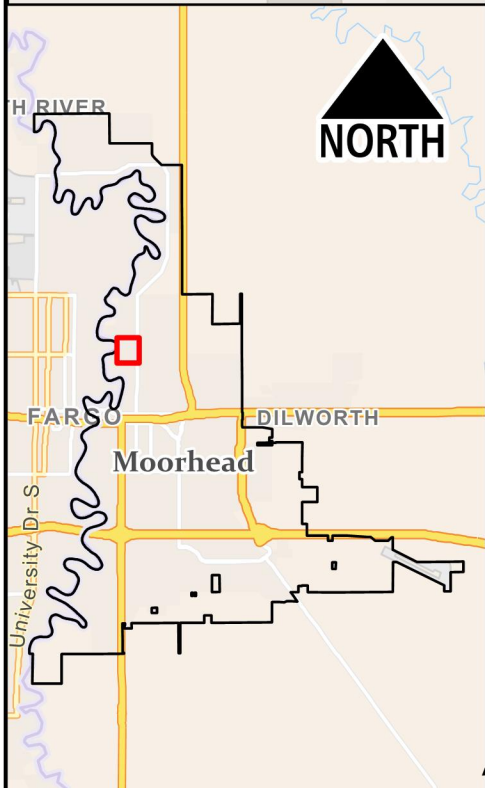
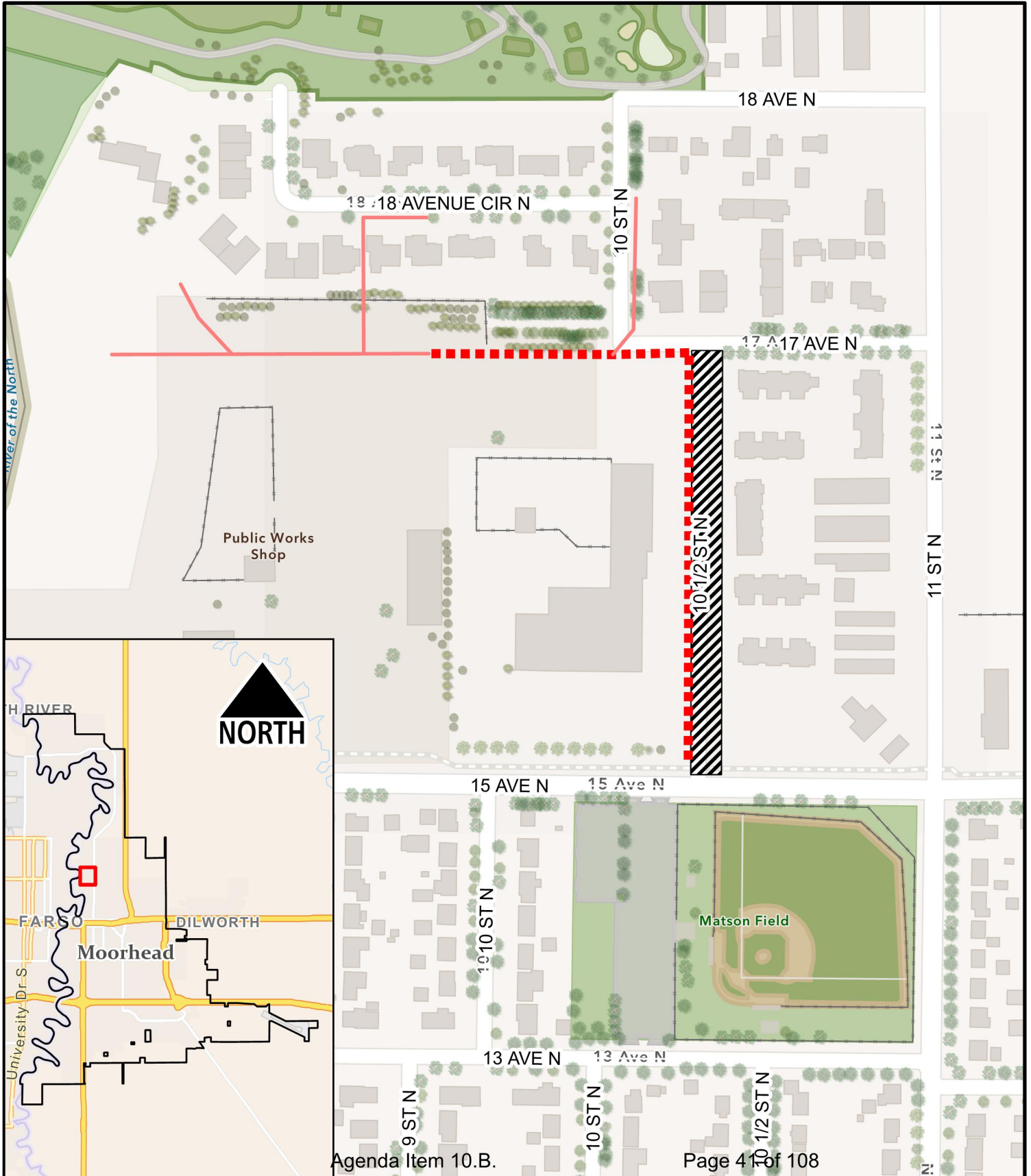


LEGEND

- STREET IMPROVEMENTS
- STORM SEWER IMPROVEMENTS
- NEW 42-48" STORM SEWER
- EXISTING STORM SEWER

Project 24-A2-09

Street and Storm Sewer Improvements
on 10 1/2 St N in Henry R Peterson Addition.



RESOLUTION

Resolution to Order Report for 10-1/2 Str N Street Improvements

WHEREAS, the City has been authorized to receive approximately \$600,000 in Federal PROTECT grant funding to make storm drainage improvements that will benefit the 15th Ave N corridor; and

WHEREAS the preferred route for the proposed drainage improvements is 10-1/2 Street North between 15th and 17th Ave N; and

WHEREAS, to facilitate the storm sewer improvements, it is recommended to add Street Improvements on 10-1/2 Street North from 15th Ave N to 17th Ave N to the City's 2025-2029 Capital Improvement Plan to be constructed in 2025; and

WHEREAS, it is proposed to assess the benefited properties for all or a portion of the cost of the improvements, pursuant to Minnesota Statutes Annotated, Chapter 429 and the City's Special Assessment Policy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota as follows: That the above-referenced improvements be referred to the City Engineer for study and that the City Engineer is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvements are necessary, cost-effective and feasible; whether they should best be made as proposed or in connection with some other improvements; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the above-referenced project.

BACKGROUND/KEY POINTS:

It is proposed to construct a new grid system of public streets in the Center Mall Redevelopment project area that will serve City Hall, the MCCPL, and numerous private developments. The improvements will include new pavement, curb & gutter, sidewalk, sanitary sewer, storm sewer and water, lighting, utility accommodations and landscaping. It is further proposed to finance the improvements using Special Assessments to the benefitting property in accordance with Minnesota Statutes Annotated, Chapter 429 (MS § 429).

On April 22, 2024, the City Council ordered the preparation of the Preliminary Engineer's Report (PER), to consider making improvements to these streets. The report was completed by City staff under the direction of the City Engineer and made recommendations for various street and utility improvements. The report received by the Council on June 10, 2024. Following receipt of the report, the Council ordered preparation of plans and specifications for the making of the recommended improvements as proposed in the report.

The project is being let and constructed in multiple phases to coordinate with the proposed development schedule while maintaining access to existing businesses and City Hall. Houston Engineering, Inc. has prepared plans and specifications for Phase 1 of the proposed improvements under the direction of the City Engineer. The street and utility improvements within this project area have been combined into one contract to simplify construction administration and maximize the economy of scale, while keeping the total contract size to a scope that is suitable for most local contractors. City staff recommends that the Council approve the plans and specifications and authorize advertisement for bids.

Below is an outline of the proposed project schedule.

PROJECT SCHEDULE	
Activity	Date
Order Preliminary Engineer's Report	April 22, 2024
Receive Engineer's Report, Order Plans & Specs, and Call for a Public Hearing	June 10, 2024
Approve Plans & Specs and Authorize Ad for Bids for Phase 1	June 24, 2024
Receive Bids for Phase 1	July 17, 2024
Hold Public Hearing, Order Improvements, Declare Intent to Assess & Award Phase 1 Bid	July 22, 2024
Approve Plans & Specs and Award Bids for future phases	2025-2026
Anticipated Construction Schedule –	2024-2026
Hold Assessment Hearing	Fall 2026



City Council Communication

June 24, 2024

FINANCIAL CONSIDERATIONS:

The cost of the above requested actions is negligible at this time and consists of printing and mailing costs. The total project cost, including contingencies and fees, is preliminarily estimated at approximately \$15,000,000. This includes approximately \$13,000,000 for street & utility improvements and approximately \$2,000,000 for the sanitary lift station relocation improvements. The sanitary lift station relocation will be funded with Flood Damage Reduction Funds (\$2,000,000). It is proposed to finance the remainder of the project through the PIR Fund using a General Obligation Improvement Bond, and to assess the remaining cost of the street & utility project (\$13,000,000) to the benefiting properties in accordance with the City's Special Assessment Policy.

Voting Requirements: Majority of Quorum

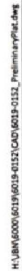
Submitted By:

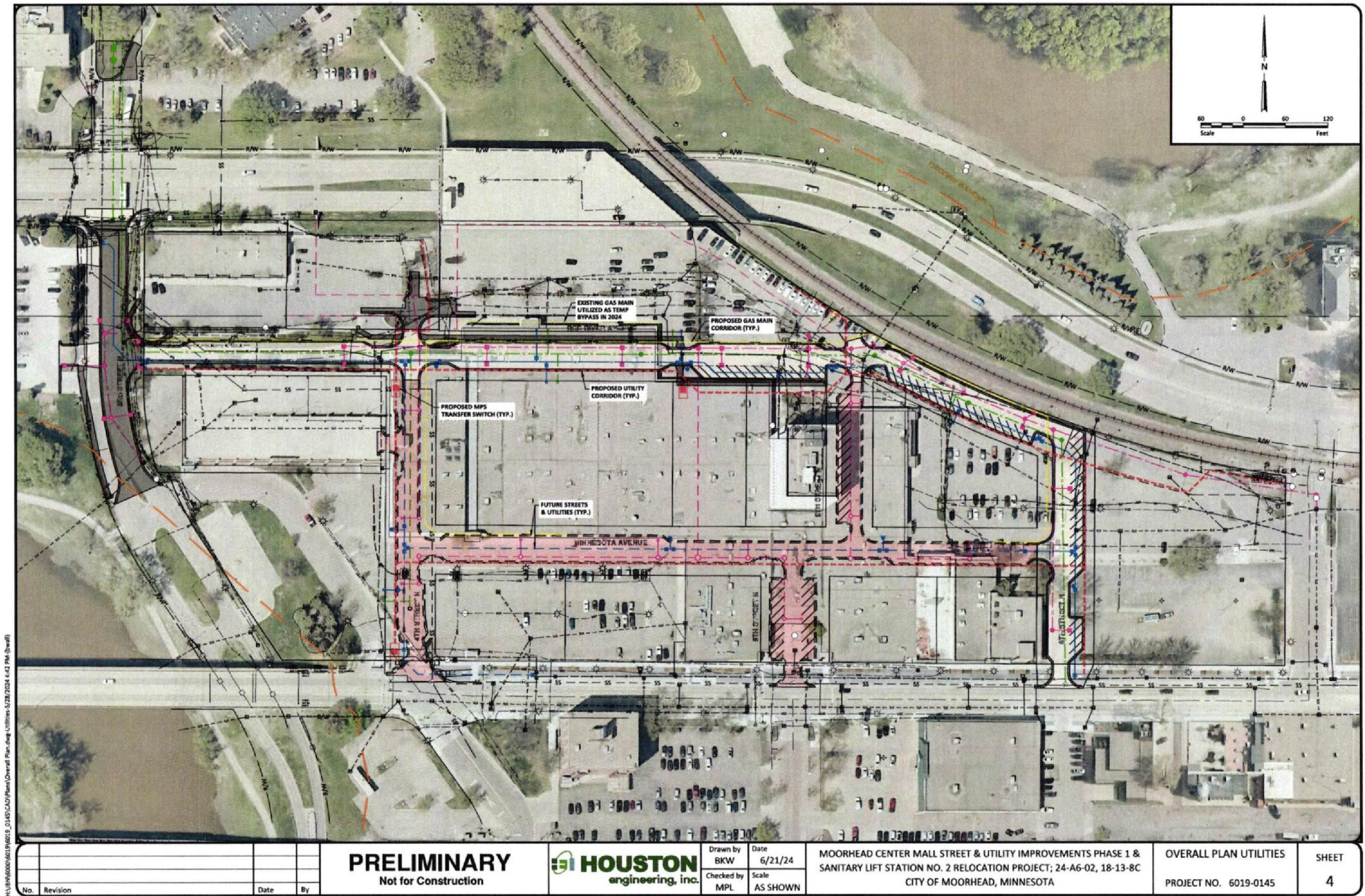
Dan Mahli, City Manager
Bob Zimmerman, Engineering Director
Tom Trowbridge, City Engineer
Sylvia Lizotte, Office Specialist

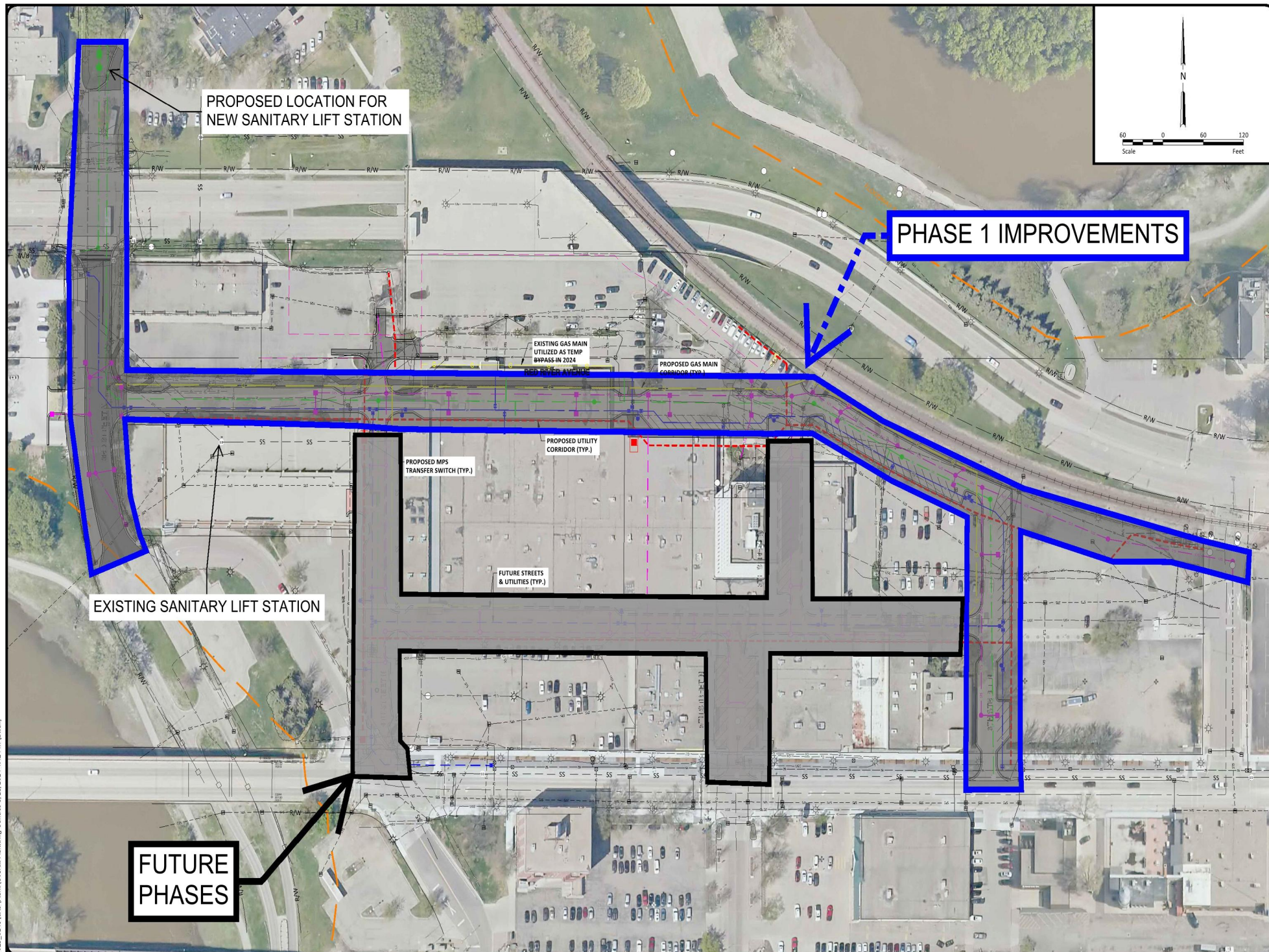
Attachments: Draft Plat, Phasing Plan

TO THE CITY OF MOORHEAD,
CLAY COUNTY, MINNESOTA

Sheet 1 of 2
Project No. 6019-0152







PROPOSED LOCATION FOR
NEW SANITARY LIFT STATION

PHASE 1 IMPROVEMENTS

EXISTING SANITARY LIFT STATION

FUTURE PHASES

PRELIMINARY
Not for Construction



Drawn by e 47 of 108	Date 6/21/24
Checked by MPL	Scale AS SHOWN

MOORHEAD CENTER MALL STREET & UTILITY IMPROVEMENTS PHASE 1 &
SANITARY LIFT STATION NO. 2 RELOCATION PROJECT; 24-A6-02, 18-13-8C
CITY OF MOORHEAD, MINNESOTA

OVERALL PLAN UTILITIES

PROJECT NO. 6019-0145

SHEET
4

RESOLUTION

Resolution to Approve Plans & Specifications and Authorize Advertisement For Bids for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)

WHEREAS, pursuant to a resolution passed by the City Council on June 10, 2024, Houston Engineering has prepared plans and specifications under the direction of the City Engineer for the Moorhead Center Mall Redevelopment – Phase 1 Street & Utility Improvements (Eng. No. 24-A6-02) and such plans are presented to the Council for approval.

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

1. Such plans and specifications, a copy of which is on file in the office of the City Engineer, are hereby approved.
2. The City Engineer shall prepare and cause to be published on the official websites an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published a minimum of 21 days before the scheduled bid opening. The advertisement shall specify the work to be done, shall state the time and place that the bids will be opened, and shall state that no bids will be considered unless sealed and filed with the City Engineer and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City of Moorhead for 5 percent of the amount of such bid.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Enter into a Lease Agreement with Northern Prairie Performing Arts dba Fargo Moorhead Community Theatre (FMCT) to lease space at the Hjemkomst Center

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to enter into a Lease Agreement with Northern Prairie Performing Arts dba Fargo Moorhead Community Theatre (FMCT) to lease space at the Hjemkomst Center to provide theatrical and educational opportunities for people of all ages.

BACKGROUND/KEY POINTS:

The FMCT has leased space at the Hjemkomst Center since July 7, 2021 and desires to enter into a new agreement for an additional 2 years and 6 months with the term ending in December of 2026.

The proposed lease agreement provides FMCT exclusive use of Heritage Hall to use as their main stage for theatrical performances along with a second stage available for community events. The lease will also include a small area in Level 4 for performers dressing area and use of meeting rooms at a reduced rate.

FMCT's plans for Heritage Hall include large plays, musicals and other performances throughout the year and educational theatre camps on Saturdays and throughout the summer months. There has also been several community events on the second stage in Heritage Hall for community artists. The FMCT schedules its performances around and allow use of portions of Heritage Hall for the three annual festivals (Pangea, Scandinavian Festival, Celtic and Frostival). The term of the lease agreement is June 24, 2024 – December 31, 2026.

The City Attorney has approved this lease agreement.

FINANCIAL CONSIDERATIONS:

Terms of this agreement include payment in the amount of \$9.79 sq/ft for exclusive space. This rate is the same as what is currently being paid. Annual revenue at this rate to the City is anticipated to be approximately \$68,000.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Holly Heitkamp, Parks and Recreation Director

Attachments: Draft Resolution

RESOLUTION

Resolution to Enter into a Lease Agreement with Northern Prairie Performing Arts dba Fargo Moorhead Community Theatre (FMCT) to lease space at the Hjemkomst Center

WHEREAS, the Mayor and City Council are asked to consider a resolution to enter into a Lease Agreement with Northern Prairie Performing Arts dba Fargo Moorhead Community Theatre (FMCT) to lease space at the Hjemkomst Center; and

WHEREAS, FMCT will utilize Heritage Hall and other spaces around the Hjemkomst Center to provide theatrical and educational opportunities for people of all age; and

WHEREAS, the annual rental rate will be based on \$9.79 sq/ft for the exclusive space as defined by the lease agreement; and

WHEREAS, the term of the Lease will extend to December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council does hereby authorize and direct the Mayor and City Manager to enter into a Lease Agreement with Northern Prairie Performing Arts dba Fargo Moorhead Community Theatre to lease space at the Hjemkomst Center as approved by the City Attorney.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Second Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations

RECOMMENDATION:

The Mayor and City Council are asked to consider a Second Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations.

BACKGROUND/KEY POINTS:

The Moorhead Park Advisory Board has been reviewing ordinances and procedures within the Parks Department and is recommending that we make update language in various ordinances that need clarification and changes or additions to address the current situations within the Parks Department.

Proposed Ordinance Updates Include:

- Amend Section 3-9-2 & 3 Pools:
 - This Ordinance currently identifies the responsibility of permitting, inspections and suspension or revocation or permits the responsibility of the City. In 2011 this responsibility transitioned to Clay County Public Health Environmental Services Division. Changes to this ordinance cleans up that language.
 - City-owned pools need to follow all County requirements and obtain an operator license.
 - These changes have been reviewed with no corrections noted by the Clay County Health Inspector responsible for licensing the pools in Moorhead.
- Amend Section 5-5-2 Roller Skates, Roller Blades:
 - Recommendation to amend the existing Ordinance to clean up outdated language on locations that are prohibited. This would remove references to being inside the Moorhead Center Mall or Mall entrances, and on tennis courts while adding language to reference a prohibition on private property without permission of the owner.
- Add Title 5, Chapter 6 regarding Bicycles, that would address Electric-Assisted Bicycles and Motorized Foot Scooters:
 - This ordinance would outline rules for the operation of Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters within the City.
 - This ordinance follows Minnesota Stat. Section 169.011 that defines the use and identifies rules and regulations for the operation of Electric Assisted Bicycles and Motorized Foot Scooters. Included in this Statute is the ability for local control to set the operational guidelines for use.



City Council Communication

June 24, 2024

- The Park Advisory Board is recommending that use be allowed on the bicycle / pedestrian trails and should stay in the bike lanes when on the roadway. The Ordinance but prohibits them on sidewalks unless parking them. Of note is that the Ordinance would allowed a maximum speed of 15 mph while on the trails.
- Amend Section 6-1-3: Park Hours:
 - Current language indicates the parks are open from 10 a.m. – 10 p.m. The request is to change this language to 6 a.m. to 10 p.m. to better reflect the use of the Parks.
 - This will take a signage change in every park which will have a fiscal impact of \$1,500 with approximately \$800 for the signs and \$700 of staff time to change these out.
 - Many cities in Minnesota state 6 a.m.–10 p.m. and others say dawn to 10 p.m. 10 p.m. seems to be the most common end time.
- Amend Section 6-1-4: Parks Rules and Regulations - Dog Park Rules:
 - Current language indicates that Dangerous Dogs are not allowed to be in the Dog Park. This change would add clarifying language to the reference in the current Ordinance identifying how a dog is determined to be a “dangerous dog”. There is currently a process for a dog to be officially labeled as dangerous in City code section 3-7-13 Potentially Dangerous and Dangerous Dogs Designation.
 - The cost to change the signs at the two dog parks are estimated to be \$500.

The Moorhead City Council approved the 1st reading at the June 10, 2024 meeting.

FINANCIAL CONSIDERATIONS:

Anticipated cost to change signage for Park Hours is \$1,500 and to update the signs at the Dog Park would be \$500 cost for two new signs at the dog parks. Other costs include the cost to publish the ordinance changes in the official City Newspaper – The Extra as per process for public notification of ordinance changes.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Holly Heitkamp, Parks and Recreation Director

Attachments: Ordinance 2004-05 Changes 2nd Reading

ORDINANCE 2024-05

An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations.

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

NEW ~~DELETE~~

SECTION 1: Title 3, Public Health and Sanitation, Chapter 9, Pools of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions have been omitted from the text below):

3-9-2: PERMITS REQUIRED:

B. No persons shall operate or maintain a public pool unless they have obtained a permit to operate such pool from the County city. ~~Such permits shall be obtained by January 1 and shall be valid for one year, unless otherwise revoked for cause.~~ Only persons who comply with this chapter shall be entitled to receive and retain such a permit. Such permits are not transferable.

C. All persons required by this chapter to obtain an annual permit to conduct, operate and maintain a public pool shall make application to the County city in writing and shall pay the required an annual permit fee. ~~as set by the Moorhead city council in its fee schedule.~~ (Ord. 2010-6, 7-12-2010)

3-9-3: INSPECTIONS:

The ~~city~~ County is authorized to conduct such inspections as it deems necessary to ensure compliance with all provisions of this chapter and any and all applicable Minnesota department of health regulations, as such regulations may be from time to time amended, supplemented or replaced, and shall have right of entry at any reasonable hour to the swimming pool for this purpose. ~~Authorized city personnel shall bear and display proper credentials and identification prior to entry for inspection.~~ (Ord. 2010-6, 7-12-2010)

3-9-4: DENIAL, SUSPENSION OR REVOCATION OF PERMITS:

The ~~council~~ County may deny, suspend or revoke any permit defined in this chapter for failure to comply with the regulations or in the event the permit has been obtained through nondisclosure, misrepresentation or misstatement of a material fact in accordance with the provisions of section 2-1-10 of this code. (Ord. 2010-6, 7-12-2010)

SECTION 2: Title 5, Motor Vehicles and Traffic, Chapter 5, Skateboards, Roller Skates, Roller Blades and In-Line Skates of the Moorhead Municipal Code is hereby amended and reenacted to read as follows:

5-5-2: PROHIBITED ACTS:

It shall be unlawful for any person to ride or propel oneself upon a skateboard, roller skates, roller blades or in-line skates in any of the following circumstances:

~~A. Inside the Moorhead Center Mall or the outside entrance areas to the Mall inside the perimeter sidewalk.~~

~~B. On any public tennis court in the City.~~

AG. On any public or private parking ramp without the express written permission of the owner.

B. On private property without permission of the owner.

C D. In any area within the ~~C~~city while being pushed, pulled or in any way propelled by any motorized vehicle or by a person on a bicycle.

SECTION 3: Title 5, Motor Vehicles and Traffic, Chapter 6, Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters of the Moorhead Municipal Code is hereby amended to read as follows:

CHAPTER 6. BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS.

