



**CITY COUNCIL
MEETING AGENDA
SEPTEMBER 09, 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. MoorHeart Recognition: Abdishakur Mohamed
 - B. Proclamation: Welcoming Week
6. Approve Minutes
 - A. August 26, 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
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. Community Development Department
 - A. First Reading of Ordinance 2024-08 to Amend and Reenact Title 3, Chapter 9: Pools of the City of Moorhead City Code
11. Moorhead Public Service

- A. *Resolution to Approve Revised Exhibit A to the Transmission Operator Procedure with Western Area Power Administration
- 12. Public Works
 - A. *Resolution to Approve Agreement with MBA Development Company for Construction Manager at Risk (CMAR) Services on the Matson Field Grandstand Project
- 13. Administration
 - A. Resolution to Approve Consent to the Clay County Housing and Redevelopment Authority 2025 Special Benefit Tax
 - B. *Resolution Authorizing Membership in the 4M Fund
 - C. *Resolution to Accept Grant Funding from the Institute for Responsive Government and Approve Budget Adjustment #24-032
 - D. *Resolution to Approve Amendment to General Release
 - E. *Resolution to Approve New Liquor License to Reasons, LLC (Reese & Riley's Olive Oil & Bistro Bar)
 - F. Resolution to Authorize the City Manager to Execute and Declaration of Official Intent for the City Hall Renovation
- 14. Mayor and Council Reports
- 15. City Manager Reports
- 16. Executive Session
 - A. Executive Session pursuant to Minn. Stat. § 13D.04 for Labor Negotiations
- 17. New Business
- 18. Adjourn



City Council Communication

September 9, 2024

SUBJECT:

MoorHeart Recognition: Abdishakur Mohamed

RECOMMENDATION:

The Mayor and City Council are asked to recognize and honor Abdishakur Mohamed with the MoorHeart award.

BACKGROUND/KEY POINTS:

The MoorHeart award recognizes individuals and organizations that go above and beyond to demonstrate community within our City by their actions and service. A team of volunteers from City boards and commissions selects award recipients who are recognized at City Council meetings. The MoorHeart selection committee chose to recognize Abdishakur Mohamed for his work on creating opportunities for the immigrant communities in Moorhead.

Abdishakur is the creator and founder of Soma Employment Solutions which helps recent immigrants find work opportunities in the Moorhead area. He acts as a New American ambassador and works with other businesses to talk about the growth of their firms.

Saynab Jama wrote in the nomination: "Abdishakur Mohamed, the founder of Soma Employment Solutions, has made a significant impact on the immigrant community in Moorhead through his dedication and efforts. His work has not only helped bridge the gap between workforce demand and supply but has also created numerous opportunities for new Americans in Minnesota and North Dakota. By providing highly customized and workable solutions to clients, Abdishakur ensures integrity, sustainability, and service excellence. This commitment to delivering exceptional service has not only earned the trust of businesses but has also positively impacted the immigrant community by connecting them with employers who value their skills and contributions. Abdishakur's work through Soma Employment Solutions has had a significant impact on the immigrant community in Moorhead. By creating job opportunities, filling the workforce gap, advocating for perceptual change, and delivering exceptional service, Abdishakur has empowered new Americans and contributed to the growth and diversity of the local economy."

Thank you Abdishakur, for taking action on the workforce gap and creating opportunities for those in Moorhead.

The MoorHeart award is commemorated with a piece of art commissioned from local artist, Dennis Krull especially for this purpose.

As you learn of others in our community doing great things, large and small, please consider submitting a nomination. Information on nominating others for MoorHeart consideration is found at cityofmoorhead.com.

FINANCIAL CONSIDERATIONS:

Not Applicable



City Council Communication

September 9, 2024

Voting Requirements: Not Applicable

Submitted By:

Dan Mahli, City Manager

Kelly Kuntz, Communications Coordinator

Attachments:

**OFFICIAL PROCLAMATION
CITY OF MOORHEAD, STATE OF MINNESOTA**

WHEREAS, *We envision a community where all individuals, including immigrants, refugees, and New Americans, have the opportunity to reach their full potential, actively engage with their neighbors, and contribute their unique talents; this vision is essential to the prosperity and well-being of Moorhead and enriches our shared future; and*

WHEREAS, *The input and perspectives of both newcomers and long-standing residents are vital to shaping inclusivity and welcoming; and*

WHEREAS, *Collaborating together fosters greater understanding, particularly among those who may have concerns or limited awareness of the evolving demographics within our community; and*

WHEREAS, *Every person brings unique talents that contribute to the vibrancy of our community, and our welcoming efforts should embrace inclusivity for all groups; and*

WHEREAS, *The best outcomes are achieved when diverse backgrounds and perspectives are meaningfully engaged, fostering an equitable and collaborative environment where differences are valued and harnessed; and*

WHEREAS, *Leaders have a pivotal role in recognizing and supporting community partners who are instrumental in enhancing our collective capacity for this important work; and*

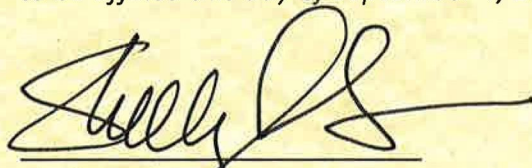
WHEREAS, *It is crucial to appreciate and promote multisector collaboration as a means to build a stronger, more inclusive community.*

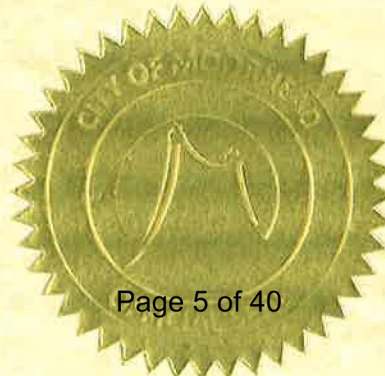
NOW, THEREFORE, BE IT RESOLVED, *That I, Shelly Carlson, Mayor of the City of Moorhead, do hereby proclaim September 16 -25, 2024, to be:*

WELCOMING WEEK IN MOORHEAD

And encourage all residents to celebrate the spirit of inclusivity and unity, and to work together to build a community where every individual has the opportunity to contribute their best.

IN WITNESS WHEREOF, *I have set my hand and caused the Official Seal of the City of Moorhead to be affixed this day of September 4, 2024.*


Shelly Carlson, Mayor
City of Moorhead





**CITY COUNCIL
MEETING MINUTES
AUGUST 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 (left meeting 5:38pm)

Council Member: Heather Nesemeier

Council Member: Laura Caroon

Council Member: Larry Seljevold

Council Member: Sebastian McDougall

Council Member: Chuck Hendrickson

Mayor: Shelly Carlson

Absent: Council Member: Deb White

2. Pledge of Allegiance

3. Agenda Amendments

Item #13A was removed from consent due to a change in the resolution.

4. Consent Agenda

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

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; White

5. Recognitions - Presentations

A. Presentation: Pastor Devlyn Brooks, Interim CEO at Churches United

Interim CEO at Churches United Pastor Devlyn Brooks shared an update and appreciation for the community's support. The amount raised during a recent plea for help to fund operations is \$400,000. The donations ensure operations through December 2024. An ongoing goal at Churches United is to secure long term sustainable funding.

B. Presentation: 2024C Bond Sale Issuance, Baker Tilly Municipal Advisors

Mikaela Huot with Baker Tilly Financial Advisors shared information on the 2024C Bond Sale Issuance.

6. Approve Minutes
 - A. August 12, 2024 Meeting Minutes

Motion to Approve August 12, 2024 Meeting Minutes made by Sebastian McDougall and seconded by Larry Seljevold
Motion Passed
For: 6; Nelson, Nesemeier, Caroon, Seljevold, McDougall, Hendrickson
Against: 0;
Abstain/Recuse: 0;
Absent: 2; White, Gilbertson
7. Citizens Addressing the Council (Time Reserved: 15 Minutes)
8. *Mayor and Council Appointments
9. Public Hearings (5:45 pm)
 - A. Public Hearing to Consider 2024 Border City Enterprise Zone Program

Motion to Open Public Hearing Public Hearing to Consider 2024 Border City Enterprise Zone Program made by Heather Nesemeier and seconded by Ryan Nelson
Motion Passed
For: 6; Nelson, Nesemeier, Caroon, Seljevold, McDougall, Hendrickson
Against: 0;
Abstain/Recuse: 0;
Absent: 2; White, Gilbertson

Downtown Moorhead Inc President/CEO Derrick LaPoint shared a brief history of the Border City Enterprise Zone program. This year over 100 businesses have participated in the program.

Motion to Close Public Hearing Public Hearing to Consider 2024 Border City Enterprise Zone Program made by Heather Nesemeier and seconded by Sebastian McDougall
Motion Passed
For: 6; Nelson, Nesemeier, Caroon, Seljevold, McDougall, Hendrickson
Against: 0;
Abstain/Recuse: 0;
Absent: 2; White, Gilbertson
 - B. Resolution to Approve 2024 Border City Enterprise Zone Program

Motion to Approve Resolution to Approve 2024 Border City Enterprise Zone Program made by Heather Nesemeier and seconded by Ryan Nelson
Motion Passed
For: 6; Nelson, Nesemeier, Caroon, Seljevold, McDougall, Hendrickson
Against: 0;
Abstain/Recuse: 0;
Absent: 2; White, Gilbertson

10. Economic Development

- A. *Resolution to Approve Second Amendment to the Master Development Agreement for the Compass Apartment TIF Project

11. Community Development Department

- A. *Second Reading of Ordinance 2024-09: An Ordinance to Rezone 4020 35th Ave S (Parcel 58.900.2310) from TZ: Transitional to MU-2: Neighborhood Mixed Use
- B. *Resolution to Approve Title & Summary of Ordinance 2024-09
- C. *Second Reading of Ordinance 2024-07: An Ordinance to Amend and Reenact Title 3, Chapter 7, Section 10, Animals Prohibited in City, of the Moorhead Municipal Code Relating to the Keeping of Chickens
- D. *Resolution to Approve Title and Summary of Ordinance 2024-07
- E. *Resolution to Enter into a Memorandum of Understanding to Workshop the City of Duluth's Solar and Resilience Toolkit

12. Moorhead Public Service

- A. *Resolution to Award Bid for 2024 Lead Service Line Replacement Pilot Project

13. Administration

- A. *Resolution to Approve Contracts with Moorhead Higher Education Institutions for 2024-25 MATBUS U-Pass Program

Mass Transit Manager Lori VanBeek stated a change in the Resolution is due to a revision provided by MSUM & MATBUS in its enrollment of eligible students. A decrease from \$17,139.18 to \$11,419.50 as shown on the Mayor & Council Communication and Resolution is due to online students who should not be counted in the calculation.

Motion to Approve Resolution to Approve Contracts with Moorhead Higher Education Institutions for 2024-25 MATBUS U-Pass Program with the change noted by Transit Manager made by Heather Nesemeier and seconded by Larry Seljevold

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 2; White, Gilbertson

- B. Resolution to Approve Interim Joint Powers Agreement with the City of Fargo for Implementation of the Transit Reorganization Study

Transit Manager Lori VanBeek shared the request to approve a Joint Powers Agreement with the City of Fargo for implementation of the Transit Reorganization Study.

Motion to Approve Resolution to Approve Interim Joint Powers Agreement with the City of Fargo for Implementation of the Transit Reorganization Study made by Chuck Hendrickson and seconded by Heather Nesemeier

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 2; White, Gilbertson

- C. Resolution Providing for the Competitive Sale of General Obligation Temporary Tax Increment Financing Bonds, Series 2024C

Motion to Approve Resolution Providing for the Competitive Sale of General Obligation Temporary Tax Increment Financing Bonds, Series 2024C made by Heather Nesemeier and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 2; White, Gilbertson

- D. Consider actions relating to the City Hall Renovation

Assistant City Manager Mike Rietz shared the recommendation regarding Construction Manager at Risk services for the City Hall renovation project and presented the lease agreement for a temporary City Hall location at the Frederick Martin Hotel (former US Bank) building. Spencer Hilde and Rich Slagle from McGough were available to answer questions.

- E. Resolution to approve an Agreement with McGough Construction for Construction Manager At Risk Services for the Moorhead City Hall Renovation

Motion to Approve Resolution to approve an Agreement with McGough Construction for Construction Manager At Risk Services for the Moorhead City Hall Renovation made by Heather Nesemeier and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 2; White, Gilbertson

- F. Resolution to approve Lease Agreement with Frederick Martin Building, LLC group for temporary City Hall relocation during the renovation project

Motion to Approve Resolution to approve an Agreement with McGough Construction for Construction Manager At Risk Services for the Moorhead City Hall Renovation made by Heather Nesemeier and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 2; White, Gilbertson

14. Mayor and Council Reports

Council members White, McDougall, and Nesemeier attended the Indigenous Picnic as well as the Technology Summit at Dakota Cares.

Council member Nesemeier stated Inclusive Moorhead and the Moorhead Human Rights Commission are hosting a community social at MState after the Greater Moorhead Days Parade on September 6.

Council member Caroon attended Swing Barrel's 4th Birthday Bash. It was well attended. Council member Caroon also attended and spoke at Concordia College's Hands for Change event with first year students.

Council member Nelson attended the annual retreat for the Historical & Cultural Society of Clay County.

Mayor Carlson applauded the FM Area Foundation for being a voice for Churches United and fundraising during this challenging time. Mayor Carlson added the Diversion Authority Executive Director position continues to be open with anticipation of a selection by the end of October.

15. City Manager Reports

City Manager Dan Mahli shared information about Greater Moorhead Days September 5-14.

Mr. Mahli recognized members of the Moorhead Police Department who are incredibly stretched and have borne witness horrific tragedy and violence. Mr. Mahli extended appreciation to the Police Department for its professionalism and compassion, as well as to their families. He stated the Moorhead City Council and leadership team are aware that the PD has a short bench right now and is working to address the challenge. Law enforcement has a difficult mission and Moorhead is proud and grateful.

16. Executive Session

17. New Business

18. Adjourn

Meeting adjourned at 6:19pm.

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.



City Council Communication

September 9, 2024

SUBJECT:

First Reading of Ordinance 2024-08 to Amend and Reenact Title 3, Chapter 9: Pools of the City of Moorhead City Code

RECOMMENDATION:

The Mayor and City Council are asked to consider First Reading of Ordinance 2024-08 relating to Pools

BACKGROUND/KEY POINTS:

Council Members White and Seljevold requested review of the fencing requirements relating to pools. The Council discussed the current code and provided feedback on suggested revisions at their July 8, 2024 meeting. In addition to general code language 'clean-up', the Ordinance also includes the following new requirement for pool fencing:

- Pools that require a permit*: Minimum 4 foot fencing around pools – both below-ground and above-ground – with a self-closing and self-latching device.

* Per Building Code, private pools that require a permit include anything that is 1) custom built, 2) below-ground, or 3) 5000 gallons and 24" in depth

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Kristie Leshovsky, Community Development Director

Attachments: Draft Resolution

ORDINANCE 2024-08

AN ORDINANCE AMENDING CHAPTER 9 OF TITLE 3 RELATING TO POOLS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOORHEAD AS FOLLOWS:

SECTION 1. Title 3 Chapter 9 of the Moorhead City Code is amended and reenacted to read as follows:

3-9-2: PERMITS REQUIRED:

A. No person shall begin construction of a public pool or shall substantially alter or reconstruct any public pool without first having submitted plans and specifications to the state of Minnesota for review and approval. The state will not issue such approval to construct, alter, remodel or license to operate a public pool unless the pool conforms with regulations adopted by section 144.1222, Minnesota Statutes Annotated, and Minnesota rules 4717.15 through 4717.3975, as such regulations may be from time to time amended, supplemented or replaced.

B. No persons shall operate or maintain a public pool unless they have obtained a permit to operate such pool from Clay County ~~the 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 city in writing and shall pay an annual permit fee as set by the Moorhead city council in its fee schedule.~~

~~D. C. A permit shall be required for all new and existing private residential pools which, which are custom built, installed below ground, or installed above ground that meet or exceed both five thousand (5,000) gallons and twenty four inches (24") in depth. Private residential pools shall be completely enclosed by a fence or wall measuring a minimum of five feet (5') in height. The opening between the bottom of the fence or wall and the ground or other surface shall be not more than four inches (4").~~

1. Below ground Private Residential Pools: ~~Belowground private residential pools which are equipped with a walkable, hard surface cover which must be utilized when pool is not in use are exempt from the requirement for a fence or wall. Application for a permit to construct a belowground private residential pool shall be accompanied by plans of sufficient detail to show:~~

a. ~~The proposed location, setback distance to property lines, and its relationship to other principal buildings on the lot.~~

b. ~~The size of the pool.~~

c. ~~Fencing to be installed or existing fence, self-closing and self-latching device to be installed, if applicable, and other fixtures existing on the lot, including utility location and trees.~~

d. ~~The location, size and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump, fencing, and the pool itself.~~

e. Pools installed prior to October 1, 2024 with an approved pool permit shall be legal non-conforming uses. The previously required retractable hard surface cover must be

utilized when the pool is not in use if no fence is present. If the retractable hard surface cover is not utilized in accordance with this provision, the property owner will be subject to penalties outlined in Section 3-9-5.

2. Aboveground Or Portable Private Residential Pools: Application for a permit to construct an above ground or portable private residential pool shall be accompanied by plans of sufficient detail to show:

a. The proposed location, setback distance to property lines, and its relationship to other principal buildings on the lot.

b. The size of the pool.

c. Fencing to be installed or existing fence, self-closing and self-latching devise to be installed, if applicable, and other fixtures existing on the lot, including utility location and trees.

d. The location, size and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump, fencing, and the pool itself.

e. Pools installed prior to October 1, 2024 with an approved pool permit shall be legal non-conforming uses. The previously required ladder must be removed or retracted when the pool is not in use if no fence is present. If the ladder is not removed in accordance with this provision, the property owner will be subject to penalties outlined in Section 3-9-5.

D. Private residential pools that require a permit shall be completely enclosed by a fence or wall measuring a minimum of four feet (4') five feet (5') in height. The opening between the bottom of the fence or wall and the ground or other surface shall be not more than four inches (4"). All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Fences may be placed directly around the pool area.

~~Aboveground or portable private residential pools which are equipped with a detachable or retractable ladder which can be removed or retracted when said pool is not in use are exempt from the requirement for a fence or wall. Said ladder shall be removed or retracted when pool is not being attended. Failure to remove or retract ladder access shall constitute a violation of this subsection and be subject to the penalties contained in section 3-9-5 of this chapter. Aboveground or portable private residential pools for which access to a ladder can be completely blocked by a fence, gate or other means, are exempt from the requirement for a fence or wall around the pool. Failure to block the ladder access during nonuse shall constitute a violation of this subsection and be subject to the penalties contained in section 3-9-5 of this chapter.~~

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

PASSED: _____ by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 09/09/2024
E-Post Date:
Second Reading:
Publication:



City Council Communication

September 9, 2024

SUBJECT:

Resolution to Approve Revised Exhibit A to the Transmission Operator Procedure with Western Area Power Administration

RECOMMENDATION:

The Moorhead Public Service Commission respectfully requests the Mayor and Moorhead City Council approve the revised Exhibit A to the Transmission Operator Procedure with Western Area Power Administration for the maintenance and coordination of facilities at Moorhead Public Service's Moorhead DOE Tap Substation.

BACKGROUND/KEY POINTS:

In January 2018, Moorhead Public Service (MPS) staff submitted an application to the North American Electric Reliability Corporation (NERC) to have MPS' 115kV transmission loop excluded from the Bulk Electric System (BES). By doing so, would reduce the number of NERC requirements that MPS would be responsible for. Additionally, if the 115kV transmission loop was not excluded from the BES, MPS would be required to give control of the 115kV circuit breakers to Western Area Power Administration (WAPA), under the Transmission Operator Services Agreement, including the Transmission Operator Procedure (TOP) and Exhibit A, which were most recently revised and signed in 2019.

When NERC was reviewing MPS' BES Exception application, NERC allowed comments from WAPA and Southwest Power Pool (SPP). SPP objected to the application on the grounds that, if MPS was granted this BES Exception, MPS would no longer be required to provide information on the availability of the transmission line to SPP through WAPA. MPS staff met with representatives from SPP and WAPA and agreed to make changes in two categories that would satisfy SPP and allow the BES Exception application process to continue. The two categories were addressed in 2019.

Exhibit A (see attached) to the TOP needs to be revised to reflect the inventory of equipment that WAPA will be monitoring, on behalf of MPS, at the completion of the Moorhead DOE Tap Substation project. MPS will continue to give WAPA advanced notice of planned outages of the 115kV transmission loop, as well as real-time status information on MPS' 115kV equipment. WAPA will be responsible for forwarding this information to SPP.

FINANCIAL CONSIDERATIONS:

There is no cost to the City of Moorhead.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Travis L. Schmidt, General Manager
Taylor Holte, Project Engineer

Attachments: Exhibit A to Transmission Operator Procedure with WAPA

RESOLUTION

Resolution to Approve Revised Exhibit A to the Transmission Operator Procedure with Western Area Power Administration

WHEREAS, in January 2018, Moorhead Public Service (MPS) staff submitted an application to the North American Electric Reliability Corporation (NERC) to have MPS' 115kV transmission loop excluded from the Bulk Electric System (BES). By doing so, would reduce the number of NERC requirements that MPS would be responsible for; and,

WHEREAS, if MPS' 115kV transmission loop was not excluded from the BES, MPS would be required to give control of the 115kV circuit breakers to Western Area Power Administration (WAPA), under the Transmission Operator Services Agreement, including the Transmission Operator Procedure (TOP) and Exhibit A; and

WHEREAS, when NERC was reviewing MPS' BES Exception application, NERC allowed comments from WAPA and Southwest Power Pool (SPP); and

WHEREAS, SPP objected to the application on the grounds that, if MPS was granted this BES Exception, MPS would no longer be required to provide information on the availability of the transmission line to SPP through WAPA; and

WHEREAS, in 2019, MPS staff met with representatives from SPP and WAPA and agreed to make changes in two categories that would satisfy SPP and allow the BES Exception application process to continue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead to approve the revised Exhibit A to the Transmission Operator Procedure with Western Area Power Administration to reflect the inventory of equipment that will be monitored, on behalf of MPS, at the completion of the Moorhead DOE Tap Substation project, as approved by the Moorhead Public Service Commission on September 3, 2024.

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 execute the attached revised Exhibit A to the Transmission Operator Procedure with Western Area Power Administration.

PASSED: September 9, 2024, by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

Exhibit A, Revision 1
Moorhead BES and Other Facilities

1. Moorhead Facilities Dispatched by WAPA-UGPR:

Table 1: Effective upon Signature of Exhibit A

Moorhead Owned/Responsible <u>BES</u> Substations, Lines and Associated Equipment under WAPA-UGPR Dispatch Jurisdiction		
Substation/Line	Moorhead Equipment Operated by WAPA-UGPR Includes:	Facility Voltage
Moorhead Substation	Moorhead Breaker 1286 Moorhead Breaker 1382 Moorhead Breaker 1482 Moorhead Breaker 1486 Moorhead Breaker 2188 Moorhead Breaker 5188 Moorhead Switch 1281 Moorhead Switch 1283 Moorhead Switch 1285 Moorhead Switch 1287 Moorhead Motor-Operated Switch 1289 Moorhead Switch 1381 Moorhead Switch 1383 Moorhead Switch 1481 Moorhead Switch 1483 Moorhead Switch 1485 Moorhead Switch 1487 Moorhead Switch 1581 Moorhead Switch 1583 Moorhead Motor-Operated Switch 1589 Moorhead Switch 2187 Moorhead Switch 5187 Moorhead Switch 382 Moorhead Switch 482	230kV
Moorhead Substation	Moorhead Switch 363 Moorhead Switch 463 Moorhead Switch 369	115kV

Table 2: Effective upon Midwest Reliability Organization (MRO) Acceptance of Moorhead's BES Exception Request

Moorhead Owned/Responsible <u>Non-BES</u> Substations, Lines and Associated Equipment under WAPA-UGPR Dispatch Jurisdiction		
Substation/Line	Moorhead Equipment Operated by WAPA-UGPR Includes:	Facility Voltage
Moorhead Substation	Moorhead PCB 1162 Moorhead Switch 1161 Moorhead Switch 1163 Moorhead Switch 1169 Moorhead PCB 1262 Moorhead Switch 1261 Moorhead Switch 1263	115kV

2. Additional Facilities Where SCADA Telemetry or Status is Required:

Moorhead shall provide SCADA data to WAPA-UGP that WAPA-UGP will share with SPP for the following facilities:

Line Segment or Substation	Data
115-kV Fargo-Brookdale Transmission Line	Telemetry for MW, MVAR, and kV
115-kV Moorhead-Opportunity Transmission Line	Telemetry for MW, MVAR, and kV
Brookdale Substation	Breaker status for Breakers CB7 and CB8
Centennial Substation	Breaker status for Breakers CB3 and CB4
Moorhead Substation	Breaker status for Breakers 1162 and 1262
Northeast Substation	Breaker status for Breakers CB5 and CB6
Opportunity Substation	Breaker status for Breakers CB9 and CB10
Southeast Substation	Breaker status for Breakers CB1 and CB2

WESTERN AREA POWER ADMINISTRATION

By _____

Title _____ Vice President of Operations

_____ for Upper Great Plains Region

Address _____ 1330 41st Street SE

_____ Watertown, SD 57201

Date _____

(SEAL)

CITY OF MOORHEAD, MINNESOTA

By _____

Attest:

Title Mayor

By _____

Address 500 Center Avenue, PO Box 779

Title _____

Moorhead, MN 56561-0779

By _____

Title City Manager

Address 500 Center Avenue, PO Box 779

Moorhead, MN 56561-0779

(SEAL)

MOORHEAD PUBLIC SERVICE

By: Kurt A. Thompson

Attest:

Title: Chairperson

By Cheryl Glasoe

Address 500 Center Avenue, PO Box 779

Title Administrative Assistant

Moorhead, MN 56561-0779

By: Paul B. B.

Title: Vice Chairperson

Address 500 Center Avenue, PO Box 779

Moorhead, MN 56561-0779

Revision History

Revision 1	Removed all substations except for Moorhead. Added Table 2: Moved Moorhead 115-kV facilities to Non-BES. Added requirements for SCADA telemetry and status for SPP.
Revision 2	Updated new and removal of equipment associated with the Shunt Reactors and Ring Bus Reconfiguration Projects.



City Council Communication

September 9, 2024

SUBJECT:

Resolution to Approve Agreement with MBA Development Company for Construction Manager at Risk (CMAR) Services on the Matson Field Stadium Project

RECOMMENDATION:

The Mayor and City Council are asked to approve an Agreement with MBA Development Company for Construction Manager at Risk CMAR Services on the Matson Field Stadium Project.

BACKGROUND/KEY POINTS:

The City of Moorhead has been working toward the construction of a new grandstand for the Matson Field Stadium Project. With the knowledge that there is an active fundraising campaign in Fall of 2023, the design was completed and includes many new amenities. The project will include construction of an elevated concrete grandstand, press box, and backstop netting system. The project design will accommodate future amenities such as restrooms, concessions, and shade structures.

On August 12, 2024, City Council authorized advertisement for the Construction Manager at Risk (CMAR) on the Matson Field Stadium Project. A Request for Proposals (RFP) was published and a total of two (2) proposals were received. The selection committee of four (4) team members reviewed and rated the proposals.

After evaluation, the selection committee recommends the City Council enter a contract with MBA Development Company for CMAR services. MBA Development Company is a local company with an office in Fargo and has performed CMAR services for 44 years.

The CMAR will perform work as the owner's representative and provide construction phase services. The CMAR will provide a Guaranteed Maximum Price (GMP) for the project based on the construction documents and specifications provided by the Architect/Engineering team. Upon acceptance of the GMP, the CMAR will provide construction services for the construction phase by overseeing all bidding, subcontractor hiring, job oversight, insurance, and health/safety measures for the project.

The proposed Agreement with MBA Development Company includes two phases.

Phase I: Pre-Construction Services to include cost estimating, plan and specification review, scheduling, procurement planning, and participation in community meetings.

Phase II: An amendment to the above agreement will be completed once the project schedule and GMP are known. The CMAR will provide Construction Services including construction administration, schedule monitoring, onsite job superintendent, specification review, inspections, and a safety leader.



City Council Communication

September 9, 2024

FINANCIAL CONSIDERATIONS:

The current project funding is \$1,143,500 and has been from various sources including donations from the Convention and Visitors Bureau, the American Legion, Alex Stern Foundation, and funds from the American Rescue Plan Act.

Phase I – Pre-Construction Services fee of \$15,000. This is the current Resolution before Council.

Phase II – Construction Services. A Guaranteed Maximum Price Amendment will include construction costs, CMAR Fee, Builder's Risk Insurance, and Performance Payment Bond. MBA Development Company proposes a CMAR fee of 6.0% of the Construction Cost.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Paul Fiechtner, Public Works Director
Nichole Parr, Administrative Assistant

Attachments:

RESOLUTION

Resolution to Approve Agreement with MBA Development Company for Construction Manager at Risk (CMAR) Services on the Matson Field Stadium Project

WHEREAS, the City of Moorhead wishes to pursue construction of a grandstand for the Matson Field Stadium Project; and

WHEREAS, the City of Moorhead has hired a design firm for Architectural and Engineering services to prepare design, planning and construction plans for Matson Field Stadium Project; and

WHEREAS, a Request for Proposal for a Construction Manager at Risk was issued on August 13, 2024 and two proposals were received and evaluated; and

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

1. The Mayor and City Manager are hereby authorized and directed to execute an agreement with MBA Development Company for Construction Manager at Risk services beginning with Pre-Construction Services on the Matson Field Stadium Project for a cost not to exceed \$15,000.
2. Following completion of Pre-Construction services, the Mayor and City Council will consider an amendment to the above noted Construction Manager At Risk agreement outlining the construction services to be provided during construction of the Matson Field Stadium Project.

PASSED: September 9, 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

September 9, 2024

SUBJECT:

Resolution to Approve Consent to the Clay County Housing and Redevelopment Authority 2025 Special Benefit Tax

RECOMMENDATION:

The Mayor and City Council are asked to consider consent to a Special Benefit Tax for 2025 that was levied by the Clay County HRA Board of Commissioners. The Clay County HRA Board of Commissioners approved the attached Resolution 08-15-24-1 on August 15, 2024. The tax would be levied in all of Clay County, including the Cities of Moorhead and Barnesville, contingent upon consent of each government entity.

Levy funding would be used for supporting operations, improvements and securing new resources for affordable housing within Clay County. This includes supporting programs aimed at ending child homelessness, providing funding for rehabilitation work for low to moderate income homeowners and renters, as well as competing for additional state and federal resources.

BACKGROUND/KEY POINTS:

The Clay County Housing and Redevelopment Authority (HRA) has provided the following background:

HRA Authority to Levy

The HRA Tax Levy is not subject to the overall levy limits of the county or any city. Minnesota Statute §469.033, subd. 6 permits HRAs to levy and collect a Special Benefit Tax of up to 0.0185% of taxable market value in its area of operation.

Need for HRA Levy in Clay County

Levy funds can be used for any allowable housing authority activity. Housing studies have found that our region lags behind other areas in the need for affordable housing. Research also has shown that access to affordable housing improves school outcomes, reduces use of law enforcement, detox and emergency medical services, decreases child protection involvement and improves the community overall.

The HRA has faced financially challenging times since the pandemic began. It is still dealing with the ongoing impacts which have led to increased wages; increased costs in operations due to inflation, damages and evictions; and decreased revenues. Clay County HRA has taken a number of steps to address these losses. This has included reducing staffing by 12%; streamlining services with the Moorhead PHA to increase efficiencies; and ending or merging operations of ten programs that were not financially viable. With agency reserves depleted, this \$300,000 levy



City Council Communication

September 9, 2024

request is the minimum amount necessary to support continued operations of the most critical affordable housing programs.

The majority of county HRAs in Minnesota levy on an annual basis. This is the seventh time in 50 years the HRA Board of Commissioners has levied. Clay County HRA has proven to be a careful steward of local funds, with one of the lowest utilizations of levy funds in the state. Through 2023, the return on the investment for Clay County residents was approximately \$13.65 for each \$1 raised in property taxes and local funds. From 2008-2023 the HRA leveraged over \$16,515,000 in federal, state and foundation investments in Clay County. In 2024, it has already leveraged over \$2.4 million in state funding for losses incurred during the pandemic, rehabilitation of public housing, and a new sustainable rental assistance program (Bring It Home Minnesota).

Clay County HRA and Moorhead Public Housing Agency (MPHA) Collaboration

In 2023, MPHA and Clay County HRA joined their staffing and operations to provide more efficient and better-quality services to area households. The Moorhead PHA and Clay County HRA operate extensively within Moorhead. The agencies manage or own a combined 295 subsidized housing units and administer over one thousand rental assistance vouchers within the City of Moorhead. The agencies continue to have separate boards, with the MPHA board appointed by the Moorhead Mayor and Council. The MPHA does not have the same ability to impose a levy due to its enabling resolution and the session law that created the agency. The MPHA board is in support of this levy.

FINANCIAL CONSIDERATIONS:

This proposal has no impact on the City of Moorhead levy limit. The Clay County HRA Board of Commissioners has imposed the levy and is only seeking consent from the city. For the Clay County HRA, the maximum levy available for 2025 is \$1,684,146. The \$300,000 levy request is 18% of the maximum levy available and is equivalent to an estimated tax rate of 0.03295%. Statewide, 60% of HRAS levy at least 50% of the maximum levy and 33% levy the maximum amount. Overall, HRAs levy an average of 58% of the state-wide maximum.

The \$300,000 proposed Clay County HRA levy translates to approximately \$11 per year per household. The impact based on taxable market value is listed as follows:

<u>TMV</u>	<u>Levy Amount</u>
\$100,000	\$ 3.29
\$200,000	\$ 6.58
\$300,000	\$ 9.86
\$1,000,000	\$ 32.95

Funding generated from Moorhead properties would be directed to programs within the City of Moorhead. A breakdown of the total proposed use of funds across Clay County is as follows:



City Council Communication

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\$75,000 - Rehabilitation Activities

State Affordable Housing Aid funds from Clay County and the City of Moorhead were awarded to Clay County HRA for rehabilitation projects. The funds cannot be used to cover the costs of staffing to administer the rehabilitative projects. In addition, funding is needed to leverage and support accessing new state housing resources to benefit Clay County residents. For example, the HRA recently secured \$1.4 million in state funds for the rehabilitation of Sharp View apartments in Moorhead. The HRA will be undertaking this project, but there is insufficient funding to cover these administrative costs. Since Moorhead is a CDBG entitlement community, it operates its own owner-occupied rehabilitation program. The HRA does operate the Minnesota Housing Rehabilitation Loan Program in Moorhead and has partnered with the city rehabilitation program. Funding from these programs is insufficient to cover staffing costs.

\$75,000 - Gateway Gardens front desk security operations

Gateway Gardens Apartments, 1817 1st Ave N Moorhead, provides housing to the people who are extremely vulnerable and have experienced homelessness. Due to this vulnerability and other barriers to success, it is critical that the entrance and front desk be staffed 24 hours a day, 7 days a week. By doing so, the cost to local law enforcement, emergency rooms, jails and detox are significantly reduced.

A portion of the costs associated with operating the front desk have been paid by the State of Minnesota since the development opened in 2010. Recently, CAPLP has been the grant recipient with funding for the Clay County HRA included. This grant was not renewed as of July 1, 2024.

\$100,000 - Ending Child Homelessness:

Continue to work towards ending child homelessness by supporting programs targeted at homeless kids such as Homework Starts with Home, Homeless to Housed, and supportive housing rentals for families with children. The Moorhead School District is a partner in this grant. In the 10-county region the Moorhead School District had the highest number of children enrolled who identified as homeless. Moorhead Schools recently reported that 4.5% of students experienced homelessness over the school year.

\$100,000 - Leverage and Ongoing Operations:

Leverage and support of on-going agency operations & improvements, and assistance in securing new state housing resources to benefit Clay County residents. The HRA has depleted all available reserves. The Minnesota Legislature appropriated historic levels of funding for housing, more than one billion dollars. Moorhead residents have paid taxes for these programs and should see the benefits of these programs in their local community.



City Council Communication

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*****Less \$50,000 - in funding reallocation***** *From the \$350,000 in total needs described above, the HRA Board of Commissioners was able to reduce the levy request from \$350,000 to \$300,000 by identifying \$40,000 in savings from State Affordable Housing Aid that can be repurposed. The HRA plans to fill the remaining \$10,000 gap by pursuing an upcoming Request for Proposals opportunity.*

= \$300,000 Total Levy Request

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Dawn Bacon, Executive Director

Tanya Kunza, Community Development Program Administrator

Attachments:



Resolution 08-15-24-1

Whereas, Minnesota Statutes §469.033 subd. 6 permits the Housing and Redevelopment Authority of Clay County to levy and collect a Special Benefit Tax of up to 0.0185% of the taxable market value upon all taxable property, both real and personal, within the Authority's area of operation which includes Clay County, and in the cities of Barnesville and Moorhead; and

Whereas, §469.033 subd. 6 requires the consent of Board of Commissioners of Clay County, and any political subdivision not explicitly in the HRA area of operation to approve such a levy; and

Whereas, Minnesota Statutes require Local Governments to certify to the County Auditor their Tax Levies.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AND REDEVELOPMENT AUTHORITY OF CLAY COUNTY AS FOLLOWS:

1. That a Special Benefit Tax, pursuant to Minnesota Statute §469.033 subd. 6, of \$300,000 be levied upon all taxable market value of taxable property within the Authority's area of operation which is all of Clay County and in the cities of Barnesville and Moorhead, upon their consent.
2. The levy is approximately 0.003% and does not exceed 0.0185% of taxable market value of the taxable property as defined above.
3. That this special levy is for the tax year 2025.
4. That this special levy will be used for costs associated with administering and performing rehabilitation work on properties occupied by low and moderate-income households located in Clay County, Minnesota; providing security at properties; administering rental assistance, including the Homework Starts with Home Program, and subsidized housing developments in Clay County; and leveraging and supporting operations, improvements, and securing new resources for affordable housing within Clay County.
5. That a copy of this resolution along with a formal letter requesting approval of this tax be forwarded to the Board of Commissioners of Clay County and the Moorhead and Barnesville City Councils forthwith for approval.

Approved and Adopted on this 15th day of August 2024

By:

Tia Braseth
Chairperson, Board of Commissioners

Attest:

Anthony Dillard
Secretary, Board of Commissions

RESOLUTION

Resolution to Approve Consent to the Clay County Housing and Redevelopment Authority 2025 Special Benefit Tax

WHEREAS, on August 15, 2024, the Board of Commissioners of the Housing & Redevelopment Authority of Clay County (Clay County HRA) adopted attached Resolution 08-15-24-1 pursuant to Minn. Stat. Section 469.033, Subd. 6 which allows the HRA to levy and collect a Special Benefit Tax of up to 0.0185% of taxable market value in its area of operation:

WHEREAS, the Clay County HRA has and continues to operate in the City of Moorhead and there a continuing need for it to operate in the City of Moorhead;

WHEREAS, the tax levy is not to exceed 0.0185% of the taxable market value of property in Clay County;

WHEREAS, the HRA Tax Levy is in the amount of \$300,000, approximately 0.003% of the taxable market value of property in Clay County; and

WHEREAS, in order for the HRA Special Benefit Tax to be levied within the City of Moorhead, the Clay County HRA requests the consent of the Moorhead City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that upon recommendation by the City Manager, that the City Council does hereby consent to the proposed 2025 HRA Tax Levy in the amount of \$300,000 approximately 0.003% of the taxable market value of the property in Clay County, Minnesota.

PASSED: September 9, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution Authorizing Membership in the 4M Fund

WHEREAS, Minnesota Statutes (the Joint Powers Act) provides that governmental units may jointly exercise any power common to the contracting parties; and

WHEREAS, the Minnesota Municipal Money Market Fund (the 4M Fund) was formed in 1987, pursuant to the Joint Powers Act and in accordance with Minnesota Investment Statutes, by the adoption of a joint powers agreement in the form of a Declaration of Trust; and

WHEREAS, the Declaration of Trust, which has been presented to this Council, authorizes municipalities of the State of Minnesota to become Participants of the Fund and make use from time to time including the 4M Liquid Asset Class, the 4M Plus Class, the Term Series, the 4M Limited Term Duration Fund, the Fixed Rate Programs, and other Fund services offered by the Fund; and

WHEREAS, this Council deems it to be in the best interest for the municipality to make use of, from time to time, the approved services provided by the 4M Fund's service providers including the Investment Advisor (PMA Asset Management, LLC), the Administrator (PMA Financial Network, LLC) the Distributor (PMA Securities, LLC) or the Fixed Rate Program Providers, PMA Financial Network, LLC and PMA Securities, LLC and the Custodian, U.S. Bank National Association, ("Service Providers") and/or their successors.

WHEREAS, this Council deems it advisable for this municipality to enter into the Declaration of Trust and become a Participant of the Fund for the purpose of joint investment with other municipalities so as to enhance the investment earnings accruing to each; now, therefore BE IT RESOLVED AS FOLLOWS:

Section 1. This municipality (renews its membership as) shall become a Participant of the Fund and adopt and enter into the Declaration of Trust, a copy of which shall be filed in the minutes of this meeting. The appropriate officials are hereby authorized to execute those documents necessary to effectuate entry into the Declaration of Trust and the participation of all Fund programs.

Section 2. This municipality is authorized to invest monies from time to time and to withdraw such monies from time to time in accordance with the provisions of the Declaration of Trust. The following officers of the municipality or their successors are designated as "Authorized Officials" with authority to effectuate investments and withdrawals in accordance with the Declaration of Trust:

Jenica Flanagan	Finance Director	
Print Name	Title	Signature
Ann Henne	Finance/Payroll Manager	
Print Name	Title	Signature
Dan Mahli	City Manager	
Print Name	Title	Signature

Section 3. The Trustees of the Fund are designated as having official custody of those monies invested in accordance with the Declaration of Trust.

Section 4. That the municipality may open depository and other accounts, enter into wire transfer agreements, safekeeping agreements, third party surety agreements securing deposits, collateral agreements, letters of credit, lockbox agreements, or other applicable or related documents with institutions participating in Fund programs including U.S. Bank National Association, or its successor, or programs of PMA Financial Network, LLC or PMA Securities, LLC for the purpose of transaction clearing and safekeeping, or the purchase of certificates of deposit (“CDs”) or other deposit products and that these institutions shall be deemed eligible depositories for the municipality. PMA Financial Network, LLC and PMA Securities, LLC and their successors are authorized to act on behalf of this municipality as its agent with respect to such accounts and agreements. Monies of this entity may be deposited in such depositories, from time to time in the discretion of the Authorized Officials, pursuant to the Fund’s Programs available through its Services Providers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead adopted this Resolution at a duly convened meeting of the Council, and that such Resolution is in full force and effect on this date, and that such Resolution has not been modified, amended, or rescinded since its adoption.

PASSED: September 9, 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

September 9, 2024

SUBJECT:

Resolution to Accept Grant Funding from the Institute for Responsive Government and Approve Budget Adjustment #24-032

RECOMMENDATION:

The Mayor and City Council are asked to accept grant money in the amount of \$30,000.00 to support planning and operationalizing secure, efficient, and accessible election administration.

BACKGROUND/KEY POINTS:

The Institute for Responsive Government's launched A More Responsive Government 2024 Grant Program, a nonpartisan \$6 million grant program that aims to support local elections. The City utilizes budgeted election funding for technology, election judge training/salaries, and supplies. This grant will allow the City Clerk's office to offset costs.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk

Attachments:

RESOLUTION

Resolution to Accept Grant Funding from the Institute for Responsive Government and Approve Budget Adjustment #24-032

WHEREAS, the City Clerks office is responsible for the aspects of election administration in the City of Moorhead for state, federal and local elections that are not specifically performed by the county auditor; and

WHEREAS, the Institute for Responsive Government's launched A More Responsive Government 2024 Grant Program to support local election offices in states that have prioritized the future of their voting systems; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the Mayor and City Manager are herein authorized and directed to accept the grant money for the election budget and approve Budget Adjustment #24-032.

PASSED: September 9, 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

September 9, 2024

SUBJECT:

Resolution to Approve Amendment to General Release

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of the Amendment to General Release.

BACKGROUND/KEY POINTS:

The City of Moorhead acquired the property rights necessary for the construction and operation of the Fargo Moorhead Diversion Project across several properties in Wilkin County using eminent domain. Novel Energy Solutions, LLC, and MN Wolter CGS, LLC, have leased one of the properties for solar power generation. The city of Moorhead acquired a zone 4 flowage easement across the property leased for solar power generation. The Diversion Project will add a few inches of additional water on the property leased for solar power generation, but solar power generation is still possible. The Metro Flood Diversion authority negotiated a general release with Novel Energy Solutions, LLC, and MN Wolter CGS, LLC, related to the property they have a solar lease on. Before the General Release was executed, Moorhead acquired the flowage easement. The General Release was amended to include Moorhead as a party now that it has acquired the flowage easement. It is recommended the City of Moorhead approve the Amendment to General Release.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

John Shockley, City Attorney

Attachments: Draft Ordinance

RESOLUTION

Resolution to Approve Amendment to General Release

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the Amendment to General Release between Novel Energy Solutions LLC, MN Wolter, LLC, the Metro Flood Diversion Authority, the Moorhead-Clay County Joint Powers Authority, and the City of Moorhead, is hereby approved by the City of Moorhead

PASSED: September 9, 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

September 9, 2024

SUBJECT:

Resolution to Approve New Liquor License to Reasons, LLC (Reese & Riley's Olive Oil & Bistro Bar)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve the issuance of an On-Sale liquor license to Reasons, LLC (Reese & Riley's Olive Oil & Bistro Bar).

BACKGROUND/KEY POINTS:

The following are the State requirements to issue a liquor license and the following have been submitted and completed:

- 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
- Security Plan

FINANCIAL CONSIDERATIONS:

Not Applicable

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 New Liquor License to Reasons, LLC
(Reese & Riley's Olive Oil & Bistro Bar)**

WHEREAS, the following business applied for an On-Sale Liquor License in the City of Moorhead under the laws of the State of Minnesota and regulations of the Commissioner of Public Safety:

On-Sale Liquor	\$6,000
Sunday Liquor	\$200
Off-Sale Liquor	\$300

Name: Reasons, LLC DBA: Reese & Riley's Olive Oil & Bistro Bar

Location: 935 37th Ave S, Suites 116 & 120

License Period: August 15, 2024 to June 30, 2025

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, based upon the submission of the following:

- 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
- Security Plan

PASSED: September 9, 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

September 9, 2024

SUBJECT:

Resolution to Authorize the City Manager to Execute and Declaration of Official Intent for the City Hall Renovation and Civic Plaza Project

RECOMMENDATION:

The Mayor and City Council are asked to consider a Resolution to Authorize the City Manager to Execute and Declaration of Official Intent for the City Hall Renovation and Civic Plaza Project in order to allow for certain planning and design expenses to incurred and then funded with bond sale proceeds after the bond sale is completed.

BACKGROUND/KEY POINTS:

A declaration of official intent is used on projects where bond financing is anticipated as the method to pay for the project, but there are expenses that are incurred on that project prior to the bond sale taking place. The declaration of official intent allows the City to reimburse itself for project costs from the proceeds of that bond issue. The declaration of intent also includes a statement of the maximum principal amount of the bonds to be issued for the payment of the project, so a conservatively high number is used, but this in no way commits the City to bonding for this amount. The estimated principal amount of \$28 million was chosen in order to accommodate both the City Hall renovation costs and Plaza development cost, as well as the possibility of an addition to the City Hall for a City Council Chambers. Approval of the resolution does not commit the City to spending that amount of money.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

Attachments:

RESOLUTION

Resolution to Authorize the City Manager to Execute and Declaration of Official Intent for the City Hall Renovation and Civic Plaza Project

WHEREAS, the City Council of the City of Moorhead has authorized a project described as the City Hall Renovation/Civic Plaza project.

WHEREAS, the governing body of the City of Moorhead desires to authorize the City Manager of the City of Moorhead to execute a Declaration of Official Intent on behalf of the City of Moorhead in the amount of up to \$28,000,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Manager of the City of Moorhead is hereby authorized to execute a Declaration of Official Intent for and on behalf of the City of Moorhead regarding the Project.

PASSED: September 9, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk