



**CITY COUNCIL
MEETING MINUTES
FEBRUARY 26, 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: Ryan Nelson
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:

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve Consent Agenda made by Larry Seljevold and seconded by Chuck Hendrickson

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Seljevold, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

5. Recognitions - Presentations

A. Presentation: 2023 Longest Table – Nicole Flick

Nicole Flick shared successes of the 2023 Longest Table event and details for the upcoming 2024 community meal.

B. Proclamation: Bleeding Disorders Awareness Month

Mayor Carlson read the Bleeding Disorders Awareness Month proclamation and presented it to Carson Ouellette and family.

6. Approve Minutes

A. February 12, 2024 Meeting Minutes

Motion to Approve February 12, 2024 Meeting Minutes made by Matthew Gilbertson and

seconded by Sebastian McDougall

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Seljevold, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

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

Residents of Moorhead and the metro area addressed the City Council in support and opposition to a resolution request calling for a ceasefire in Palestine and Israel.

8. Mayor and Council Appointments

A. Resolution for Appointments to Boards and Committees

Motion to separate the appointments for Boards and Committees made by Deb White and seconded by Heather Nesemeier

Motion Failed

For: 2; Nesemeier, White

Against: 6; Nelson, Gilbertson, Caroon, Seljevold, McDougall, Hendrickson

Abstain/Recuse: 0;

Absent: 0

Council member White expressed concern about local board and committee selection processes and Mayor Carlson's recommendation for appointment to the Moorhead Human Rights Commission.

Motion to Approve Resolution for Appointments to Boards and Committees made by Ryan Nelson and seconded by Chuck Hendrickson

Motion Passed

For: 6; Nelson, Gilbertson, Caroon, Seljevold, McDougall, Hendrickson

Against: 2; Nesemeier, White

Abstain/Recuse: 0;

Absent: 0

9. Public Hearings (5:45 pm)

10. Parks and Recreation Department

A. *Resolution to Enter into a Lease Agreement / Professional Services Agreement with Historical and Cultural Society of Clay County

11. Community Development Department

A. *Second Reading of Ordinance 2024-02: An Ordinance to Amend and Reenact Title 10, Chapter 18, Section 1, Use Regulations, and Title 10, Chapter 18, Section 2, Provisional and Conditional Use Requirements relating to the New Cannabis Law and Repeal Title 4, Chapter 4, Section 21, Offenses related to Drug Paraphernalia

B. *Resolution to Approve Title & Summary of Ordinance 2024-02

C. *Resolution to Approve Minor Subdivision - 4111 34th Avenue S - Parcel 58.420.0040

12. Moorhead Public Service

- A. *Resolution to Award Bids for 2024 Water Distribution Pipe and Fittings
- B. *Resolution to Award Bid for 2024 Access Improvements for Moorhead Public Service's Lime Sludge Dewatering Facility

13. Administration

- A. Approve Resolutions related to 400 and 524 Center Ave

City Manager Dan Mahli shared actions setting the stage for the east most development site of the Moorhead Center Mall and downtown redevelopment project area. The resolutions include:

- Two minor subdivisions including the legal descriptions and related property splits needed for land transfers. A future plat will be brought forward with designated lots, street right of ways, and easements.
- Two easements to be extinguished for access and sidewalk that are not needed for the overall development and do not impact current bike and pedestrian facilities on Center Avenue.
- Sale of public property which is the parking lot area in the northeast corner of the Moorhead Center Mall site.

- B. Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- C. Resolution to Approve Minor Subdivision - 524 Center Avenue – Parcel 58.575.1000

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- D. Resolution to Extinguish Access Easement, Document # 79075

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- E. Resolution to Extinguish Sidewalk Easement, Document # 790791

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- F. Resolution to Approve the Disposition of publicly owned Land located at 400 Center Avenue (58.520.4100) to Sterling Development Group Four, LLC

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- G. *Resolution for Appointment of Election Judges for the March 5, 2024, Presidential Nomination Primary Election

- H. Used Car Dealership Permit Denial Appeal - Amedy Auto

City Attorney John Shockley shared the process for reviewing and renewing used car dealership licenses in Moorhead. Mr. Amedy presented his appeal to the City Council. Discussion followed about the recommendation to deny renewing the used car dealership license.

Motion to Approve Used Car Dealership Permit Denial Appeal - Amedy Auto made by Matthew Gilbertson and seconded by Ryan Nelson

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Seljevold, McDougall, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 0

14. Mayor and Council Reports

Council Member Laura Caroon spoke about a Girl Scout troop tour of the Law Enforcement Center in Clay County. She especially thanked Moorhead Police Chief Shannon Monroe and the Moorhead Police Department.

Council Member Heather Nesemeier thanked Nicole Flick from the Longest Table for her good work to keep the event going in 2024, which takes place on June 27 at MState. Council Member Nesemeier also thanked Public Work staff for how they prepare for winter weather.

Council Member Chuck Hendrickson talked about attending the 2024 Midwest Economic Outlook Summit.

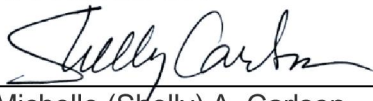
Council Member Ryan Nelson spoke about a Board meeting of the Historical and Cultural Society of Clay County.

Mayor Shelly Carlson talked about judging the Minnesota Collegiate Forensics Association (MCFA) State Tournament at Concordia College and attendance at the 2024 Chinese New Year Gala.

15. City Manager Reports
16. Executive Session
17. New Business
18. Adjourn

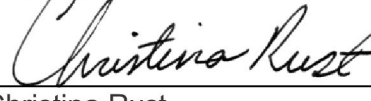
Meeting adjourned at 7:01pm

APPROVED BY:



Michelle (Shelly) A. Carlson
Mayor

ATTEST:



Christina Rust
City Clerk

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

BEFORE THE CITY COUNCIL OF THE CITY OF MOORHEAD

MOORHEAD CITY COUNCIL MEETING MINUTES

February 26, 2024

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In the Matter of the Decision of the)
Moorhead City Council)
Regarding the Appeal of the Denial)
Of a Used Car Dealer License)
For Amedy Auto)

FINDINGS OF FACT

(1) Amedy Auto was previously granted a Used Car Dealer License ("License") by the City of Moorhead (the "City") in January 2022.

(2) Amedy Auto previously applied for and was initially denied a License by the City Clerk's office on January 24, 2023 (the "first denial"), due to pending criminal charges related to the collection of sales tax on vehicles sold by Amedy Auto.

(3) Amedy Auto's owner appealed the first denial and presented his appeal to the City Council of the City of Moorhead (the "City Council") on February 13, 2023.

(4) At the City Council meeting held on February 13, 2023, the decision to deny the 2023 License was tabled until additional information from the Clay County Attorney's Office relating to the pending criminal charges was obtained and could be presented to the City Council.

(5) For the remainder of 2023, Amedy Auto was permitted to continue to conduct business as a Used Car Dealer in the City.

(6) The City Clerk's office contacted Amedy Auto owner Nashwan Amedy on February 16, 2024, due to not receiving renewal paperwork for the 2024 license period, which was required to be submitted by or before December 31, 2023.

(7) On February 16, 2024, the City Clerk's office received an application for a User Car Dealer License from Amedy Auto.

(8) A background check for Amedy Auto and its owner Nashwan Amedy was completed on February 16, 2024. The background check confirmed that Nashwan Amedy was convicted of Minnesota Statute § 297B.10(b): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G* and Penalty Statute § 297B.10(a): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G*. Upon receiving the completed background check, the City Clerk's office forwarded the findings to City Attorney, John Shockley, for review; Mr. Shockley agreed with the City Clerk's decision to deny the license based upon Moorhead City Code 2-1-10(A)(2), which allows for denial based on a conviction.

(9) On February 21, 2024, City Clerk, Christina Rust, sent Amedy Auto an email explaining the reasons for denial, along with information on how to appeal the decision, and followed up by sending a certified letter to the owner. A copy of the letter is attached hereto as Exhibit A.

(10) Nashawan Amedy appealed the decision of the City Clerk to the City Council; on February 21, 2024 a formal request to appeal the decision was received from Mr. Amedy via email.

(11) On February 26, 2024, the City Council heard Nashawan Amedy's appeal.

(12) During the appeal hearing it was confirmed that Nashawan Amedy had been convicted of Minnesota Statute § 297B.10(b): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G* and Penalty Statute § 297B.10(a): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G*. Nashawan Amedy did not dispute the conviction.

(13) The hearing was closed.

(14) The misdemeanor conviction is directly related to the business license for which Mr. Nashawan Amedy filed an application with the City Clerk's office. Because the conviction is related to the proposed business for which a license is sought, Moorhead City Code 2-1-10(A)(2) allows the license to be denied.

(15) Because the conviction is an official Minnesota Court Record, the City Council can take "Judicial Notice" of such conviction.

(16) The City Council hereby finds that sufficient evidence exists that supports the City Clerk's decision to deny the license.

(17) The City Council hereby finds that Nashawan Amedy did not meet his burden of proof in this matter.

(18) A motion was made to uphold the denial of the User Car Dealer License renewal by Matthew Gilbertson and seconded by Ryan Nelson, with all members voting in favor of the motion.

(19) Pursuant to Moorhead City Code 2-1-10(B), the action taken by the City Council after the hearing held on February 26, 2024, shall be final.

(20) Effective February 27, 2024, Nashawan Amedy is not permitted to engage in the sale of used cars within the City of Moorhead, Minnesota.


Dated: March 11, 2024

APPROVED BY:



Michelle (Shelly) A. Carlson
Mayor

ATTEST:



Christina Rust
City Clerk