5-6-1 Scope

5-6-2 Definitions

5-6-3 Riding restrictions

5-6-4 Parking

5-6-5 Establishment of bicycle lanes and paths

5-6-6 Operation of bicycles, electric-assist bicycles and motorized foot scooters on bicycle lanes and paths.

5-6-1. Scope

State laws and the provisions of this chapter will govern the operation of bicycles, electric-assisted bicycles and motorized foot scooters upon any street, roadway, sidewalk, trail or public path.

5-6-2 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to by this Section:

Bicycle. A bicycle shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 4, as amended

Bicycle lane. A bicycle lane shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 5, as amended.

Bicycle path. A bicycle path shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 6, as amended.

Electric-assisted bicycle shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 27, as amended.

Motorized foot scooter. Motorized foot scooter shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 46, as amended.

5-6-3 Riding Restrictions

A. No person shall ride a motorized foot scooter on any sidewalk, except when necessary to enter or leave adjacent property.

B. No person shall ride a bicycle, electric-assisted bicycle or motorized foot scooter on any street, sidewalk, roadway, public path or public property where signs have been erected prohibiting bicycle, electric-assisted bicycle or motorized foot scooter riding.

C. No person shall operate a bicycle, electric-assist bicycle, motorized foot scooter or wheeled recreational device at a speed greater than 15 miles per hour on any multi-use trail within the City.

D. Except as prohibited by this section or state law, a person may ride a bicycle, electric assisted bicycle, or motorized foot scooter on any street, sidewalk, roadway, public path, or trail.

5-6-4 Parking

A. No person shall park a bicycle, electric-assisted bicycle or motorized foot scooter upon a street, highway or alley other than at the edge of the developed portion of such street, highway or alley;

B. No person shall park a bicycle, electric-assisted bicycle, or motorized foot scooter on a sidewalk other than in a bicycle rack or as near to the edge of the sidewalk as practicable so as to create the least possible obstruction to pedestrian traffic.

5-5-5 Establishment of bicycle lanes and paths

The council may, by resolution, establish bicycle lanes or bicycle paths in the city. Bicycle lanes shall be distinguished from the portion of the roadway to be used by motor vehicles by appropriate paint striping or other pavement markings, barriers or indicators and may, in addition, be designated by appropriate signing. Bicycle paths shall be designated by either appropriate signing or paint striping or other pavement markings or indicators.

5-6-6 Operation of bicycles, electric-assist bicycles and motorized foot scooters on bicycle lanes and paths.

A. Where a combination bicycle-pedestrian path has been established, people riding bicycles, electric-assist bicycles and motorized foot scooters shall yield to the right-of-way to pedestrians;

B. When a person is operating a bicycle, electric-assisted bicycle or motorized foot scooter within a bicycle lane he may overtake and pass motor vehicles operating on the traffic lane to the person's left;

C. Whenever a bicycle lane or bicycle path is designated as one way only, no person shall operate a bicycle, electric-assisted bicycle or motorized foot scooter within such lane or path in other than the designated direction.

SECTION 4: Title 6, Chapter 1, Public Parks of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions have been omitted from the text below):

6-1-3: PARK HOURS:

The council will, by resolution, establish the hours of operation of city parks and will post the hours of use at the entrance to said parks in a conspicuous area. In the absence of such regulation, city parks will be open from six o'clock (6) A.M. ~~ten o'clock (10:00) A.M.~~ to ten o'clock (10:00) P.M. (~~Ord. 618, 10-3-1977~~)

6-1-4: PARK RULES AND REGULATIONS:

E. Pets: Leashed pets are permitted in all city parks with the exception of Matson, and Centennial athletic complexes. Leashed pets are permitted at Southside Regional Park on the walking paths and areas not designated as athletic fields. Leashed pets, other than service animals, are not allowed on any athletic field at Southside Regional Park, including the Miracle Field.

In addition, no person shall allow any dog, cat or other pet animal to enter any building or shelter, unless under emergency circumstances, or permit any dog, cat or other such pet to be unrestrained. Dogs may be allowed to be off a leash, unrestrained, if in a city park designated specifically as a "dog park" with the following restrictions:

1. Dog owners assume all risk when using the park. Dog owners are liable for the actions of their dogs;
2. Dogs should have a collar, carry ID tags, be properly licensed, inoculated and in healthy condition;
3. Dogs shall be in the sight of their owners or handlers at all times;

4. No children under twelve (12) years of age are permitted in the fenced area. Children must be strictly supervised at all times;
5. Owners shall clean up after their dogs and repair any holes left by their dogs on park property;
6. Dogs shall be leashed before entering and prior to leaving the dog park;
7. Dogs shall be removed from the park at the first sign of aggressive behavior;
8. Each owner or handler shall be limited to a total of three (3) dogs per visit;
9. Smoking and eating is prohibited in the dog park;
10. Female dogs in heat, puppies less than four (4) months of age, and dogs with known aggressive behaviors are strictly prohibited from the park;
11. Violators will be subject to removal from the park and suspension of park privileges.
12. No dogs officially designated as dangerous or potentially dangerous as outlined in Title 3-7-13 are allowed in the dog park.
13. Dogs left unattended are subject to impound. (~~Ord. 2011-12, 8-22-2011~~)

This Ordinance shall take effect after publication in accordance with the Moorhead City Charter.

PASSED: June 24, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 06/10/2024
E-Post: 06/14/2024
Second Reading: 06/24/2024
Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2024-05

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Title 3, Chapter 9: Public Health and Sanitation Pools, Title 5, Chapter 5, Section 2: Skateboards, Roller Skates, Roller Blades and In-Line Skates Accessory Buildings; Title 5, Motor Vehicles and Traffic, Chapter 6, Section 3: Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters, SECTION 4: Title 6, Chapter 1, Public Parks, Park Hours and Title 6, Chapter 4, Park Rules and Regulations, Pets; 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 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Title 3, Chapter 9: Public Health and Sanitation Pools, Title 5, Chapter 5, Section 2: Skateboards, Roller Skates, Roller Blades and In-Line Skates Accessory Buildings; Title 5, Motor Vehicles and Traffic, Chapter 6, Section 3: Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters, SECTION 4: Title 6, Chapter 1, Public Parks, Park Hours and Title 6, and Chapter 4, Park Rules and Regulations, Pets; 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.

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

PASSED: June 24, 2024 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 2024-05

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Title 3, Chapter 9: Public Health and Sanitation Pools, Title 5, Chapter 5, Section 2: Skateboards, Roller Skates, Roller Blades and In-Line Skates Accessory Buildings; Title 5, Motor Vehicles and Traffic, Chapter 6, Section 3: Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters, SECTION 4: Title 6, Chapter 1, Public Parks, Park Hours and Title 6, Chapter 4, Park Rules and Regulations, Pets

2. Summary of Ordinance

An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Title 3, Chapter 9: Public Health and Sanitation Pools, Title 5, Chapter 5, Section 2: Skateboards, Roller Skates, Roller Blades and In-Line Skates Accessory Buildings; Title 5, Motor Vehicles and Traffic, Chapter 6, Section 3: Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters, SECTION 4: Title 6, Chapter 1, Public Parks, Park Hours and Title 6, Chapter 4, Park Rules and Regulations, Pets

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 24th day of June, 2024.

First Reading: 06/10/2024

E-Post: 06/14/2024

Second Reading: 06/24/2024

Publication:



City Council Communication

June 24, 2024

SUBJECT:

Second Reading of Ordinance 2024:04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks

RECOMMENDATION:

The Mayor and City Council are asked to consider a Second Reading of Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks.

BACKGROUND/KEY POINTS:

As with the recent changes made to the Residential Zoning Districts, the next step in the Onward Moorhead Comprehensive Plan implementation process is to make additional complimentary zoning code updates to Accessory Buildings, Equipment and Uses. These changes will modernize and clarify code language and make corresponding changes to recent Residential Zoning District changes (current and proposed tables attached).

The main proposed changes are:

1. In the new RLD-1 district (Oakport and Americana Estates annexation areas), adjustments were made to shed/garage size limits in relation to lot sizes. The new code will still permit extra allowances for lots over ½ acre, but lots less than a ½ acre will be treated the same as other Moorhead residential lots where the accessory size is limited to house footprint.
2. Simplification of how we measure structure heights. In the old code, we required grade to peak measurements for accessory structures and grade to average roof line measurements for principal structures, which can be difficult for homeowners to ascertain. Due to the volume of requests, we will simplify this process by requiring sidewall height measurements instead of roof height measurements.
3. Clarification of new setbacks for attached and detached structures based on new residential setbacks.

The Planning Commission reviewed the proposed amendments at their May 5, 2024 meeting and unanimously recommend approval of the proposed zoning changes with no public comment. The complete Planning Commission packet is available at:
<https://www.ci.moorhead.mn.us/government/boards-commissions/planning-commission>



City Council Communication

June 24, 2024

Since the Planning Commission meeting, staff added the following change:

1. Under the old code, all properties, despite the size of the house footprint or parcel size, could have at least 800 sf of accessory space. Typically, this area is taken up by 2-3 car garages with no accessory area leftover for a storage shed. We have received many complaints as to why residents cannot have sheds.

The proposed code would allow every property to have at least one garage (800 sf or less) and at least one shed (200 sf or less) as long as other zoning requirements could be met (e.g., impervious surface maximums). Larger homes would still be permitted to have more garage-shed area based on their house footprint and parcel size but this change would serve the smaller homes on smaller lots in older neighborhoods.

Councilmember Seljevoll had previously inquired about the addition of permitting Accessory Dwelling Units (ADUs). We are currently studying how the addition of 1-person ADUs would impact our sanitary sewer service district. Once we have those results, we will bring back to City Council for further discussion.

The City Council approved a first reading of the Ordinance on June 10, 2024.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council – Text Amendment
Four-Fifths of Council (7) - Title & Summary Resolution

Submitted By:

Dan Mahli, City Manager
Robin Huston, City Planner / Zoning Administrator

Attachments: Current and Proposed Accessory Structure Codes
Draft Ordinance 2024-04
Draft Resolution - Title & Summary to Approve Ordinance 2024-04

ORDINANCE 2024-04

AN ORDINANCE TO AMEND AND REENACT TITLE 10, CHAPTER 2: DEFINITIONS, TITLE 10, CHAPTER 18, SECTION 3: ACCESSORY BUILDINGS, USES AND EQUIPMENT, TITLE 10, CHAPTER 18, SECTION 4: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES, TITLE 10, CHAPTER 19, SECTION 8: OUTSIDE STORAGE, RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES AND TITLE 10, CHAPTER 19, SECTION 12: ALLOWED EXTENSIONS INTO REQUIRED SETBACKS

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

NEW

DELETE

SECTION 1. Title 10, Chapter 2, Definitions of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the definitions have been omitted from the text below):

10-2-2: DEFINITIONS:

...

HEIGHT, ACCESSORY BUILDING OR STRUCTURE: The vertical distance measured from the grade plane to the base of a primary side wall roof truss.

...

CARPORT: A permanent roofed accessory structure designed for housing passenger vehicles open on at least one two sides and anchored into pavement.

...

SECTION 2. Title 10, Chapter 18, Section 3 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows:

10-18-3: ACCESSORY BUILDINGS, STRUCTURES, EQUIPMENT AND USES AND EQUIPMENT:

~~A. Farm Operations: Farm operations are exempt from the requirements of this section. (Ord. 2012-2, 2-27-2012)~~

~~B. Single-Family, Two-Family Uses And Townhomes:~~

~~1. Location: No accessory use, building, structure or equipment will be allowed within a required front yard, except as allowed in subsection 10-19-12A2 of this title. With the exception of an attached garage or driveway, no accessory building, structure, use or equipment may be placed in a front yard.~~

~~2. Floor Area: Total square footage of all garages, detached and attached, and other accessory buildings shall not exceed the ground coverage of the dwelling, except that any dwelling may have up to eight hundred (800) square feet. Accessory buildings over one thousand three hundred (1,300) square feet require approval of the zoning administrator for architectural design and orientation.~~

~~a. Exception: In the residential low density-0 district:~~

~~(1) For lots which are less than forty three thousand five hundred sixty (43,560) square feet, the maximum building area of the sum of all accessory structures shall be limited to the sum of the ground cover of the dwelling plus an additional six hundred eighty (680) square feet.~~

~~(2) For lots which are forty three thousand five hundred sixty (43,560) square feet or greater in size, the maximum building area of the sum of all accessory structures shall be limited to the sum of the ground cover of the dwelling plus an additional one thousand five hundred (1,500) square feet. Accessory structures with wall in excess of thirty feet (30') in length must contain fenestration and/or architectural detailing to create visual interest.~~

~~(3) Lots within the RLD-0 district may exceed the standards noted above by obtaining a conditional use permit.~~

~~3. Number: Lots may have up to two (2) accessory buildings, including attached garages, detached garages and storage sheds. (Ord. 2014-15, 8-25-2014)~~

~~a. Exception: In the residential low density-0 district, lots less than five (5) acres in area may have up to three (3) accessory buildings and lots with five (5) acres in area or more may have up to four (4) accessory~~

buildings, including attached garages, detached garages and storage sheds. Lots five (5) acres in area or more may exceed the standards noted above by obtaining a conditional use permit. (Ord. 2015-18, 8-24-2015)

— 4. Exemptions: Buildings such as gazebos, outdoor living rooms and pool enclosures may be constructed in addition to garages, storage sheds, tool and hobby sheds, but subject to the lot coverage requirements for the district in which they are located. (Ord. 2014-15, 8-25-2014)

— 5. Permit Required: All accessory buildings in excess of two hundred (200) square feet require a building permit, shall be placed upon a permanent foundation and shall be constructed of like materials as the primary structure. (Ord. 2016-13, 7-25-2016)

— 6. Required Setbacks: Accessory uses shall be set back from property lines as required within the zoning districts and according to the following:

— a. Any accessory building or structure, with the exception of fences, must be a minimum of three feet (3') from any property line and a minimum of twelve feet (12') from any property line when abutting a street right of way. For private garages adjacent to an alley, accessory buildings may encroach into the required rear yard setbacks to be within three feet (3') from any property line, except that no such encroachment may occur in a required side yard setback abutting a street.

— b. Accessory buildings and structures shall be set back an additional one foot (1') for every two feet (2') the wall height exceeds ten feet (10').

— 7. Temporary Storage: Temporary, portable outside storage containers and roll-off dumpsters regulated by section 10-19-8 of this title are exempt from the requirements of this section. (Ord. 2014-15, 8-25-2014)

— C. Uses Other Than Single-Family, Two-Family And Townhomes:

— 1. Location: No accessory use, building, structure or equipment will be allowed within a required front yard.

— 2. Floor Area: For uses other than single-family and two-family dwellings, garages, storage or similar buildings may not exceed fifty percent (50%) of the gross floor area of the principal buildings.

— 3. Setback Requirements: Accessory uses shall be set back from property lines as required within the zoning districts and according to the following:

— a. Any accessory building or structure, with the exception of fences, must be a minimum of three feet (3') from any property line and a minimum of twelve feet (12') from any property line when abutting a street right of way. For private garages adjacent to an alley, accessory buildings may encroach into the required side and rear yard setbacks to be within three feet (3') from any property line, except that no such encroachment may occur in a required side yard setback abutting a street.

— b. Setbacks shall be of sufficient size to accommodate buffering as required by section 10-19-18 of this title.

— 4. Temporary Storage: Temporary, portable outside storage containers and roll-off dumpsters regulated by section 10-19-8 of this title are exempt from the requirements of this section.

— D. Height Limitations: Except as otherwise noted herein, "building height" for purposes of this section shall mean the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building.

— 1. Accessory building of one hundred twenty (120) square feet or more in total area shall not exceed the height of any principal structure on the same lot. Required setbacks shall increase by one foot (1') for every two feet (2') of wall height over ten feet (10').

— 2. On residential district lots, accessory buildings that are less than one hundred twenty (120) square feet in total area shall be limited to twelve feet (12') in height. (Ord. 2012-2, 2-27-2012)

A. Residential

1. Single-Family on Individual Lots in RLD-1

Accessory Structures, Buildings, Equipment and Uses	RLD-1		
	Parcels less than 21,780 sf (1/2 acre)	Parcels over 21,780 sf (1/2 acre) to 87,120 sf (2 acres)	Parcels over 87,120 sf (2 acres)
Floor Area Limit	Up to principal structure total footprint or 800 sf, whichever is greater		
Floor Area Exceptions	At least (1) shed – 200 sf or less	Additional 500 sf total floor area	Additional 1,000 sf total floor area - Additional area may be requested by CUP

Number Permitted ³	2	3	4 – Additional structures may be requested by CUP
Maximum Height	Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater	Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater	Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater. Additional height may be requested by CUP.
Architectural Detailing & Fenestration Required. Design & Orientation reviewed and approved by Zoning Administrator	Structures over 1,000 sf and/or wall length over 30 ft		
Attached Setbacks ¹			
Front Yard	30 ft		
Rear Yard	30 ft		
Interior Side Yard	10 ft		
Street Side Yard	15 ft 25 ft - if overhead garage door faces street		
Detached Setbacks ² – 200 sf or less			
Front Yard	Not permitted beyond front façade of principal structure		
Rear Yard	3 ft 3 ft - adjacent to alley 25 ft – if overhead garage door faces street		
Interior Side Yard	3 ft		
Street Side Yard	15 ft		
Detached Setbacks ² – over 200 sf (Building Permit required)			
Front Yard	Not permitted beyond front façade of principal structure		
Rear Yard	3 ft – if fire-rated walls face property line 3 ft – adjacent to alley 5 ft – if non-fire-rated walls face property line 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street		
Interior Side Yard	3 ft 15 ft – structures over 576 sf in Flood Fringe		
Street Side Yard	15 ft 25 ft – if overhead garage door faces street		

2. Single-Family, Two-Family and Three-Family on Individual Lots in RLD-2 and RLD-3

Accessory Structures, Buildings, Equipment and Uses	RLD-2 & RLD-3
Floor Area Limit	Up to principal structure total footprint or 800 sf, whichever is greater
Floor Area Exceptions	At least (1) shed – 200 sf or less
Number Permitted³	2
Maximum Height	Single & Two- Family - Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater Townhome/Rowhome/stacked Duplex or Triplex - Side walls no higher than 15 ft or height of principal structure side walls, whichever is less
Architectural Detailing & Fenestration Required. Design & Orientation reviewed and approved by Zoning Administrator	Structures over 1,000 sf and/or wall length over 30 ft
Attached Setbacks¹	
Front Yard	20 ft 25 ft – if overhead garage door faces street

Rear Yard	20 ft 25 ft – if overhead garage door faces street
Interior Side Yard	5 ft
Street Side Yard	12 ft 25 ft – if overhead garage door faces street
Detached Setbacks² – 200 sf or less	
Front Yard	Not permitted beyond front façade of principal structure
Rear Yard	3 ft 3 ft - adjacent to alley 25 ft – if overhead garage door faces street
Interior Side Yard	3 ft
Street Side Yard	3 ft
Detached Setbacks² – over 200 sf (Building Permit required)	
Front Yard	Not permitted beyond front façade of principal structure
Rear Yard	3 ft – if fire-rated walls face property line 3 ft – adjacent to alley 5 ft – if non-fire-rated walls face property line 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street
Interior Side Yard	3 ft 15 ft – structures over 576 sf in Flood Fringe
Street Side Yard	12 ft 25 ft – if overhead garage door faces street

3. Single-Family, Two-Family and Three-Family on Individual Lots in Mixed Use Districts

Accessory Structures, and Uses	Buildings, Equipment	Mixed Use
Floor Area Limit		Up to principal structure total footprint or 800 sf, whichever is greater
Floor Area Exceptions		At least (1) shed – 200 sf or less
Number Permitted³		2
Maximum Height		Single & Two- Family - Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater Townhome/Rowhome/stacked Duplex or Triplex - Side walls no higher than 15 ft or height of principal structure side walls, whichever is less
Architectural Detailing & Fenestration Required. Design & Orientation reviewed and approved by Zoning Administrator		Structures over 1,000 sf and/or wall length over 30 ft
Attached Setbacks¹		
Front Yard		0 ft – MU-1 5 ft – MU-3 10 ft – MU-2 25 ft – if overhead garage door faces street
Rear Yard		0 ft – MU-1 0 ft – MU-3 – adjacent to Commercial, Industrial, Mixed Use, public street 3 ft – MU-1, MU-2, MU-3 – adjacent to alley 10 ft – MU-3 – adjacent to residential zoning district 10 ft – MU-2 25 ft – if overhead garage door faces street
Interior Side Yard		0 ft – MU-1 0 ft – MU-2, MU-3 – adjacent to Commercial, Industrial, Mixed Use 3 ft – MU-1, MU-2, MU-3 – adjacent to alley 5 ft – MU-2, MU-3 – adjacent to residential zoning district 5 ft – MU-2 – adjacent to public street
Street Side Yard		0 ft – MU-1

	5 ft – MU-2, MU-3 25 ft – if overhead garage door faces street
Detached Setbacks² – 200 sf or less	
Front Yard	Not permitted beyond front façade of principal structure
Rear Yard	3 ft 3 ft - adjacent to alley 25 ft – if overhead garage door faces street
Interior Side Yard	3 ft
Street Side Yard	3 ft
Detached Setbacks² – over 200 sf (Building Permit required)	
Front Yard	Not permitted beyond front façade of principal structure
Rear Yard	3 ft – if fire-rated walls face property line 3 ft – adjacent to alley 5 ft – if non-fire-rated walls face property line 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street
Interior Side Yard	3 ft 15 ft – structures over 576 sf in Flood Fringe
Street Side Yard	12 ft 25 ft – if overhead garage door faces street

4. Multi-Family and Cluster Developments in Residential and Mixed Use Districts

Accessory Structures, and Uses	Buildings, Equipment	Mixed Use
Floor Area Limit		No more than 50% of gross floor area of principal structure
Floor Area Exceptions		None
Number Permitted		No more than 50% of gross floor area of principal structure
Maximum Height		Side walls no higher than 15 ft or height of principal structure side walls, whichever is less
Architectural Detailing & Fenestration Required. Design & Orientation reviewed and approved by Zoning Administrator		Structures over 1,000 sf and/or wall length over 30 ft
Attached Setbacks¹		
Front, Rear, Street & Interior Side Yard		Same as principal structure
Detached Setbacks² – 200 sf or less		
Front Yard		Not permitted beyond front façade of principal structure
Rear Yard		3 ft 3 ft - adjacent to alley
Interior Side Yard		3 ft
Street Side Yard		3 ft
Detached Setbacks² – over 200 sf (Building Permit required)		
Front Yard		Not permitted beyond front façade of principal structure
Rear Yard		10 ft 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street
Interior Side Yard		10 ft 15 ft – structures over 576 sf in Flood Fringe
Street Side Yard		10 ft 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street

1. Commercial Uses in Mixed Use Districts and Institutional, Commercial and Industrial Districts

Accessory Structures, Equipment and Uses	Buildings, Equipment	Commercial Uses in Mixed Use Districts and Institutional, Commercial and Industrial Districts
Floor Area Limit		No more than 50% of gross floor area of principal structure
Floor Area Exceptions		None
Number Permitted		No more than 50% of gross floor area of principal structure
Maximum Height		No higher than principal structure
Architectural Detailing & Fenestration Required. Design & Orientation reviewed and approved by Zoning Administrator		Structures over 1,000 sf and/or wall length over 30 ft
Attached Setbacks¹		
Front, Rear, Street & Interior Side Yard		Same as principal structure or 25 ft - if overhead door faces street. Zero setback entry permitted for at-grade or underground parking overhead doors
Detached Setbacks² – 200 sf or less		
Front Yard		Not permitted beyond front façade of principal structure
Rear, Interior and Street Side Yard		10 ft 25 ft - if overhead door faces street
Detached Setbacks² – over 200 sf (Building Permit required)		
Front Yard		Not permitted beyond front façade of principal structure
Rear, Interior of Street Side Yard		10 ft 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street

5. Notes

1. Overhead Doors: For attached and detached accessory structures that face a street, the front, rear or street side yard setback is 25 ft to provide adequate driveway depth to prevent vehicles overhanging a sidewalk or boulevard.
2. Accessory Setbacks:
 - i. Single-Family, Two-Family and Three-Family on Individual Lots in Residential and Mixed Use Districts: An additional 1 ft setback is required for every 2 ft over 10 ft in accessory structure height.
 - ii. Commercial Uses in Mixed Use Districts and Institutional, Commercial and Industrial Districts: Additional setback area must be provided to meet screening requirements for adjacent residential properties (see 10-19-18).
3. Accessory Number Limit Exemptions: The following and the like, as determined by the zoning administrator, do not count toward accessory number limits but are subject to maximum impervious requirements: gazebos, outdoor living rooms, pools, hot tubs and pool enclosures, green houses, chicken coops and kennels/runs.
4. Building Permit required for accessory structure over 200 sf.
5. Easements: Accessory buildings, structures and equipment are not permitted within recorded easements.
6. Materials:
 - i. Residential Districts and Residential uses in Mixed Use Districts - Shall be compromised of materials and colors customarily used on dwellings.
 - ii. Commercial Uses in Mixed Use Districts, and Institutional, Commercial and Industrial Districts - Shall be compromised of materials and colors similar to principal structure.
 - iii. Non-durable materials, such as, but not limited to, cloth, nylon, plastic tarps, are prohibited.
7. Carports: only permanent carports with two (2) or more open sides and made of durable materials are permitted if Building Code standards met (e.g., anchored into pavement).
8. Anchoring: All accessory structures, regardless of size, must be anchored to prevent movement during windstorms. Product specification should be verified by property owner

9. Temporary storage units and construction job trailers are not subject to this section but are subject 10-19-8.
10. Accessory buildings, structures, equipment or uses are not permitted on a parcel without a principal structure, building or use.

SECTION 3. Title 10, Chapter 18, Section 4 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

10-18-4: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES:

14. Existing lots cannot be made nonconforming: No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this title, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided for any building or structure shall be included as part of any open space required for another structure.

15. Additions to nonconforming structures permitted: If a lawfully established structure, which because of a change in the setback requirements over time, is not in conformance with the current requirements, an addition may be made, even if the addition violates the current setback requirements, provided that:

- a. The addition does not encroach across a property line.
- b. The addition does not extend into the applicable nonconforming yard requirement greater than the existing nonconforming structure.
- c. The addition must meet other current zoning requirements including other setbacks .

14 16. Additional standards for floodway and flood fringe overlay districts:

SECTION 4. Title 10, Chapter 19, Section 8 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

10-19-8, OUTSIDE STORAGE, ~~RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES~~

SECTION 3. Title 10, Chapter 19, Section 8 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

A. In residentially residential and institutional zoning district areas, the following provisions shall apply:

...

~~4. Temporary Storage: Portable outside storage containers and construction job trailers may be located in residential districts temporarily, as specified in the following, if positioned so that they do not encroach into public right of way, do not block traffic visibility per section 10-19-17 of this chapter, and are a minimum of three feet (3') from any property line.~~

~~Existing single-family, two-family and townhomes: One temporary, portable outside storage container of one hundred fifty (150) square feet or less may be located for up to ten (10) days at any property containing a single-family, two-family or townhome dwelling. Exception: The container may remain at an address that has an active building permit for ninety (90) days and the building official may grant an extension for an additional thirty (30) days for good cause and if work covered by the building permit is progressing satisfactorily.~~

~~New construction of single-family, two-family and townhomes: Temporary, portable outside storage containers and construction job trailers may be located at an address that has an active building permit for new construction and may remain at the address until ten (10) days following either completion of the project or expiration of the permit, whichever comes first.~~

~~For multi-family properties, temporary, portable outside storage containers and construction job trailers may be located at an address that has an active building permit, and may remain at the address until ten (10) days following either completion of the project or expiration of the permit, whichever comes first.~~

4. Permanent use of shipping containers is not permitted in residential or institutional zoning districts.

B. In All nonresidential commercial, industrial and mixed use districts, the following provisions shall apply: outside storage must conform to the following:

...
~~11. Temporary Storage: Temporary, portable outside storage containers and construction job trailers may be located at a nonresidential address that has an active building permit, if positioned so that they do not encroach into public right of way, do not block traffic visibility per section 10-19-17 of this chapter, and are a minimum of three feet (3') from any property line, and may remain at the address until ten (10) days following either completion of the project or expiration of the permit, whichever comes first.~~

11. Permanent use of shipping containers is permitted in Mixed Use-3, commercial and industrial zoning districts only if the following are met:

- a. May not be visible from public streets.
- b. Not permitted in Mixed Use Districts 1 or 2 or Gateway Overlay area (i.e., I-94, Hwy 10, Hwy 75, Main Avenue SE, 34th St S).
- c. Installation must meet Building Code.
- d. Must be camouflaged by either painting the same color as principal structure or by adding similar materials of principal structure (e.g., siding).

C. Temporary Storage:

1. Storage units, moving pods, shipping containers and construction job trailers may be located in residential, commercial, mixed use, institutional and industrial districts temporarily, as follows:
 - a. One unit of one hundred fifty (150) square feet or less may be located for up to twenty-one (21) days on any parcel. Additional units may be approved by the zoning administrator for large projects or natural disasters, including fire.
 - a. Exception-Existing Structures: The storage container may remain at an address that has an active building permit where construction of a structure has commenced for up to ninety (90) days. The zoning administrator may extend this time for good cause.
 - b. Exception-New Construction: The storage container may remain at an address that has an active building permit where construction of a structure has commenced for up to twenty-one (21) days following the completion of the project or expiration of the building permit, whichever comes first.
 - b. Units may not encroach into public right of way.
 - c. Units may not block traffic visibility per section 10-19-17 of this chapter or traffic circulation.
 - d. Units must be placed a minimum of five feet (5') from any property line.
 - e. Units must be placed on a hard surface driveway or parking lot.
2. Storage of temporary buildings or structures, including but not limited to, manufactured homes, accessory buildings, tiny/micro homes and temporary family healthcare dwellings is limited to seven (7) days in commercial and industrial district parcels unless part of a permitted sales display area. Temporary storage in residential, institutional and mixed use districts is not permitted.

€ D. All open or outdoor service, sale and rental must conform to the following:

SECTION 5. Title 10, Chapter 19, Section 12, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

10-19-12: ALLOWED EXTENSION INTO REQUIRED SETBACKS:

No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this title, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided for any building or structure shall be included as part of any open space required for another structure. (Ord. 2012-2, 2-27-2012)

A. The following shall not be considered as encroachments on yard setback requirements:

~~1. Accessory Structures: Detached accessory structures, as governed by this title, are permitted within required rear yards in conformance with section 10-18-3 of this title.~~

2. Accessory Appendages: Accessory appendages for property within a residential zoning district, the following must comply with minimum distance from property lines:

1. Residential Zoning Districts

<u>Primary and Accessory Structure Minimum Setbacks</u>	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Street Side Yard</u>	<u>Rear Yard</u>
Primary and accessory structure projecting elements¹ Chimneys, sills, eaves, gutters, balconies, decks, open porches/stoops/entryways, open fire balconies/fire escapes, window wells, stairs/steps	15 <u>ft</u>	More than 2' at least 2 <u>ft</u>	7 <u>ft</u>	15 <u>ft</u>
Solar and wind energy systems (ground-mounted)	45' Not permitted beyond front façade of principal structure	3' 10 <u>ft</u>	7' 10 <u>ft</u>	45' 10 <u>ft</u>
Walks, ramps for handicapped accessibility access, utilities (other than heating and air conditioning-cooling equipment), steps, landscaping and gardening structures, fences, structures for gardening or private recreation structures (except swimming pools, hot tubs, and ice rinks), and accessibility ramps	0 <u>ft</u>	0 <u>ft</u>	0 <u>ft</u>	0 <u>ft</u>
Heating and air conditioning-cooling equipment including wood boilers and above-ground geothermal equipment, and satellite dishes less than 40 inches wide	Not allowed Not permitted beyond front façade of principal structure. If heating and cooling equipment can only be placed in the front yard by determination of Building Official, the zoning administrator may allow in front yard with screening	0 <u>ft</u> ¹	0 <u>ft</u> ¹	0 <u>ft</u> ¹
Swimming pools, hot tubs and ice rinks	Not allowed Not permitted beyond front façade of principal structure	5 <u>ft</u> ¹	5 <u>ft</u> ¹	5 <u>ft</u> ¹

Note:

~~1. Including features such as chimneys, sills, eaves, gutters, entryways, balconies, decks, porches, open fire balconies, open fire escapes, window wells, stairs, stoops and ramps.~~

1. Product specification clearance requirements should be verified by property owner.

~~For property in a nonresidentially zoned district, the applicable building code standards for the above noted appendages shall apply.~~

2. Nonresidential Zoning Districts: Applicable building code requirements for the above shall apply.

3. Adjacent Structures: Where existing adjacent structures have front yard setbacks less than those required, the minimum front yard setback may be the average of the two (2) adjacent structures on the same block for the purpose of this section. If only one adjacent lot is occupied by a structure, the minimum front yard may be that of said principal structure.

~~4. Nonconformities: An addition to a lawfully established structure which because of a change in the setback requirements is not in conformance with the current requirements may be added to, even if the addition violates the current setback requirements, provided that:~~

- ~~— a. The addition does not encroach across a property line.~~
- ~~— b. The addition does not extend into the applicable yard requirement greater than the existing structure.~~
- ~~— c. The length of the addition may not exceed the length of that part of the existing structure that is in violation of the current setback requirement or twenty feet (20'), whichever is less. (Ord. 2015-18, 8-24-2015)~~

This Ordinance shall take effect after publication in accordance with the Moorhead City Charter.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 06/10/2024

E-Post: 06/14/2024

Second Reading: 06/24/2024

Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2024-04

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial And Industrial Uses And Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks; 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 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial And Industrial Uses And Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks 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.

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

PASSED: June 24, 2024 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 2024-04

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial And Industrial Uses And Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks

2. Summary of Ordinance

An Ordinance which Amends and Reenacts Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial And Industrial Uses And Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks

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 24th day of June, 2024.

First Reading: 06/10/2024

E-Post: 06/14/2024

Second Reading: 06/24/2024

Publication:



City Council Communication

June 24, 2024

SUBJECT:

Resolution to Approve Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Community Center and Public Library

RECOMMENDATION:

The Mayor and City Council are asked to consider Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Community Center and Public Library.

BACKGROUND/KEY POINTS:

On August 14, 2023, the City Council authorized an Agreement with McGough Construction Co., LLC for Construction Manager At Risk (CMAR) services for the Moorhead Community Center Library project. The CMAR stands in as the owner's representative and advocate, managing every step of the construction process, providing pre-construction services in the design phase, and overseeing all bidding, subcontractor hiring, oversight, insurance and health/safety measures for the project during the construction phase. The CMAR project delivery method includes the construction manager providing a Guaranteed Maximum Price (GMP) for a project based on the construction documents and specifications provided by the Architect/Engineering team.

For the most efficient construction and timing schedule for the project, there are proposed to be two bid packages and two GMP's with related CMAR Agreement Amendments for the primary building and one bid package/GMP for the Center for Entrepreneurship. The first GMP was approved by the City Council on March 25, 2024 and covered footings, foundation, structural, precast structural, wood decking and electrical. The second is for the remainder of the building and site work including utilities, exterior, interior, mechanical and electrical. The resolution for Guaranteed Maximum Price Amendment #2 sets a 'not to exceed' GMP for the second bid package and assists with quickly moving to construction if the GMP is consistent with the proposed estimate.

FINANCIAL CONSIDERATIONS:

On December 11, 2023, the City Council approved a resolution for the project budget in the amount of \$41.5 million which included construction and soft costs. The anticipated total construction budget is \$34 million. The Design and CMAR teams have been working extensively to ensure the project stays within this approved budget. As it relates to the CMAR services and related construction budget costs:

- Original CMAR Agreement – Pre-Construction Estimating: \$49,000 (previously approved)
- GMP #1: \$9.75 M (approved)
- GMP #2: \$23.15 M (draft resolution)



City Council Communication

June 24, 2024

- GMP #3: \$671,000 (estimate, future resolution)
- CMAR Agreement Amendment #2– GMP for Bid Package #2: Contract Amendment #2 outlines a maximum GMP of \$23,158,744 which includes: building construction of interior and exterior, HVAC, Plumbing, Electrical Systems; CMAR Fee and CMAR Staffing; Job Site Costs, Subcontractor Costs, Facilities/Controls, Project Safety, Onsite Equipment, Clean Up/Trash Removal, etc.; General Liability Insurance; and Bond. (Resolution for Council consideration)
- Future Resolution: There will also forthcoming Agreements for the remainder of the Center for Entrepreneurship grant. This work is being bid separately and funded through a grant from the U.S. Small Business Administration (Future Resolution).

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 Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Community Center and Public Library

WHEREAS, Moorhead voters approved a 0.5% local option sales tax for a new Community Center/Public Library on November 8, 2022 and the City Council subsequently adopted and the Minnesota Department of Revenue approved such tax to begin April 1, 2023: and

WHEREAS, the City of Moorhead hired a design firm for architectural and engineering services to prepare design, planning and construction cost estimating for the Community Center/Public Library as outlined in Resolution 2023-0508-2; and

WHEREAS, the City of Moorhead hired a Construction Manager At Risk for pre-construction and construction services for the Community Center/Public Library as outlined in Resolution 2023-0814-3; and

WHEREAS, the City Council anticipated Guaranteed Maximum Price Amendment #2 for an update to the GMP as outlined within the Agreement for CMAR services for this project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota the Mayor and City Manager are hereby authorized and directed to execute Amendment #2 with McGough Construction Co., LLC for Guaranteed Maximum Price not to exceed \$23,158,744.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

First Reading of Ordinance 2024-07: An Ordinance to amend and reenact section 3-7-10 of the Moorhead Municipal Code relating to the Keeping of Chickens

RECOMMENDATION:

The Mayor and City Council are asked to consider a First Reading of Ordinance 2024-07: An Ordinance to amend and reenact section 3-7-10 of the Moorhead Municipal Code relating to the Keeping of Chickens.

BACKGROUND/KEY POINTS:

The current chicken ordinance was adopted in 2023 allowing residents to keep up to six chickens within city limits. Throughout the past year, feedback from residents and continued research into urban agriculture best practices have highlighted opportunities for updates to the code. The proposed amendments have been reviewed by the Police Department.

Proposed Amendments:

1. Increased Run Area – Currently the run must be a minimum of four square feet up to a maximum of ten square feet per chicken. Research suggests ten square feet is often the minimum space recommended. The proposed change would increase the minimum to fifteen square feet per chicken with the maximum run area being capped at two hundred square feet, with the goal of providing a more comfortable living environment for the chickens.
2. Number of Chickens – To accommodate requests from residents in the Oakport area, the proposed amendment would divide permits into a Tier I and Tier II permit. A Tier I permit would be available to all residents who meet the requirements for keeping chickens. A Tier II permit would allow properties zoned Residential Low Density – 1 (RLD-1) with a lot area of at least one acre to keep up to twelve chickens. The RLD-1 district includes the Oakport and Americana Estates neighborhoods.
3. Fencing and Screening: To provide more flexibility for residents, the proposed amendment would allow for solid and opaque fencing or chain-link fencing, provided the chain-link fence was screened by an evergreen planting strip with a sufficient density to screen the coop and run. In the RLD-1 district for properties one acre or greater, the screening requirement would be waived. Additionally, the fencing requirement was updated with allowed and prohibited materials.
4. Construction Materials: This amendment would prohibit certain materials such as exposed particle board, plywood, and corrugated metal to provide baseline construction standards for coops and runs.
5. Run Height – Adjusted from six to seven feet to be consistent with the allowed coop height.

To date there are eighteen active permits. Five complaints were made to the Police Department in 2023. Of these complaints, four were substantiated and were related to residents keeping chickens that did not have a permit. No complaints have been made in 2024 and none of the



City Council Communication

June 24, 2024

current or past permit holders have had a complaint. Those with an existing permit are not required to make any modifications to their coop or run based on the proposed code updates.

FINANCIAL CONSIDERATIONS:

The current cost to apply for or renew a permit is \$10.00

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Forrest Steinhoff, Assistant City Planner

Attachments: Draft Ordinance 2024-07

ORDINANCE 2024-07

AN ORDINANCE TO AMEND AND REENACT SECTION 3-7-10 OF THE MOORHEAD MUNICIPAL CODE RELATING TO ANIMALS PROHIBITED IN CITY

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

NEW

DELETE

Title 3, Chapter 7, Section 10 Animals Prohibited in City of the Moorhead Municipal Code is hereby amended and reenacted to read as follows:

3-7-10.B: Keeping of Chickens:

B. Keeping of Chickens: It is unlawful for any person to own, control, keep, maintain, or harbor chickens on any premises within the city unless that person has a permit to do so as provided in this chapter. ~~A permit will not be issued for the keeping or harboring of more the six (6) chickens on any premises.~~ The keeping or harboring of male chickens or roosters is prohibited.

1. Permit: A person shall not maintain a coop or run unless granted a permit by the city. The permit is subject to all terms and conditions of this chapter and any additional conditions deemed necessary by the city to protect public health, safety, and welfare.

a. Annual Permit: Permits will not exceed one (1) year and are subject to annual renewal. The initial permit automatically expires at the end of the initial calendar year and, thereafter, renewals of said permit extend for calendar-year periods. The annual permit fee is set by resolution of the City Council, as amended from time to time.

~~_____ b. Permit Requirements: An application for a permit includes a complete application with a scaled diagram that indicates the location of the coop and run, approximate size and distance of the coop and run from adjoining structures and property lines, the number and species of chickens to be maintained at the premises, and a signed statement that the applicant will, at all times, keep the chickens in accordance with this chapter and comply with all the conditions within the application and permit. Failure to comply with said conditions, or modification thereof, will constitute a violation of the provisions of this chapter and are grounds for revocation or suspension of the permit. Chickens may be slaughtered on the premises, out of view of the general public and only if for consumption by the occupants of the premises.~~

_____ b. Permits are classified into two (2) tiers:

_____ (1) Tier I: One to Six (1 – 6) chickens: Permit may be issued to any property which meets the requirements for keeping chickens.

_____ (2) Tier II: Seven to Twelve (7 – 12) chickens: Permit may be issued to properties zoned Residential Low Density – 1 (RLD-1) with a lot size of one (1) acre or greater which meets the requirements for keeping chickens.

~~_____ c. A property with three (3) or more residential dwelling units, commercial, mixed use, and industrial properties is prohibited from keeping chickens.~~

_____ c. Permit Requirements: An application for a permit includes:

_____ (1) A complete application with a scaled drawing that indicates:

_____ (A) The location of the coop and run;

(B) Approximate size and distance of the coop and run from adjoining structures and property lines;

(C) The number and species of chickens to be maintained at the premise;

(D) To the extent a chicken coop or run is intended to be moveable, the drawing shall indicate the area or areas into which they may be moved;

(E) A signed statement that the applicant will, at all times, keep the chickens in accordance with this chapter and comply with all the conditions within the application and permit. Failure to comply with said conditions, or modification thereof, will constitute a violation of the provisions of this chapter and are grounds for the revocation or suspension of the permit.

(F) Chickens may be slaughtered on the premises, out of view of the general public and only if for consumption by the occupants of the premises.

d. A property with three (3) or more residential dwelling units or zoned for commercial, mixed-use, institutional, or industrial use is prohibited from keeping chickens.

(1) Exception: Single and two-family homes in a mixed-use district may keep chickens.

2. Confinement: A person who owns, controls, keeps, maintains, or harbors chickens must keep them confined at all times in a coop and run and may not allow the chickens to run at large. Chickens must be secured in a chicken coop from sunset to sunrise each day.

a. The following conditions apply to both coops and runs:

(1) Must not be located within the front yard;

(2) Must be setback a minimum of three (3) feet from any adjacent structures;

(3) Must be setback a minimum of ten (10) feet from all property lines;

(4) Must not be located ~~on any~~ within public easements;

~~(5) Must be a minimum of four (4) square feet per chicken and may not exceed ten (10) square feet per chicken;~~

(5) Must be constructed from durable materials which are compatible with the principle structure. Materials such as exposed plywood, particle board, or unfinished corrugated metal are not permitted;

(6) Fencing for coops and runs may not exceed ~~six (6)~~ seven (7) feet in total height from adjacent ground level;

(7) Must not be located in any part of a dwelling unit or garage;

(8) Feed must be kept within a coop, run, shed or garage and must be kept in animal proof containers; and

(9) Manure must be removed frequently, and use of quality bedding material is recommended. Manure which is not properly disposed of and/or causes odor issues will result in revocation of the permit.

~~(10) To provide a buffer from adjacent properties, Coops and runs shall be enclosed by a solid opaque fence or wall measuring a minimum of five feet (5') in height and not more than four inches (4") from the ground or other surface. A solid opaque fence or wall around the rear yard that meet these measurements, shall also be sufficient to meet this requirement.~~

b. The following conditions apply to coops:

~~_____ (1) Must be either elevated with a clear open space of at least sixteen (16) inches between the ground surface and grading/floor of the coop or;~~

~~_____ (1) Must be a minimum of four (4) square feet per chicken not to exceed ten (10) square feet per chicken;~~

~~_____ (2) Must not exceed seven (7) feet in total height from adjacent ground level;~~

~~_____ (2) Must be either elevated with a clear open space of at least sixteen (16) inches between the ground surface and grading/floor of the coop or;~~

(3) May be a commercially purchased chicken coop that substantially conforms with the requirements of this ordinance. Substantially conforms means that it may not differ more or less than twenty percent (20%) of the noted chicken coop standards.

(4) The coop floor, foundation and footings must be constructed using rodent resistant construction.

c. The following apply to runs:

~~_____ (1) Must not exceed ten (10) square feet per chicken;~~

~~_____ (1) Must not be less than fifteen (15) square feet per chicken. Total run area not to exceed two hundred (200) square feet;~~

~~_____ (2) Fencing must not exceed six (6) feet in total height from adjacent ground level; and~~

~~_____ (2) May be enclosed with wood, woven materials, or a combination thereof.~~

~~_____ (3) May be enclosed with wood, woven wire materials, or a combination thereof.~~

~~_____ 3. Conditions and Inspections: A person who owns, controls, keeps, maintains, or harbors chickens must not permit the premises where the chickens are kept to be maintained in an unhealthy, unsanitary, or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent properties. Any coop or run authorized by permit under this chapter may be inspected at any reasonable time by the animal control officer, law enforcement officer, public health official, or other employee or agent of the city.~~

3. Fencing and Screening: In addition to fencing required for the run, all properties keeping chickens shall provide fencing and screening of the chicken coop and run.

a. Fencing shall be a minimum of five (5) feet in height;

b. The bottom of the fence shall be no more than four (4) inches from the ground or surface.

c. Fencing shall consist of one of the following:

(1) A solid opaque fence consisting of typical residential fence materials such as wood or vinyl (Materials such as exposed plywood, particle board, pallets, snow fences, or other materials not customarily associated with residential fence materials are prohibited).

(2) A chain-link fence with a greenbelt planting strip which consists of evergreen shrubs or trees which are of sufficient density to adequately screen the coop and run.

d. Exception: Properties zoned Residential Low Density – 1 (RLD-1) with a lot size of one (1) acre or greater are exempt from the fence and screening requirements.

4. Conditions and Inspections: A person who owns, controls, keeps, maintains, or harbors chickens must not permit the premises where the chickens are kept to be maintained in an unhealthy, unsanitary, or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent properties. Any coop or run authorized by permit under this chapter may be

inspected at any reasonable time by the animal control officer, law enforcement officer, public health official, or other employee or agent of the city.

~~— 4. Private Restrictions/Covenants: A permit issued to a person whose premises is subject to private restrictions and/or covenants that prohibit the keeping of chickens is the sole responsibility of the person applying for the permit. The interpretation and enforcement of the private restrictions and/or covenants is the sole responsibility of the private parties involved, the city is in no way responsible for interpreting or enforcing private restrictions and/or covenants.~~

5. Private Restrictions/Covenants: A permit issued to a person whose premises is subject to private restrictions and/or covenants that prohibit the keeping of chickens is the sole responsibility of the person applying for the permit. The interpretation and enforcement of the private restrictions and/or covenants is the sole responsibility of the private parties involved, the city is in no way responsible for interpreting or enforcing private restrictions and/or covenants.

~~— 5. Refusal to Grant Permit: The city may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this chapter, submitting an inaccurate or incomplete application, failure to comply with permit conditions, creation of a nuisance condition, or if the public health and safety is unreasonably endangered by the granting or renewing of such permit. Any coop or run constructed or maintained on any premises must be removed from said premises within thirty (30) days after the suspension, expiration, or revocation of the permit for said premises or after a period of thirty (30) days from which chickens have not been lawfully kept on the premises.~~

6. Refusal to Grant Permit: The city may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this chapter, submitting an inaccurate or incomplete application, failure to comply with permit conditions, creation of a nuisance condition, or if the public health and safety is unreasonably endangered by the granting or renewing of such permit. Any coop or run constructed or maintained on any premises must be removed from said premises within thirty (30) days after the suspension, expiration, or revocation of the permit for said premises or after a period of thirty (30) days from which chickens have not been lawfully kept on the premises.

~~— 6. Suspension and Appeal: A permit for keeping of chickens may be revoked or suspended by the city for any violation of this chapter following written notice or, upon request for renewal, the renewal permit may be refused by the city. The applicant may appeal the revocation, suspension, or refusal to renew the permit to the city clerk by requesting a hearing before the City Council within seven (7) days of the date of the notice. The City Council shall hear testimony from the permittee and city staff and render a decision on the matter or request additional information.~~

7. Suspension and Appeal: A permit for keeping of chickens may be revoked or suspended by the city for any violation of this chapter following written notice or, upon request for renewal, the renewal permit may be refused by the city. The applicant may appeal the revocation, suspension, or refusal to renew the permit to the city clerk by requesting a hearing before the City Council within seven (7) days of the date of the notice. The City Council shall hear testimony from the permittee and city staff and render a decision on the matter or request additional information.

~~— 7. Violation: A person who owns, controls, keeps, maintains, or harbors chickens without obtaining or maintaining a current permit or after a permit has been suspended or revoked is guilty of an infraction as provided under City Code §§ 1-4-2 and 1-4-4.~~

8. Violation: A person who owns, controls, keeps, maintains, or harbors chickens without obtaining or maintaining a current permit or after a permit has been suspended or revoked is guilty of an infraction as provided under City Code §§ 1-4-2 and 1-4-4.

~~8. A person who had a permit to harbor chickens and who no longer harbors chickens must remove any related structures (coop, run, or other) within ten (10) days of no longer harboring chickens.~~

9. A person who had a permit to harbor chickens and who no longer harbors chickens must remove any related structures (coop, run, or other) within ten (10) days of no longer harboring chickens.

This Ordinance shall take effect after publication in accordance with the Moorhead City Charter.

PASSED: June 24, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 06/24/24

E-Post:

Second Reading:

Publication:



City Council Communication

June 24, 2024

SUBJECT:

Resolution to Approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2024 Lead Service Line Replacement Pilot Project

RECOMMENDATION:

The Moorhead Public Service Commission respectfully requests the Mayor and Moorhead City Council approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2024 Lead Service Line Replacement Pilot Project.

BACKGROUND/KEY POINTS:

On May 21, 2024, the Moorhead Public Service Commission approved Task Order No. 9 with Apex Engineering Group, Inc., (Apex) to complete the engineering and funding administration services associated with Moorhead Public Service's (MPS') 2024 Lead Service Line Replacement Pilot Project (Pilot Project). MPS' Water Division proposes completing a pilot project to replace 10 private portions of lead service lines in the summer and fall of 2024. The Pilot Project will establish the foundation of lead service line replacement projects and will allow for budget planning on future year-round projects. Since the spring of 2022, MPS has submitted applications to be included on the Project Priority List for funding through the Minnesota Public Facilities Authority (MPFA) Drinking Water Revolving Fund (DWRF). Funding for lead service line replacements has become available through a combination of the Bipartisan Infrastructure Law and State of Minnesota matching funds. MPS has prepared applications to seek funds to replace identified lead service lines. With updates to the MPFA program over the past five months, funding is available for replacing lead service lines with grant components based upon the location of the replacement (either public or private).

MPS and Apex are currently in the process of submitting the DWRF application to the MPFA for the Pilot Project. The MPFA requires that several items be submitted, including the attached Resolution of Application approved by the Moorhead City Council.

As part of the MPFA program, a loan and/or grant agreement with the MPFA will be required for the Pilot Project, as well as project specifications that must be submitted to the Minnesota Department of Health and MPFA. Since all services within the Pilot Project are private, the agreement with MPFA will ultimately result in a reimbursable grant covering 100 percent of the project costs, including construction, administrative, and engineering expenses required to complete the project. The MPFA-financed amount is estimated to be \$242,000, or the as-bid cost of the Pilot Project.

FINANCIAL CONSIDERATIONS:

Not applicable



City Council Communication

June 24, 2024

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager

Travis Schmidt, General Manager

Attachments: None

RESOLUTION

Resolution to Approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2024 Lead Service Line Replacement Pilot Project

WHEREAS, Moorhead Public Service (MPS) has submitted applications to be included on the Project Priority List for funding through the Minnesota Public Facilities Authority (MPFA) Drinking Water Revolving Fund; and

WHEREAS, funding for lead service line replacements has become available through a combination of the Bipartisan Infrastructure Law and State of Minnesota matching funds; and

WHEREAS, the MPFA requires that several items be submitted, including a Resolution of Application approved by the Moorhead City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that MPS, a public utility of the City of Moorhead, Minnesota, is hereby applying to the Minnesota Public Facilities Authority for a grant from the Drinking Water Revolving Fund for a lead service line replacement project as described in the application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that MPS, a public utility of the City of Moorhead estimates the MPFA-financed amount to be \$242,400, or the as-bid cost of the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that the City of Moorhead has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

PASSED: June 24, 2024, 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 24, 2024

SUBJECT:

Resolution to Receive the 2023 Annual Comprehensive Financial Report (ACFR)

RECOMMENDATION:

The Mayor and City Council are asked to receive the 2023 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 forty consecutive years (1983-2022). Staff believes the 2023 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:

2023 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 2023 Annual Report to the City Council and will address any questions or comments.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Jenica Flanagan, Finance Director
Megan Zahradka, Finance Manager

Attachments:

RESOLUTION

Resolution to Receive 2023 Annual Comprehensive Financial Report

WHEREAS, the 2023 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 2023 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 24, 2024 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 24, 2024

SUBJECT:

Resolution Providing for the Competitive Sale of General Obligation Sales Tax Revenue Bonds Series 2024B

RECOMMENDATION:

The Mayor and City Council are asked to consider resolutions to authorize Baker Tilly, the City's financial advisor, to solicit bids for the competitive negotiated sale of the following bond: \$28,610,000 General Obligation Sales Tax Revenue Bonds, Series 2024B.

BACKGROUND/KEY POINTS:

Proceeds of the bonds will be used to finance the construction of a regional library and community center and pay costs of issuance on the Bonds.

The Bonds are being issued pursuant to Minnesota Statutes 475, and Minnesota Laws of 2021, 1st Special Session, Chapter 14, Article 8, Section 14, which approves the City of Moorhead to impose a sales and use tax of one-half of one percent to finance up to \$31,590,000 for the construction of a regional library and community center in the City, plus an amount applied to the payment of the costs of issuing the Bonds, if approved by the voters in a general election. The tax imposed expires at the earlier of (1) 22 years after the tax is first imposed or (2) when the city council determines that the amount received from the tax is sufficient to pay the project costs. A voter approved referendum was held on November 8, 2022.

Proposals for the Bonds will be received on Monday, July 22nd until 10am, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be made by the City Council at 5:30pm on the same day.

FINANCIAL CONSIDERATIONS:

The Bonds will be a general obligation of the City, secured by its full faith and credit and taxing power. The Bonds will be repaid from a sales and use tax of one-half of one percent (0.50%). The City implemented the sales tax in April 2023. Sales tax collections to date (receipts to the City July 2023 through May 2024) is \$2,743,096.04. Taking the average monthly collections of \$220,000 to date, it's assumed the City will have approximately \$2,693,096 of tax revenues available to apply as a source of funds in reducing the borrowing amount.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Jenica Flanagan, Finance Director

Attachments:

EXTRACT OF MINUTES OF A MEETING OF
THE CITY COUNCIL OF THE CITY OF
MOORHEAD, MINNESOTA

HELD: June 24, 2024

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly called and held at the City Hall in said City on Monday, June 24, 2024, at 5:30 p.m., for the purpose of calling for the competitive sale of \$28,610,000 General Obligation Sales Tax Revenue Bonds, Series 2024B, of the City of Moorhead, Minnesota.

The following members were present: _____; and
the following were absent: _____.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE
COMPETITIVE SALE OF
\$28,610,000 GENERAL OBLIGATION SALES TAX REVENUE
BONDS, SERIES 2024B

A. WHEREAS, the City Council of the City of Moorhead, Minnesota, has heretofore determined that it is necessary and expedient to issue its \$28,610,000 General Obligation Sales Tax Revenue Bonds, Series 2024B (the “Bonds”), to finance the construction of various municipal infrastructure improvements within the City;

B. WHEREAS, the City has retained Baker Tilly Municipal Advisors, LLC, in Saint Paul, Minnesota (“Baker Tilly”), as its independent financial advisor and is therefore authorized to sell these obligations by a competitive sale in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9).

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

(1) Authorization; Findings. The City Council hereby authorizes Baker Tilly to solicit bids for the competitive sale of the Bonds.

(2) Meeting; Bid Opening. This City Council shall meet at the time and place specified in the Terms of Proposal attached hereto as **Exhibit A** for the purpose of considering sealed bids for, and awarding the sale of, the Bonds. The City Manager, or his designee, shall open bids at the time and place specified in such Terms of Proposal.

(3) Terms of Proposal. The terms and conditions of the Bonds and the negotiation thereof are fully set forth in the “Terms of Proposal” attached hereto as **Exhibit A** and hereby approved and made a part hereof.

(4) Official Statement. In connection with said competitive sale, the City Manager and other officers or employees of the City are hereby authorized to cooperate with Baker Tilly

and participate in the preparation of an official statement for the Bonds, and to execute and deliver it on behalf of the City upon its completion.

(5) Electronic Signatures. In the event that any signature required to execute this Resolution, the Bond documents, or other closing documents is delivered by facsimile transaction or by e-mail delivery of a “pdf” format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or “pdf” signature page were an original thereof. The Moorhead Mayor, Moorhead City Manager, and Moorhead Finance Director are authorized to executed documents with electronic signatures as permitted by law or regulation.

APPROVED BY:

Mayor

ATTEST:

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: _____. The following voted against the same: _____, whereupon said resolution was declared duly passed and adopted.

EXHIBIT A

TERMS OF PROPOSAL

(See Following Pages)

THE CITY HAS AUTHORIZED BAKER TILLY MUNICIPAL ADVISORS, LLC TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:

TERMS OF PROPOSAL

\$28,610,000*

CITY OF MOORHEAD, MINNESOTA

GENERAL OBLIGATION SALES TAX REVENUE BONDS, SERIES 2024B

(BOOK ENTRY ONLY)

Proposals for the above-referenced obligations (the "Bonds") will be received by the City of Moorhead, Minnesota (the "City") on Monday, July 22, 2024 (the "Sale Date") until 10:00 A.M., Central Time (the "Sale Time") at the offices of Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA"), 30 East 7th Street, Suite 3025, Saint Paul, MN 55101, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be by the City Council at its meeting commencing at 5:30 P.M., Central Time, of the same day.

SUBMISSION OF PROPOSALS

Baker Tilly MA will assume no liability for the inability of a bidder or its proposal to reach Baker Tilly MA prior to the Sale Time, and neither the City nor Baker Tilly MA shall be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the proposal is submitted.

(a) **Sealed Bidding.** Completed, signed proposals may be submitted to Baker Tilly MA by email to bids@bakertilly.com, and must be received prior to the Sale Time.

OR

(b) **Electronic Bidding.** Proposals may also be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all proposals submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the City, its agents, nor PARITY® shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents, nor PARITY® shall be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY®. The City is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY® is not an agent of the City.

If any provisions of this Terms of Proposal conflict with information provided by PARITY®, this Terms of Proposal shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®, 1359 Broadway, 2nd Floor, New York, New York 10018
Customer Support: (212) 849-5000

*Preliminary; subject to change.

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly Advisory Group, LP. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm and provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. ©2024 Baker Tilly Municipal Advisors, LLC

DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery and will bear interest payable on February 1 and August 1 of each year, commencing February 1, 2025. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature August 1 in the years and amounts* as follows:

2025	\$880,000	2031	\$1,080,000	2036	\$1,380,000	2041	\$1,745,000
2026	\$845,000	2032	\$1,135,000	2037	\$1,450,000		
2027	\$890,000	2033	\$1,190,000			2042	\$1,815,000
2028	\$935,000			2038	\$1,520,000	2043	\$1,885,000
2029	\$980,000	2034	\$1,250,000	2039	\$1,600,000	2044	\$1,965,000
2030	\$1,030,000	2035	\$1,315,000	2040	\$1,680,000	2045	\$2,040,000

*The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the amount of any maturity or maturities in multiples of \$5,000. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per \$1,000 of Bonds as that of the original proposal. Gross spread for this purpose is the differential between the price paid to the City for the new issue and the prices at which the proposal indicates the securities will be initially offered to the investing public.

BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The lowest bidder (the "Purchaser"), as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

REGISTRAR/PAYING AGENT

U.S. Bank Trust Company, National Association, Saint Paul, Minnesota will serve as Registrar/Paying Agent (the "Registrar") for the Bonds, and shall be subject to applicable regulations of the Securities and Exchange Commission. The City will pay for the services of the Registrar.

OPTIONAL REDEMPTION

The City may elect on August 1, 2034, and on any day thereafter, to redeem Bonds due on or after August 1, 2035. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All redemptions shall be at a price of par plus accrued interest.

SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition, the City will pledge a sales and use tax of one-half of one percent (0.50%) for repayment of the Bonds. The proceeds of the Bonds will be used to (i) finance the construction of a regional library and community center in the City, and (ii) pay costs of issuance on the Bonds.

NOT BANK QUALIFIED TAX-EXEMPT OBLIGATIONS

The City will not designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BIDDING PARAMETERS

Proposals shall be for not less than \$28,610,000 (Par) plus accrued interest, if any, on the total principal amount of the Bonds. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater.

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption scheduled to conform to the maturity schedule set forth herein. In order to designate term bonds, the proposal must specify "Years of Term Maturities" in the spaces provided on the proposal form.

No proposal can be withdrawn or amended after the time set for receiving proposals on the Sale Date unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

ESTABLISHMENT OF ISSUE PRICE

In order to provide the City with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the "Code"), the Purchaser will be required to assist the City in establishing the issue price of the Bonds and shall complete, execute, and deliver to the City prior to the closing date, a written certification in a form acceptable to the Purchaser, the City, and Bond Counsel (the "Issue Price Certificate") containing the following for each maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (i) the interest rate; (ii) the reasonably expected initial offering price to the "public" (as said term is defined in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (iii) pricing wires or equivalent communications supporting such offering or sale price. Any action to be taken or documentation to be received by the City pursuant hereto may be taken or received on behalf of the City by Baker Tilly MA.

The City intends that the sale of the Bonds pursuant to this Terms of Proposal shall constitute a "competitive sale" as defined in the Regulation based on the following:

- (i) the City shall cause this Terms of Proposal to be disseminated to potential bidders in a manner that is reasonably designed to reach potential bidders;
- (ii) all bidders shall have an equal opportunity to submit a bid;
- (iii) the City reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and
- (iv) the City anticipates awarding the sale of the Bonds to the bidder who provides a proposal with the lowest true interest cost, as set forth in this Terms of Proposal (See "AWARD" herein).

Any bid submitted pursuant to this Terms of Proposal shall be considered a firm offer for the purchase of the Bonds, as specified in the proposal. The Purchaser shall constitute an "underwriter" as said term is defined in the Regulation. By submitting its proposal, the Purchaser confirms that it shall require any agreement among underwriters, a selling group agreement, or other agreement to which it is a party relating to the initial sale of the Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Bonds.

If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the Purchaser of such fact prior to the time of award of the sale of the Bonds to the Purchaser. **In such event, any proposal submitted will not be subject to cancellation or withdrawal.** Within twenty-four (24) hours of the notice

of award of the sale of the Bonds, the Purchaser shall advise the City and Baker Tilly MA if 10% of any maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which it was sold. The City will treat such sale price as the "issue price" for such maturity, applied on a maturity-by-maturity basis. The City will not require the Purchaser to comply with that portion of the Regulation commonly described as the "hold-the-offering-price" requirement for the remaining maturities, but the Purchaser may elect such option. If the Purchaser exercises such option, the City will apply the initial offering price to the public provided in the proposal as the issue price for such maturities. If the Purchaser does not exercise that option, it shall thereafter promptly provide the City and Baker Tilly MA the prices at which 10% of such maturities are sold to the public; provided such determination shall be made and the City and Baker Tilly MA notified of such prices whether or not the closing date has occurred, until the 10% test has been satisfied as to each maturity of the Bonds or until all of the Bonds of a maturity have been sold.

GOOD FAITH DEPOSIT

To have its proposal considered for award, the Purchaser is required to submit a good faith deposit via wire transfer to the City in the amount of \$286,100 (the "Deposit") no later than 1:00 P.M., Central Time on the Sale Date. The Purchaser shall be solely responsible for the timely delivery of its Deposit, and neither the City nor Baker Tilly MA have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the City may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

A Deposit will be considered timely delivered to the City upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from Baker Tilly MA following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the Purchaser will be retained by the City and no interest will accrue to the Purchaser. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the Purchaser fails to comply with the accepted proposal, said amount will be retained by the City.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis calculated on the proposal prior to any adjustment made by the City. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

BOND INSURANCE AT PURCHASER'S OPTION

The City has **not** applied for or pre-approved a commitment for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance and a bidder desires to purchase a policy, such indication, the maturities to be insured, and the name of the desired insurer must be set forth on the bidder's proposal. The City specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the City. All costs associated with the issuance and administration of such policy and associated ratings and expenses (other than any independent rating requested by the City) shall be paid by the successful bidder. Failure of the municipal bond insurer to issue the policy after the award of the Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Bonds.

CUSIP NUMBERS

If the Bonds qualify for the assignment of CUSIP numbers such numbers will be printed on the Bonds; however, neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Bonds. Baker Tilly MA will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

SETTLEMENT

On or about August 22, 2024, Ohnstad Twichell, P.C. of West Fargo, North Dakota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the Purchaser shall be liable to the City for any loss suffered by the City by reason of the Purchaser's non-compliance with said terms for payment.

CONTINUING DISCLOSURE

On the date of actual issuance and delivery of the Bonds, the City will execute and deliver a Continuing Disclosure Undertaking (the "Undertaking") whereunder the City will covenant for the benefit of the owners of the Bonds to provide certain financial and other information about the City and notices of certain occurrences to information repositories as specified in and required by SEC Rule 15c2-12(b)(5).

OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds, and said Preliminary Official Statement has been deemed final by the City as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For an electronic copy of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Municipal Advisor to the City, Baker Tilly Municipal Advisors, LLC, by telephone (651) 223-3000, or by email bids@bakertilly.com.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Bonds, together with any other information required by law. By awarding the Bonds to the Purchaser, the City agrees that, no more than seven business days after the date of such award, it shall provide to the Purchaser an electronic copy of the Final Official Statement. The City designates the Purchaser as its agent for purposes of distributing the Final Official Statement to each syndicate member, if applicable. The Purchaser agrees that if its proposal is accepted by the City, (i) it shall accept designation and (ii) it shall enter into a contractual relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated June 24, 2024

BY ORDER OF THE CITY COUNCIL
/s/ Christina Rust
City Clerk



City Council Communication

June 24, 2024

SUBJECT:

Resolution to Authorize Contracts with MnDOT for 2025 Public Transportation Services

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of Grant Applications to and resulting contracts with Minnesota Department of Transportation (MnDOT) for 2025 funding of public transportation services and special transportation services for people with disabilities and senior citizens.

BACKGROUND/KEY POINTS:

State operating draft grant applications for 2025 are due on June 28, 2024. MnDOT has capped State-funded operating budgets at 5% over the previous year's approved budget. This change is somewhat offset by the Legislature reducing the local match requirement for state grants to 5% for 2024-2025, which is a savings of 10-15%. MnDOT has asked that grantees use the savings to pay for services that are unfunded by MnDOT due to the 5% budget cap. Federal grant funds can be utilized as needed. The City's transit operating budget for 2025 includes an increase of 6.51% for fixed route service and 6.11% for Paratransit and Metro Senior Ride, exceeding the 5% target.

The 2025 budget is based on the proposed cost allocation plan and purchase of service from the City of Fargo.

Due to driver shortages, MATBUS is currently operating under a temporary suspension of evening service hours from 8:15 pm to 10:15 pm on Saturdays. A resumption of full service is projected in the 2025 budget. The five-year Transit Development Plan (TDP) for 2021-2025 recommends service increases; however, due to continuing labor shortages and the current economic situation, no new service increases are proposed at this time.

Moorhead transit ridership for 2023 increased across all services, with 9% for Fixed Route, 4% for Paratransit and 5% for Metro Senior Ride. Projected ridership across all services is estimated to be over 420,000 in 2025.

The overall operating budget change from 2024 to 2025 is \$290,472, up 6%. The 2024 and 2025 budgets shown below are based on grant applications.

Budget	Fixed Route	LinkFM	Total Fixed Route	Paratransit	Senior Ride	Mobility Management	Total Special Service	TOTAL
2024	\$4,009,743	\$5,245	\$4,014,987	\$548,162	\$183,223	\$45,675	\$777,060	\$4,792,048
2025	\$4,257,670	\$18,581	\$4,276,251	\$597,453	\$202,656	\$8,478	\$808,587	\$5,084,838
Difference	\$247,927	\$13,337	\$261,264	\$49,291	\$19,433	(\$37,197)	\$31,527	\$292,791
% Change	6.18%	254.30%	6.51%	8.99%	10.61%	-81.44%	4.06%	6.11%

The budget changes outlined for the grant applications are as follows:



City Council Communication

June 24, 2024

- Staff is proposing to amend the Joint Powers Agreement with the City of Fargo to purchase service from Fargo based on the recommendations of the Transit Reorganization Study. Under the proposed Cost Allocation Plan, transit costs incurred by Fargo will be allocated to purchasing entities based on several factors, including revenue or service hours, ridership, and revenue miles. Revenues are also shared based on similar formulas.
- A 2025 contract for driver services with First Transit (Transdev) is currently under negotiation and would be part of the purchase of service from Fargo. The budget contains a proposed increase based on the Consumer Price Index as of April 2024.
- Limited Moorhead staff wages will be allocated to transit, including 26% of the Finance Manager and 3% of the Government Affairs Director as they monitor and submit State grants and reports and participate on the new Transit Board.
- Mobility Management services will be funded 80% by a new Federal Section 5310 grant managed by the City of Fargo.
- Demand response service levels for senior citizens remained steady. Metro Senior Ride service is provided through a Joint Powers Agreement with the Fargo Park Board, Valley Senior Services Department. The overall budget increased by 14%. The largest changes are the new Minnesota requirement for earned safe and sick leave for part-time workers and a 4% Cost of Living Adjustment.
- Moorhead's Federal grant appropriations for FFY2024 decreased by \$270,000 due to the major change in funding calculations from a small urban to large urban. However, Moorhead has pre-2024 Federal Section 5307 and Federal CARES Act and ARPA funds available to utilize as needed to continue containing local share costs.
- Ridership continues to recover following COVID-19. There is no recommended change in fares charged for 2025.



City Council Communication

June 24, 2024

FINANCIAL CONSIDERATIONS:

The proposed 2025 Mass Transit Operating Budgets reflect the State grant expenses and revenues as listed below. The City Manager or City Council may adjust service levels during budget deliberations as needed for future sustainability as CARES and ARPA grants are consumed.

MOORHEAD MASS TRANSIT 2025 FUNDING ANALYSIS - OPERATING COSTS

Revenue Source	Amount	% of Total
State of Minnesota	\$3,601,900	71%
Federal Transit (Including CARES Act)	\$810,764	16%
City of Moorhead (Property Tax)	\$0	0%
City of Moorhead (Reserve Fund)	\$0	0%
City of Dilworth	\$0	0%
Farebox & U-Pass	\$605,967	12%
Other Local	\$66,207	1%
TOTAL	\$5,084,838	100%

Expense	Amount	% of Total
MATBUS Fixed Routes	\$4,283,410	84%
Paratransit & Metro Senior Ride	\$801,428	16%
TOTAL	\$5,084,838	100%

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 Contracts with MnDOT for 2025 Public Transportation Services

WHEREAS, the City of Moorhead seeks to apply for the 2025 Greater Minnesota Transit Operating Grant and enter into an Agreement with the State of Minnesota to provide public transit service;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that the Mayor and City Manager are hereby authorized and directed to enter and execute a contract and any amendments thereto with the State of Minnesota, Department of Transportation, to provide a public transportation service in the City of Moorhead for calendar year 2025.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota, that the City Council of the City of Moorhead agrees to provide five percent (5%) of the total operating cost of the transit project from local funds.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota, that the City Council of the City of Moorhead agrees to provide one hundred percent (100%) of the local share necessary for expenses that exceed funds available from the State.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota, that the Finance Director or Finance Manager is hereby authorized to execute a request for reimbursement from the Minnesota Department of Transportation.

PASSED: June 24, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Authorize Contract with MnDOT for 2025 Special Transportation Services for Persons with Disabilities and Senior Citizens

WHEREAS, the City of Moorhead wishes to apply for the 2025 Greater Minnesota Transit Operating Grant and enter into an Agreement with the State of Minnesota to provide special transportation service for persons with disabilities and senior citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead Minnesota, upon recommendation of the MAT Coordinating Board, that the Mayor and City Manager are hereby authorized and directed to enter into and execute a contract and any amendments thereto with the State of Minnesota, Department of Transportation, to provide special transportation service for persons with disabilities and senior citizens in the City of Moorhead for calendar year 2025.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota, that the City Council of the City of Moorhead agrees to provide five percent (5%) of the total operating cost for special transportation services from local funds.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota, that the City Council of the City of Moorhead agrees to provide one hundred percent (100%) of the local share necessary for expenses that exceed funds available from the State.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota, that the Finance Director or the Finance Manager is hereby authorized to execute a request for reimbursement from the Minnesota Department of Transportation.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Authorize Advertisement for Construction Manager at Risk Services for the City Hall Renovation/Civic Plaza Project

RECOMMENDATION:

The Mayor and City Council are asked to approve advertisement of a Request for Proposals for Construction Manager at Risk services for the City Hall Renovation/Civic Plaza project.

BACKGROUND/KEY POINTS:

On April 22, 2024, the City Council authorized entering into an agreement with JLG Architects for services related to the City Hall Renovation and Civic Plaza project. After conferring with the architect, staff is recommending using the Construction Manager at Risk (CMAR) process for this project.

FINANCIAL CONSIDERATIONS:

The anticipated cost for the CMAR process is 4% of total project cost.

Voting Requirements: 2/3 of Council (6)

Submitted By:

Dan Mahli, City Manager
Mike Rietz, Assistant City Manager

Attachments:

RESOLUTION

Resolution to Authorize Advertisement for Construction Manager at Risk Services for the City Hall Renovation/Civic Plaza Project

WHEREAS, on August 22, 2024 the City Council authorized entering into an agreement with JLG for architect and engineering services for the City Hall Renovation/Civic Plaza Project; and

WHEREAS, the City of Moorhead desires to hire a Construction Manager at Risk (CMAR) for pre-construction and construction services for the project; and

WHEREAS, a Request for Proposal will provide a transparent process resulting in the selection of a highly qualified construction management firm for the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that the City Manager is hereby authorized and directed to advertise a Request for Proposals for Construction Manager at Risk services for the City Hall Renovation/Civic Plaza Project.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Moorhead that the City Manager and Review Team are authorized and directed to review, interview and further process submittals to the Request for Proposals for Construction Manager at Risk services and recommend to the City Council one firm for CMAR services for the City Hall Renovation/Civic Plaza Project.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Solicit Bids and Approve Award of Contract Bulk Fuel

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to solicit bids and approve the award of a contract to purchase bulk fuels (diesel and gasoline) delivered to and used by the City of Moorhead. The contract will be for a guaranteed unit price for Q3 & Q4 of 2024.

BACKGROUND/KEY POINTS:

Contracted fuel will provide certainty in cost during times of market fluctuation. The contracted quantity will be for 80% of the projected usage. The fuel quantities to be bid will be 60,000 gallons of diesel and 42,000 gallons of gasoline.

FINANCIAL CONSIDERATIONS:

Fuel purchases will be paid upon delivery to the Maintenance Shop Facility. Internal billing will continue to be monthly to the appropriate departments based on pumping of the fuel.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

Nichole Parr, Administrative Assistant

Attachments:

RESOLUTION

Resolution to Solicit Bids and Approve Award of Contract Bulk Fuel

WHEREAS, the City Council is requesting a solicitation of bids for pre-purchased bulk fuel, and;

WHEREAS, a Request for Proposal will be distributed and competitive bids will be received to provide bulk fuel to the City of Moorhead at a guaranteed price, and;

WHEREAS, the City of Moorhead desires to award a contract for bulk fuel procurement from July 1, 2024 through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve soliciting bids and awarding a contract for a guaranteed unit price on bulk fuel procurement and the Mayor and City Manager are authorized to execute the Agreement, any amendments to the Agreement, and other documents required to comply with the terms of the agreement.

PASSED: June 24, 2024 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 24, 2024

SUBJECT:

Resolution to Approve 2024-2025 Liquor License Renewals

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of the annual liquor license renewals.

BACKGROUND/KEY POINTS:

All liquor licenses in the City of Moorhead expire on June 30 of each year. Each license shall be issued for a period of one year, except for the eight (8) month on-sale public golf course license. All renewals are contingent upon the following:

- Favorable Background Investigation
- Certificate of Liquor Liability Insurance
- Liquor License Fee
- Liquor License Server Training Roster
- Certificate of Compliance / Minnesota Worker's Compensation Law
- Proof of Paid Real Estate Taxes

FINANCIAL CONSIDERATIONS:

License and permit fees are outlined in the City's fee schedule.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk
Kelle Jenkins, Deputy City Clerk

Attachments:

RESOLUTION

Resolution to Approve 2024-2025 Liquor License Renewals

WHEREAS the following businesses applied for a Liquor License Renewal in the City of Moorhead under the laws of the State of Minnesota and regulations of the Commissioner of Public Safety:

3.2 ON SALE / WINE / STRONG BEER

Altony's
Historical & Cultural Society of Clay County
Sol Ave. Kitchen
Theatre B
Twenty Below Coffee
Moorhead Softball Association
Village Inn

CLUB ON SALE / SUNDAY

American Legion
Moorhead Country Club

3.2% OFF SALE

Casey's General Store #3297
Casey's General Store #3357
Hornbacher's #2695
Hornbacher's #2691
Cashwise Foods #3015

OFF SALE

99 Bottles
Bridgeview Liquors
Brookdale Spirits
Cash Wise Foods
Cash Wise Liquor
Oasis Convenience Store, LLC
The Bottle Shoppe

ON SALE

Concordia College

ON SALE / SUNDAY

Blantek – Meadows
Blantek – Village Green
Buffalo Wild Wings
Courtyard by Marriott
El Torero's
Harold's on Main
Legends Sports Bar & Grill
Midtown Tavern
Moorhead Billiards
Murphy's Pub
Onyx Bar & Grill
Rustica Eatery Tavern
Sunset Lanes

SPECIAL HOURS LIQUOR (EVENT CENTER)

RiverHaven
Fargo Moorhead Community Theatre
Urban Foods Catering

ON/OFF SALE / SUNDAY

Mick's Office
Vic's Bar & Grill
The Clubhouse
Hen House

BREWER OFF SALE/TAP ROOM ON SALE/SUNDAY

Junkyard Brewing Company
Swing Barrel Brewing

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the issuance of the liquor licenses noted above, contingent upon the following:

- Favorable Background Investigation
- Certificate of Liquor Liability Insurance
- Liquor License Fees
- Liquor License Server Training Roster
- Certificate of Compliance / Minnesota Worker's Compensation Law
- Proof of Paid Real Estate Taxes

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

PASSED: June 24, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk