



**CITY COUNCIL
MEETING AGENDA
FEBRUARY 26, 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 Longest Table – Nicole Flick
 - B. Proclamation: Bleeding Disorders Awareness Month
6. Approve Minutes
 - A. February 12, 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. 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
 - B. Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100
 - C. Resolution to Approve Minor Subdivision - 524 Center Avenue – Parcel 58.575.1000
 - D. Resolution to Extinguish Access Easement, Document # 79075
 - E. Resolution to Extinguish Sidewalk Easement, Document # 790791
 - F. Resolution to Approve the Disposition of publicly owned Land located at 400 Center Avenue (58.520.4100) to Sterling Development Group Four, LLC
 - 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
14. Mayor and Council Reports
15. City Manager Reports
16. Executive Session
17. New Business
18. Adjourn

OFFICIAL PROCLAMATION
CITY OF MOORHEAD, STATE OF MINNESOTA

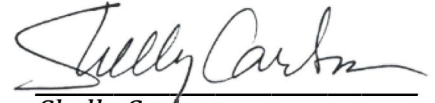
- WHEREAS,** *I, Shelly Carlson, Mayor of Moorhead am proud to commemorate March 2024 as Bleeding Disorders Awareness Month in the city of Moorhead; and*
- WHEREAS,** *this designation will formalize and expand upon the federal designation 30 years ago of March 1986 as “Hemophilia Awareness Month” and in 2016 when the entirety of the bleeding disorders community came together to encompass all bleeding disorders; and*
- WHEREAS,** *the federal Department of Health and Human Services designated March 2016 as National Bleeding Disorders Month; and*
- WHEREAS,** *these bleeding disorders, which share the inability to form a proper blood clot, are characterized by extended bleeding after injury, surgery, trauma, or menstruation and can lead to significant morbidity and can be fatal if not treated effectively; and*
- WHEREAS,** *this Awareness Month in Moorhead will generate greater awareness and understanding of not only hemophilia but all inheritable bleeding disorders, including von Willebrand Disease and rare bleeding disorders; which affect millions of individuals around the world; and*
- WHEREAS,** *this Awareness Month will bring light to the great scientific achievements in the treatment of bleeding disorders, for which there is no cure, and the great pursuit of advanced therapies and cures to these disorders; and*
- WHEREAS,** *the bleeding disorders community’s relationships with policymakers have fostered numerous medical and policy advancements beneficial to all those affected by bleeding disorders and their loved ones; and*
- WHEREAS,** *The Awareness Month will foster a greater sense of community and shared purpose among individuals with an inheritable bleeding disorder; and*
- WHEREAS,** *this Awareness Month will foster a greater sense of community and shared purpose among individuals with an inheritable bleeding disorder; and*
- WHEREAS,** *this Awareness Month will elevate awareness of and engagement in the inheritable bleeding disorders journey beyond our community to the general public, enabling the prevention of illness, unnecessary procedures, and disability;*

NOW, THEREFORE, be it proclaimed that I, Shelly Carlson, Mayor of Moorhead do hereby proclaim the month of March 2024 as:

Bleeding Disorders Awareness Month

IN WITNESS WHEREOF I have set my hand and caused the Official Seal of the City of Moorhead to be affixed to this proclamation.




Shelly Carlson
Mayor, City of Moorhead



**CITY COUNCIL
MEETING MINUTES
FEBRUARY 12, 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: Deb White
Council Member: Sebastian McDougall
Council Member: Chuck Hendrickson
Mayor: Shelly Carlson
Absent: Council Member: Laura Caroon
Council Member: Larry Seljevold

2. Pledge of Allegiance

3. Agenda Amendments

Item 8B was removed from the City Council agenda.

4. Consent Agenda

Motion to Approve Consent Agenda made by Matthew Gilbertson and seconded by Sebastian McDougall

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, White, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 2; Caroon, Seljevold

5. Recognitions - Presentations

A. MoorHeart Recognition: Steve Moore

Governmental Affairs Director Lisa Bode presented a MoorHeart Award to Moorhead Area Public Schools' Director of Operations Steve Moore. Mr. Moore thanked the parents who nominated him along with the entire school team and community of Moorhead.

B. 2023 Development Report

Community Development Director Kristie Leshovsky shared Moorhead's 2023 Development Report. Ms. Leshovsky highlighted partnerships that are resulting in significant growth and development in Moorhead.

C. Recognition: Certificate of Achievement for Excellence in Financial Reporting

City Manager Dan Mahli shared that the City of Moorhead has been recognized by the Government Finance Officers Association with a Certificate of Achievement for Excellence in financial reporting. Finance Director Jenica Flanagan shared appreciation and credit with the city and finance staff team for its work and achievements.

6. Approve Minutes

A. January 22, 2024 Meeting Minutes

Motion to Approve January 22, 2024 Meeting Minutes made by Ryan Nelson and seconded by Deb White

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, White, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 2; Caroon, Seljevoid

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

FM area residents shared information on the Israel Hamas War and requested a resolution of support for a cease fire in Gaza.

8. *Mayor and Council Appointments

A. *Resolution to Approve Mayoral Appointments of Council Members to Committees, Boards, and Commissions

9. Public Hearings (5:45 pm)

10. Economic Development

A. *Resolution to Approve Publication of the 2024 Notice of Land Availability

B. *Resolution to Approve the Sale of City-owned Land located at 4218 29 Ave S (58.418.0030) to A-P Real Estate, LLC

11. Engineering Department

A. *Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for 4th Ave S, 5th Ave S and 6th St S Area Street Improvements (Eng. No. 24-A2-06)

B. *Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for 4th Ave N and 30th St N Underground Utility and Street Improvements (Eng. No. 24-A2-05)

C. *Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for 14th St N, 16th St N, and 6th Ave N Underground Utility and Street Improvements (Eng. No. 24-A2-04)

D. *Resolution to Receive Report, Order Preparation of Plans & Specs and Call for a Public Hearing for 2024 Final Wearing Course and Meadows Golf Course Parking Lot Improvements (Eng. No. 24-A2-02)

12. Parks and Recreation Department

A. *Resolution to Accept a Donation from Moorhead American Legion Post 21 for Matson Field Grandstand Project and Enter into an Agreement for Naming Rights for the Scoreboard

13. Community Development Department

- A. First 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

City Planner Robin Huston presented proposed City Code changes related to new cannabis laws in Minnesota. The amendments include land use updates, removal of references to paraphernalia, and updates to Moorhead's Zoning Use Table.

Motion to Approve First 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 made by Heather Nesemeier and seconded by Deb White

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, White, McDougall, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 2; Caroon, Seljevoid

- B. *Resolution to Approve Agreement with Commercial Recreation Specialists for Play Equipment for the Moorhead Community Center Public Library
- C. *Resolution to Approve Minor Subdivision - 2605 8th St S - Parcel 58.100.0660
- D. *Resolution to Approve Vacation of 54th Avenue NW and 5th Street NW Right of Way and All Utility Easements within Riverside Acres Subdivision and Riverside Acres 2nd Subdivision
- E. *Resolution to Approve a Conditional Use Permit for a Religious Institution in MU-1: Downtown Mixed Use at 106 5th Street S

14. Moorhead Public Service

- A. *Resolution to Award Bids for 2024 Water Treatment and Wastewater Treatment Chemicals

15. Public Works

- A. Resolution to Approve Budget Adjustment #24-006 and Accept MN Natural Resources Shade Tree Program Bonding Grant

Public Works Director Paul Fiechtner shared that Moorhead was selected for grant funding from the Minnesota Natural Resources Shade Tree program. The grant funds will help plant thousands of trees to establish a more diverse urban forest in Moorhead and support the City's Emerald Ash Borer (EAB) Management Plan.

Motion to Approve Resolution to Approve Budget Adjustment #24-006 and Accept MN Natural Resources Shade Tree Program Bonding Grant made by Heather Nesemeier and seconded by Sebastian McDougall

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, White, McDougall, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 2; Caroon, Seljevold

16. Administration

- A. *Resolution to Approve the Consumption of Beer on the Premises of the Moorhead Youth Hockey Arena on March 29 & 30, 2024
- B. *Resolution to Authorize Budget Adjustment 24-005 for Purchase of Replacement Paratransit Bus
- C. *Resolution to Approve the Public Transportation Agency Safety Plan 2023 Update and Authorize Submission to the Federal Transit Administration

17. Mayor and Council Reports

Council Member Heather Nesemeier provided an update from the Solid Waste Advisory Committee. She also shared the Board of Water and Soil Resources has applications open for Lawns to Legumes grants.

Council Member Matt Gilbertson stated applications for MPS' electric vehicle rebates are now open. He also shared Moorhead Public Service earned a Smart Energy Provider Designation Award.

Council Member Deb White provided an update from a recent MATBUS Advisory Committee meeting. She stated a driver shortage still exists. Council Member White thanked residents that are attending City Council and City Commission meetings across the metro to appeal for an end to the human rights crisis in Gaza.

Mayor Shelly Carlson reported she attended a lunch with Senator Kupec, Moorhead Public Service, and Missouri River Energy Services (MRES). Mayor Carlson also shared an update on the several FM Diversion meetings. The Mayor thanked City staff for putting together the Intergovernmental Retreat and Council members and staff who participated. Mayor Carlson talked about speaking at the Kiwanis Club meeting and a 100th birthday celebration for Paul Korsmo.

18. City Manager Reports

19. Executive Session

20. New Business

21. 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.

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:

Human Rights Commission

- Mohamed Ahmed, Moorhead resident, is appointed to a term commencing February 27, 2024 and ending January 31, 2026. (At-Large)
- Lila Lovgren, Moorhead resident, is appointed to a term commencing February 27, 2024 and ending January 31, 2025. (At-Large)

PASSED: February 27, 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

February 26, 2024

SUBJECT:

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

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to enter into a Lease / Professional Services Agreement with Historical and Cultural Society of Clay County (HCSCC) to lease space and interpret the City owned artifacts at the Hjemkomst Center (Center).

BACKGROUND/KEY POINTS:

The City has entered into a Professional Services Agreement with Red River Valley Center at Moorhead / Historical and Cultural Society of Clay County (HCSCC) since 1990 when the City obtained ownership of the Center. The current Professional Services Agreement with HCSCC expires March 31, 2024

Details of the Agreement for HCSCC include;

- Total exclusive square footage with this agreement would be approximately 20,100 square feet and shared use space of 8,600 square feet (final areas are defined in the lease).
- HCSCC will continue to interpret and give tours for the City owned Hjemkomst Ship and Stave Church and will retain the ability to charge an admission fee to help finance their operation.
- Term of the agreement is April 1, 2024 – December 31, 2026

FINANCIAL CONSIDERATIONS:

Terms of this agreement include payment of \$11,475 as a base fee in 2024 with an annual increase of 3%.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Holly Heitkamp, Parks and Recreation Director
Victoria Baas, Office Specialist

Attachments: Draft Resolution

RESOLUTION

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

WHEREAS, the City would like to enter into a Lease/Professional Services Agreement with Red River Valley Center at Moorhead / Historical and Cultural Society of Clay County (HCSCC) to lease space and provide interpretive services for the City owned artifacts at the Hjemkomst Center; and

WHEREAS, the City has had similar agreements with HCSCC since taking over ownership of the Hjemkomst Center in 1990 and desires to continue this relationship for HCSCC to provide activities, exhibits and programs at the Center that will enhance the mission; and

WHEREAS, HCSCC will contribute a base lease rate of \$11,475 starting in 2024 with a 3% annual increase to the Hjemkomst Center – Repair and Replacement Fund during the terms of the lease; 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, that the City Council does hereby authorize and direct the Mayor and City Manager to enter into a Lease Agreement/Professional Services Agreement with Historical and Cultural Society of Clay County to lease space and provide services as approved by the City Attorney.

PASSED: February 26, 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

February 26, 2024

SUBJECT:

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

RECOMMENDATION:

The Mayor and City Council are asked to consider 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 and a Resolution to Approve Title & Summary of Ordinance 2024-02.

BACKGROUND/KEY POINTS:

On May 30, 2023, Governor Walz signed new legislation into law legalizing adult-use recreational cannabis, which also incorporates and clarifies previously approved medical cannabis and cannabinoid laws. This new law has multiple dates for consideration:

July 1, 2023 - legalized adult possession and home cultivation of cannabis

- August 1, 2023 - lifted criminal penalties for adult possession and home cultivation of cannabis, and legalized drug paraphernalia statewide
- 2025 - state licensing for cannabis-related businesses will begin once Office of Cannabis Management formulates requirements and processes

New rules for previously approved medical cannabis and cannabinoid state licensing:

- New law will transfer medical cannabis licensing to MN Office of Cannabis Management.
- New law will also transfer edible cannabinoids licensing to MN Office of Cannabis Management and City will no longer issue local licenses.

The new law, [Chapter 342, Cannabis](#), permits cities to regulate cannabis-related businesses by the following options:

1. If the State issues a license, cities cannot prohibit the operation as zoning verification will be part of the State licensing procedure.
2. Cities may then require City-registration of licensed businesses for compliance purposes.
3. Cities may adopt reasonable restrictions on the time, place and manner of operation.
 - a. If they so choose, cities may only prohibit operation within 1,000 feet of a school or within 500 feet of a daycare, residential treatment facility or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
 - b. Cities may also limit cannabis retailer operations to no fewer than one registration for every 12,500 residents but does not prohibit cities from allowing licensed retailers in excess of minimums.



City Council Communication

February 26, 2024

The City Manager assembled a cannabis work group to study the new law comprised of staff from Moorhead Police, City Attorney's Office, City Prosecutor, City Clerk's Office, City Manager's Office and the Community Development Department. One of the immediate items that needs to be addressed is updating the Zoning Use Table in order for prospective businesses to know where they can and cannot locate within the city. The work group is not recommending any license limits or buffers at this time but will monitor license-holders. If issues arise, amendments to the code can be considered.

The Planning Commission reviewed proposed use table additions at their December 4, 2023 meeting and unanimously recommend approval of the proposed zoning changes with no public comment. The complete Planning Commission packet is available at: [City of Moorhead : Planning Commission](#)

Since the Planning Commission, the work group added provisions to clarify home/personal and medical cannabis uses. Also, staff has consulted with the only medical dispensary in Moorhead and made proposed changes related to their business.

Lastly, the new law made drug paraphernalia legal statewide therefore the work group is recommending the total repeal of Title 4, Chapter 4, Section 21, Offenses related to Drug Paraphernalia.

The City Council approved a first reading of the Ordinance on February 12, 2024.

Since the first reading, two small changes were made to the draft ordinance text:

1. EE. State Licensed Medical Cannabis Combination Businesses was renamed to FF. State Licensed Medical Cannabis Combination Businesses, and
2. 1.d. manufacture adult-use cannabis edibles was added to FF. State Licensed Medical Cannabis Combination Businesses

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council – Text Amendment

Submitted By:

Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

Attachments: Draft Ordinance 2024-02 - Text Amendment
Draft Resolution - Title & Summary to Approve Ordinance 2024-02

DRAFT 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

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

SECTION 1. Title 10, Chapter 18, Section 1 and 2 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the use table have been omitted from the text below):

NEW ~~DELETE~~

Title 10, Chapter 18, Section 1: Use Regulations

Use Category (General)		Residential Districts							Mixed Use Districts		
		RLD-0	RLD-1	RLD-2	RLD-3	RMD-1	RMD-2	RHD-1	MU- 1	MU- 2	MU- 3
Residential uses:											
	...										
Cannabis & Hemp-related Uses											
	<u>Home/Personal Cultivation of hemp or cannabis flower</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Home/Personal Extraction or Sale of hemp or cannabis flower and products</u>										
	...										

Use Category (General)	Use Type (Detailed)	Mixed Use Districts			Commercial Districts			Industrial Districts	
		MU-1	MU-2	MU-3	NC	CC	RC	LI	HI
Commercial/retail uses:									
Retail sales and service	Cannabinoid distillate product manufacturing							P	P
	Cannabinoid sales	P	P	P	P	P	P	P	P
	...								
	Edible cannabis product manufacturing	P		P		P	P	P	P
	...								
<u>Cannabis & Hemp-related Uses</u>									
	<u>Home/Personal Sale of hemp or cannabis flower and products</u>								
	<u>State-licensed lower-potency hemp edible retailer-only and the following cannabis-related uses: delivery service, event organizer business and retailer-only</u>	P	P	P	P	P	P	P	P
	<u>State-licensed medical cannabis retailer-only</u>	P	P	P	P	P	P	P	P
...	<u>State-licensed medical cannabis combination business</u>	PU (FF)	PU (FF)	PU (FF)	PU (FF)	PU (FF)	PU (FF)	P	P
Industrial/manufacturing uses:									
<u>General industrial</u>									
...									
<u>Cannabis & Hemp-related Uses</u>									
	<u>Home/Personal Cultivation of hemp or cannabis flower</u>	P	P	P					
	<u>Home/Personal Extraction or Sale of hemp or cannabis flower and products</u>								
	<u>State-licensed lower-potency hemp concentrate manufacturing and the following cannabis-related uses: cultivator, manufacturer, mezzobusiness, microbusiness, testing facility, transporter and wholesaler</u>							P	P
	<u>State-licensed lower-potency hemp edible, cannabis edible or medical cannabis edible product manufacturing</u>	P		P		P	P	P	P

	<u>State-licensed medical cannabis cultivator or processor</u>							<u>P</u>	<u>P</u>
	<u>State-licensed medical cannabis combination business</u>	<u>PU</u> <u>(FF)</u>	<u>PU</u> <u>(FF)</u>	<u>PU</u> <u>(FF)</u>	<u>PU</u> <u>(FF)</u>	<u>PU</u> <u>(FF)</u>	<u>PU</u> <u>(FF)</u>	<u>P</u>	<u>P</u>
...									

Title 10, Chapter 18, Section 2, Provisional and Conditional Use Requirements, H. Home Occupations, 12. The home occupation shall not involve any of the following: small engine, auto repair or reconditioning, manufacturing, or ~~cannabinoid sales, cannabinoid production, or cannabinoid manufacturing~~ hemp or cannabis-related businesses.

Title 10, Chapter 18, Section 2, Provisional and Conditional Use Requirements, FF. State Licensed Medical Cannabis Combination Businesses:

1. All uses shall comply with building, fire safety, health code, zoning and state licensing requirements.
2. The following uses licensed for a Medical Cannabis Combination Business are permitted in LI: Light Industrial and HI: Heavy Industrial zoning districts:
 - a. grow cannabis plants from seed or immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant;
 - b. make cannabis concentrate;
 - c. make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
 - d. manufacture adult-use cannabis products and hemp-derived consumer products for public consumption;
 - e. package and label medical cannabis and medical cannabinoid products for sale;
 - f. package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers.
3. The following uses licensed for a Medical Cannabis Combination Business are permitted in CC: Community Commercial, RC: Regional Commercial, MU-1: Downtown Mixed Use, MU-3: Commercial Mixed Use zoning districts:
 - a. manufacture artificially derived cannabinoids;
 - b. manufacture medical cannabinoid products;
 - c. manufacture lower-potency hemp edibles;
 - d. manufacture adult-use cannabis edibles.
4. The following uses licensed for a Medical Cannabis Combination Business are permitted in CC: Community Commercial, RC: Regional Commercial, NC: Neighborhood Commercial, MU-1: Downtown Mixed Use, MU-2: Corridor Mixed Use and MU-3: Commercial Mixed Use zoning districts:
 - a. sell medical cannabis flower and medical cannabinoid products;
 - b. sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law.

SECTION 2. Title 4, Chapter 4, Section 21, Offenses Related to Drug Paraphernalia is hereby repealed and struck in its entirety.

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

PASSED: February 26, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

Michelle (Shelly) A. Carlson, Mayor

ATTEST:

Christina Rust, City Clerk

First Reading: 02/12/2024
E-Post: 02/16/2024
Second Reading: 02/26/2024
Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2024-02

WHEREAS, the City Council of the City of Moorhead did pass 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; 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 2024-02: 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 is hereby approved. A copy of said Title and Summary was before the City Council and is now of record and on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Clerk is hereby authorized and directed to publish said Title and Summary in accordance with Section 3.08 of the Moorhead City Charter.

PASSED: February 26, 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 2024-02

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

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.

2. Summary of Ordinance

An Ordinance which Amends and Reenacts 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 Repeals Title 4, Chapter 4, Section 21, Offenses related to Drug Paraphernalia.

3. Availability of Ordinance

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

The Ordinance was passed by the City Council of the City of Moorhead this 26th day of February, 2024.

First Reading: 02/12/24

E-Post: 02/16/2024

Second Reading: 02/26/2024

Publication:



City Council Communication

February 26, 2024

SUBJECT:

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

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve a minor subdivision of 4111 34th Avenue S, Parcel 58.420.0040.

BACKGROUND/KEY POINTS:

The City of Moorhead has requested to subdivide the above parcel to create two buildable lots on City owned land in the MCCARA Industrial Park. The proposal is consistent with Title 11, Chapter 3 of the Moorhead City Code.

FINANCIAL CONSIDERATIONS:

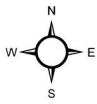
Not Applicable

Voting Requirements: Majority of Council

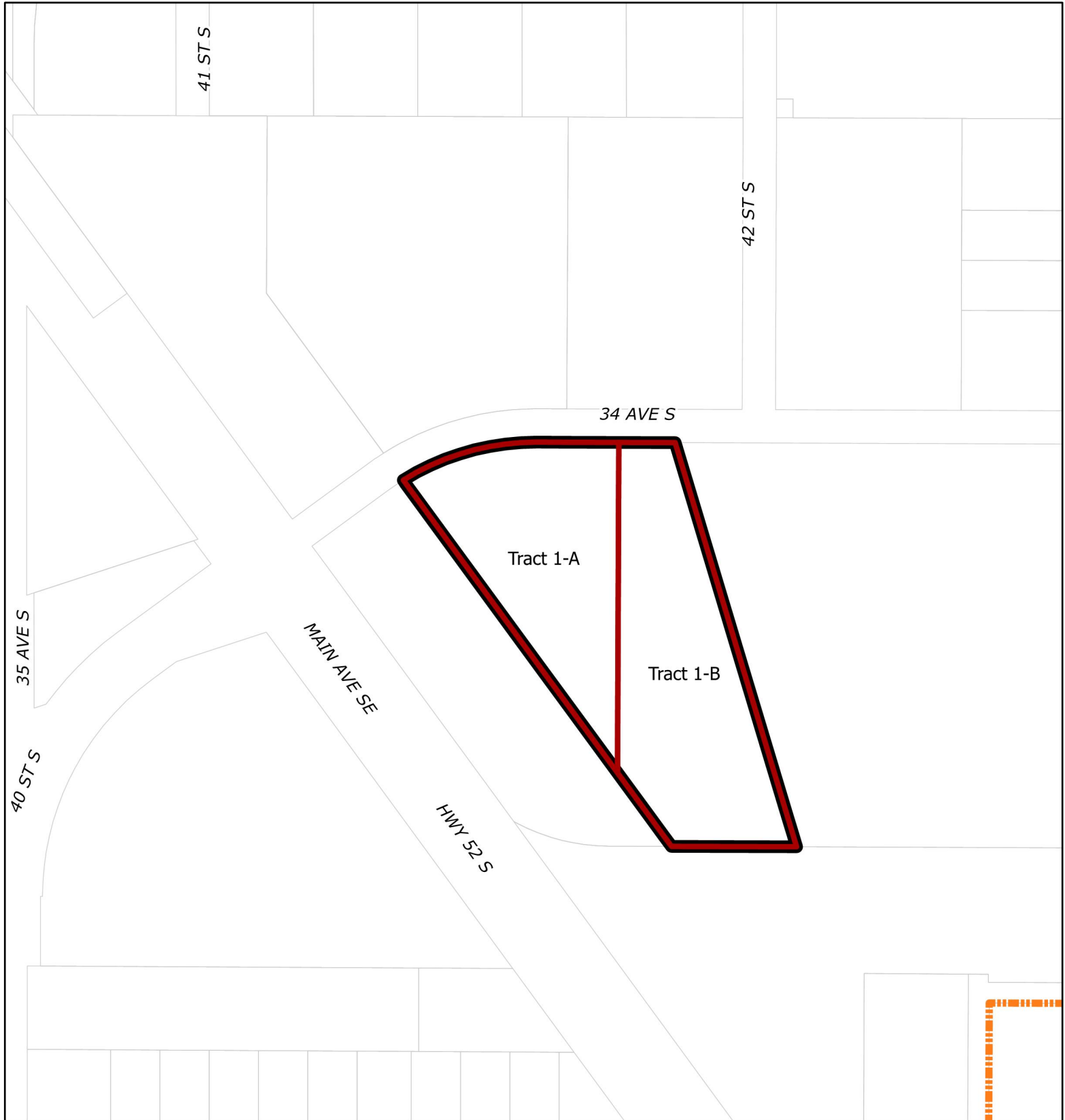
Submitted By:

Dan Mahli, City Manager
Robin Huston, City Planner / Zoning Administrator
Forrest Steinhoff, Assistant City Planner

Attachments: General Location Map
Minor Subdivision Plan
Draft Resolution

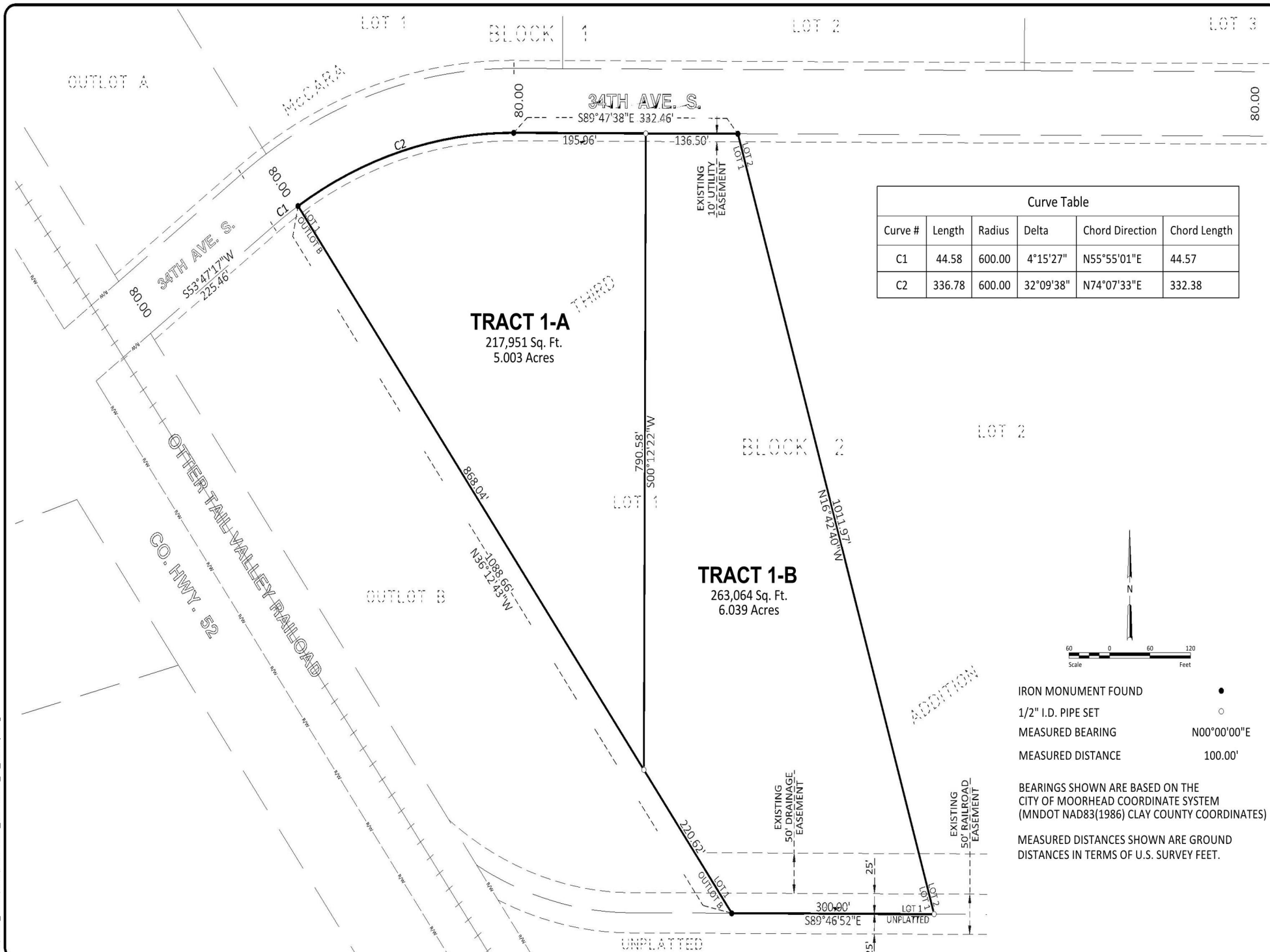


General Location Map
4111 34th Ave S
58.420.0040



-  Existing Parcel
-  New Parcels

H:\JAN\6000\6019\6019_0157\CAD\6019_0157_Certificate_of_Survey.dwg



IRON MONUMENT FOUND
1/2" I.D. PIPE SET
MEASURED BEARING N00°00'00"E
MEASURED DISTANCE 100.00'

BEARINGS SHOWN ARE BASED ON THE
CITY OF MOORHEAD COORDINATE SYSTEM
(MNDOT NAD83(1986) CLAY COUNTY COORDINATES)

MEASURED DISTANCES SHOWN ARE GROUND
DISTANCES IN TERMS OF U.S. SURVEY FEET.

No.		Revision	Date	By	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly licensed professional engineer in the State of Minnesota.	
					2-12-2024	
					Curtis A. Skarphol	
					MN License No. 42303	

HOUSTON
engineering, inc.

Drawn by	Date
2-12-24	
Checked by	Scale
CAS	AS SHOWN

CITY OF MOORHEAD
LOT 1, BLOCK 2, McCARA THIRD ADDITION
CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA

CERTIFICATE OF SURVEY	SHEET
PROJECT NO. 6019-0157	1 OF 2

DESCRIPTION - TRACT 1-A:

That part of Lot 1, Block 2, McCara Third Addition, City of Moorhead, Clay County, Minnesota, described as follows:

BEGINNING at the most westerly corner of said Lot 1, said corner being on a curve, concave southeasterly, radius 600.00 feet; thence easterly, along said curve and along the northwesterly and northerly line of said Lot 1, for a distance of 336.78 feet, central angle 32°09'38", chord bearing N74°07'33" East; thence South 89°47'38" East, on a tangent to said curve and along the northerly line of said Lot 1, for a distance of 195.96 feet; thence South 00°12'22" West for a distance of 790.58 feet to a point of intersection with the southwesterly line of said Lot 1; thence North 36°12'43" West, along the southwesterly line of said Lot 1, for a distance of 868.04 feet to the POINT OF BEGINNING.

Said tract contains 5.003 acres, more or less, and is subject to easements as may be of record.

DESCRIPTION - TRACT 1-B:

Lot 1, Block 2, McCara Third Addition, City of Moorhead, Clay County, Minnesota, LESS the following described tract:

BEGINNING at the most westerly corner of said Lot 1, said corner being on a curve, concave southeasterly, radius 600.00 feet; thence easterly, along said curve and along the northwesterly and northerly line of said Lot 1, for a distance of 336.78 feet, central angle 32°09'38", chord bearing N74°07'33" East; thence South 89°47'38" East, on a tangent to said curve and along the northerly line of said Lot 1, for a distance of 195.96 feet; thence South 00°12'22" West for a distance of 790.58 feet to a point of intersection with the southwesterly line of said Lot 1; thence North 36°12'43" West, along the southwesterly line of said Lot 1, for a distance of 868.04 feet to the POINT OF BEGINNING.

Said tract contains 6.039 acres, more or less, and is subject to easements as may be of record.

\\MINN\6009\6019\0157\CAD\6019-0157_Certificate_of_Survey.dwg

				I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer in the State of Minnesota.				Page 28 of 46		Drawn by Date 2-12-24		CITY OF MOORHEAD LOT 1, BLOCK 2, McCARA THIRD ADDITION CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA		CERTIFICATE OF SURVEY		SHEET	
				2-12-2024						Checked by CAS		Scale -		PROJECT NO. 6019-0157		2 OF 2	
No. Revision		Date		By		Curtis A. Skarphol MN L.S. No. 42303											

Agenda Item 11.C:

RESOLUTION

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

WHEREAS, the City of Moorhead has requested a minor subdivision of property at 4111 34th Avenue S, Parcel 58.420.0040, legally described as:

TRACT 1-A

That part of Lot 1, Block 2, MCCARA Third Addition, City of Moorhead, Clay County, Minnesota, described as follows:

BEGINNING at the most westerly corner of said Lot 1, said corner being on a curve, concave southeasterly, radius 600.00 feet; thence easterly, along said curve and along the northwesterly and northerly line of said Lot 1, for a distance of 336.78 feet, central angle 32°09'38", chord bearing N74°07'33" East; thence South 89°47'38" East, on a tangent to said curve and along the northerly line of said Lot 1, for a distance of 195.96 feet; thence South 00°12'22" West for a distance of 790.58 feet to a point of intersection with the southwesterly line of said Lot 1; thence North 36°12'43" West, along the southwesterly line of said Lot 1, for a distance of 868.04 feet to the POINT OF BEGINNING.

Said tract contains 5.003 acres, more or less, and is subject to easements as may be of record; and

TRACT 1-B

Lot 1, Block 2, MCCARA Third Addition, City of Moorhead, Clay County, Minnesota, LESS the following described tract:

BEGINNING at the most westerly corner of said Lot 1, said corner being on a curve, concave southeasterly, radius 600.00 feet; thence easterly, along said curve and along the northwesterly and northerly line of said Lot 1, for a distance of 336.78 feet, central angle 32°09'38", chord bearing N74°07'33" East; thence South 89°47'38" East, on a tangent to said curve and along the northerly line of said Lot 1, for a distance of 195.96 feet; thence South 00°12'22" West for a distance of 790.58 feet to a point of intersection with the southwesterly line of said Lot 1; thence North 36°12'43" West, along the southwesterly line of said Lot 1, for a distance of 868.04 feet to the POINT OF BEGINNING.

Said tract contains 6.039 acres, more or less, and is subject to easements as may be of record.

WHEREAS, the City Council of the City of Moorhead finds the minor subdivision consistent with Title 11, Chapter 3 of the Moorhead City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the minor subdivision described above is hereby approved contingent upon the following conditions:

1. Applicant to receive all federal, state and local permits.

PASSED: February 26, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

Michelle (Shelly) A. Carlson, Mayor

ATTEST:

Christina Rust, City Clerk



City Council Communication

February 26, 2024

SUBJECT:

Award Bids for 2024 Water Distribution Pipe and Fittings

RECOMMENDATION:

The Moorhead Public Service Commission respectfully requests the Mayor and City Council award the bids for 2024 Water Distribution Pipe and Fittings to the lowest, qualified bidder meeting the specifications, as shown on the attached Bid Tabulation Sheet.

BACKGROUND/KEY POINTS:

Moorhead Public Service (MPS) is projected to replace approximately 9,000 feet (1.70 miles) of cast iron (CI) watermain in 2024. MPS' water distribution crew will be completing three projects (55 percent of the footage), and the two remaining projects (45 percent of the footage) will be contracted out. MPS' self-performed watermain replacement projects coincide with the City of Moorhead's street improvement projects. A significant amount of water distribution pipe and fittings will be required in order to complete maintenance and repair projects on watermain, services, hydrants, and valves throughout the 2024 construction season.

Bids were opened on February 7, 2024, and MPS received one qualified bid from Ferguson Waterworks, and two unqualified bids due to the bidders not including bid security with their bids.

MPS recommends awarding Bid Item #1, Water Distribution Repair Sleeves, to Ferguson Waterworks in the amount of \$12,830.88, and awarding Bid Item #2, Miscellaneous Water Distribution Materials, to Ferguson Waterworks in the amount of \$252,218.22. Staff's estimated cost for Bid Item #1 was \$9,000.00 and Bid Item #2 was \$269,000.00.

FINANCIAL CONSIDERATIONS:

Although there is no cost to the City of Moorhead (directly), the total cost to the Moorhead Public Service Commission for the 2024 Water Distribution Pipe and Fittings is \$265,049.10.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Travis Schmidt, General Manager
Jake Long, Water Distribution Manager

Attachments: Bid Tabulation Sheet



**Bid Tabulation Sheet
for
2024 Water Distribution Pipe and Fittings**

February 7, 2024, at 3:00 PM

Bidder's Name	Check or B.B.	Ack. Add. #1	Ack. Add. #2	<u>BID ITEM #1:</u> Water Distribution Repair Sleeves TOTAL PRICE	<u>BID ITEM #2:</u> Miscellaneous Water Distribution Materials TOTAL PRICE
Ferguson Waterworks	B.B.	Yes	Yes	\$12,830.88	\$252,218.22

RESOLUTION

Resolution to Award Bids for 2024 Water Distribution Pipe and Fittings

WHEREAS, on February 7, 2024, bids were opened for 2024 Water Distribution Pipe and Fittings; and,

WHEREAS, Moorhead Public Service staff has evaluated the bids and submitted a Bid Tabulation Sheet with its recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead to award the bids for 2024 Water Distribution Pipe and Fittings to the lowest, qualified bidder meeting the specifications, as shown on the attached Bid Tabulation Sheet, as awarded by the Moorhead Public Service Commission on February 20, 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 contracts for 2024 Water Distribution Pipe and Fittings.

PASSED: February 26, 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

February 26, 2024

SUBJECT:

Resolution to Award Bid for 2024 Access Improvements for Moorhead Public Service's Lime Sludge Dewatering Facility

RECOMMENDATION:

The Moorhead Public Service Commission respectfully requests the Mayor and City Council award the bid for 2024 Access Improvements for Moorhead Public Service's Lime Sludge Dewatering Facility to the lowest, qualified bidder meeting the specifications, as shown on the attached Bid Tabulation Sheet.

BACKGROUND/KEY POINTS:

The purpose of this project is to improve access to Moorhead Public Service's (MPS') newly-constructed Lime Sludge Dewatering Facility by constructing a concrete driveway better suited to handle heavy equipment use. This project will also include constructing proper drainage for the surrounding area adjacent to the Lime Sludge Dewatering Facility. The current roadway material is a combination of aggregate and recycled pavement. These materials are subject to shifting and settling throughout the annual weather seasons resulting in ponding water and frost heaves. The concrete driveway will also reduce tracking material onto Minnesota Highway 75 North and eliminate rutting near the newly-installed security gate. On a weekly basis, the current access driveway is heavily trafficked with over a dozen semi-trucks entering and exiting to haul the newly-produced lime sludge material.

The Access Improvements for the Lime Sludge Dewatering Facility project was first advertised for bids in June 2023. On June 28, 2023, MPS received two qualified bids in the amounts of \$546,450.50 and \$646,248.00. In comparison, this was a 15 percent price increase over the engineer's estimate of \$466,193.00. Due to the lack of bids received and bids well exceeding the engineer's estimate, it was recommended by staff, and approved by the Commission on July 18, 2023, to reject all bids and rebid the project in January 2024.

The purpose of rebidding the project in January 2024 was to bid the project in a more favorable bidding climate by receiving additional, qualified bids and competitive pricing. The project was advertised for bids in January 2024. On February 7, 2024, MPS received four qualified bids. As shown on the attached Bid Tabulation, bids were received from four local contractors ranging in the amounts from \$448,721.50 to \$538,000.00. As shown in the attached recommendation letter from Apex Engineering Group, the low bid from Hough, Inc., is \$97,729.00 less than the original low bid that MPS received in 2023—with no changes made to the project's scope.

MPS staff recommends awarding the base bid and the additive alternate to Hough, Inc., of Detroit Lakes, Minnesota, in the amount of \$448,721.50. Hough, Inc., has successfully completed work for MPS in the past and has demonstrated that they have the ability to complete this project as specified.



City Council Communication

February 26, 2024

FINANCIAL CONSIDERATIONS:

Although there is no cost to the City of Moorhead (directly), the total cost to the Moorhead Public Service Commission for 2024 Access Improvements for MPS' Lime Sludge Dewatering Facility is \$448,721.50.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager

Travis Schmidt, General Manager

Jake Long, Water Distribution Manager

Attachments: Recommendation Letter and Bid Tabulation Sheet from Apex Engineering Group

February 9, 2024

Mr. Jake Long
Water Distribution Manager
500 Center Avenue; P.O. Box 779
Moorhead, MN 56561-0779

via email: jlong@mpsutility.com

RE: Lime Sludge Dewatering Facility - Access Improvements (WT 23-20)
Moorhead, Minnesota
Apex Project No. 22.109.0214

Dear Mr. Long:

Bids for the above referenced project were received and opened on Wednesday, February 7, 2024, at 2:00 PM. Four (4) bids were received for the proposed access improvements. The bids received were from the contractors listed below:

- All Finish Concrete of West Fargo, North Dakota
- Hough Inc. of Detroit Lakes, Minnesota
- Northern Improvement Company of Fargo, North Dakota
- Sellin Brothers, Inc. of Hawley, Minnesota

The bids received have been outlined in the table below:

Bidder	Base Bid	Additive Alternate	Base Bid + Additive Alternate
All Finish Concrete	\$397,532.00	\$140,826.00	\$538,358.00
Hough Inc.	\$325,171.50	\$123,550.00	\$448,721.50
Northern Imp. Co.	\$329,650.30	\$130,862.05	\$460,512.35
Sellin Brothers, Inc.	\$367,722.00	\$132,092.00	\$499,814.00

Comparing the bids to the last time the project was bid on June 28, 2023:

Bidder	Base Bid	Additive Alternate	Base Bid + Additive Alternate
All Finish Concrete	\$478,510.00	\$167,738.00	\$646,248.00
Sellin Brothers, Inc.	\$394,025.50	\$152,425.00	\$546,450.50

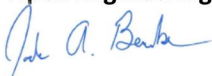
The Engineer's Estimate for the work was \$345,580 for the base bid and \$120,613 for the alternate.

Hough, Inc. has successfully completed work with Moorhead Public Service in the past and has demonstrated they have the ability to complete this project as specified. The Public Service Commission can consider award of this contract to Hough, Inc. if they wish to proceed with the proposed work.

Please feel free to contact me with any questions.

Sincerely,

Apex Engineering Group, Inc.



Jade A. Berube, PE

Bid Tabulation

2024 Access Improvements - Lime Sludge Dewatering Facility

Moorhead Public Service | Project No. WT23-20

February 7, 2024 | 2:00 PM | Moorhead City Hall; 500 Center Avenue, Moorhead, MN

Apex Project No. 22.109.0214

Planholder	Bid Bond	Base Bid	Additive Alternate	Base Bid + Additive Alternate
All Finish Concrete, Inc.	10%	\$397,532.00	\$140,826.00	\$538,358.00
Hough, Inc. of Detroit Lakes	10%	\$325,171.50	\$123,550.00	\$448,721.50
Northern Improvement Company	10%	\$329,650.30	\$130,862.05	\$460,512.35
Sellin Brothers, Inc.	10%	\$367,722.00	\$132,092.00	\$499,814.00

I certify that these bids were received on 2/7/2024, 2:00 PM, Moorhead City Hall; 500 Center Avenue, Moorhead, MN


Jade A. Berube, PE

Bids Received By: Jake Long, Water Distribution Supervisor – Moorhead Public Service

RESOLUTION

Resolution to Award Bid for 2024 Access Improvements for Moorhead Public Service's Lime Sludge Dewatering Facility

WHEREAS, on February 7, 2024, bids were opened for 2024 Access Improvements for Moorhead Public Service's (MPS') Lime Sludge Dewatering Facility; and,

WHEREAS, Moorhead Public Service staff has evaluated the bids and submitted a Bid Tabulation Sheet with its recommendations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead to award the bid for 2024 Access Improvements for MPS' Lime Sludge Dewatering Facility to the lowest, qualified bidder meeting the specifications, as shown on the attached Bid Tabulation Sheet, as awarded by the Moorhead Public Service Commission on February 20, 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 contract for 2024 Access Improvements for MPS' Lime Sludge Dewatering Facility.

PASSED: February 26, 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

February 26, 2024

SUBJECT:

Approve Resolutions related to 400 and 524 Center Ave

RECOMMENDATION:

The Mayor and City Council are asked to consider the following resolutions in relation to the Moorhead Center Mall Redevelopment Project:

1. Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100
2. Minor Subdivision - 524 Center Avenue - Parcel 58.575.1000
3. Extinguishment of Access Easement, Document # 790756
4. Extinguishment of Sidewalk Easement, Document # 790791
5. Disposition of publicly owned land located at 400 Center Avenue (58.520.4100) to Sterling Development Group Four, LLC

BACKGROUND/KEY POINTS:

Plans to redevelop the Moorhead Center Mall (MCM) began in 2019. Along with the start of demolition on the Herberger's building this month, the City, MCM Development, LLC and Sterling Development Group Four, LLC have come to an agreement to begin the redevelopment of the eastern portion of the Moorhead Center Mall plus the United Sugars building and parking lot. In order to do so, five actions listed below should be approved:

Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100

The City of Moorhead has requested to subdivide the above parcel (the eastern portion of the MCM Parking Lots) to create a buildable lot for a proposed commercial development by Sterling Development Group Four, LLC. The proposal is consistent with Title 11, Chapter 3 of the Moorhead City Code.

Minor Subdivision - 524 Center Avenue - Parcel 58.575.1000

Sterling Development Group Four, LLC has requested to subdivide the above parcel (United Sugars Building and Parking Lot) to create a buildable lot for a proposed commercial development by Sterling Development Group Four, LLC. The proposal is consistent with Title 11, Chapter 3 of the Moorhead City Code.

Extinguishment of Access Easement, Document # 790756

The City of Moorhead and Sterling Development Group Four, LLC have requested to extinguish the above easement located at the 7th Street N entrance of the MCM. The easement was granted to United Sugars, now owned by Sterling Development Group Four, LLC, when the City closed an access point from Center Avenue into their parking lot. The easement has been deemed redundant and is no longer be needed for the redevelopment of MCM.



City Council Communication

February 26, 2024

Extinguishment of Sidewalk Easement, Document # 790791

The City of Moorhead and Sterling Development Group Four, LLC have requested to extinguish the above easement located at the SE corner of Center Avenue and 7th Street N. The easement was granted to City by United Sugars during the reconstruction of Center Avenue and is now owned by Sterling Development Group Four, LLC. The easement has been deemed redundant and is no longer be needed for the redevelopment of MCM.

Disposition of publicly owned land located at 400 Center Avenue (58.520.4100) to Sterling Development Group Four, LLC

This action is to authorize the Mayor and City Manager to execute a land swap of the city owned parking lot in the northeast corner of the MCM property (400 Center Ave.) in exchange for the United Sugars building currently owned by Sterling Development Group Four, LLC.

FINANCIAL CONSIDERATIONS:

Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 – Survey costs

Voting Requirements: Not Applicable

Submitted By:

Dan Mahli, City Manager

Kristie Leshovsky, Community Development Director

Attachments: General Location Map

Draft Resolution - Minor Subdivision of 400 Center Avenue – Parcel 58.520.4100

Minor Subdivision Plan – 400 Center Avenue – Parcel 58.520.4100

Draft Resolution - Minor Subdivision of 524 Center Avenue - Parcel 58.575.1000

Minor Subdivision Plan – 524 Center Avenue - Parcel 58.575.1000

Draft Resolution - Extinguishment of Access Easement, Document # 790756

Draft Resolution - Extinguishment of Sidewalk Easement, Document # 790791

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



RESOLUTION

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

WHEREAS, the City of Moorhead has requested a minor subdivision of property at 400 Center Avenue, Parcel 58.520.4100, legally described as:

Tract A

Tract B

Legal Descriptions will be available at Council meeting on February 26, 2024

WHEREAS, the City Council of the City of Moorhead finds the minor subdivision consistent with Title 11, Chapter 3 of the Moorhead City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the minor subdivision described above is hereby approved contingent upon the following conditions:

1. Applicant and its successors shall be party to future platting of the above-described Tract B.
2. Applicant and its successors shall provide an easement for utility and drainage purposes along the north side Tract B, as requested by the City of Moorhead.
3. Applicant and its successors to receive all federal, state and local permits.

PASSED: February 26, 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 Approve Minor Subdivision - 524 Center Avenue – Parcel 58.575.1000

WHEREAS, Sterling Development Group Four, LLC has requested a minor subdivision of property at 524 Center Avenue, Parcel 58.575.1000, legally described as:

Tract A

Tract B

Legal Descriptions will be available at Council meeting on February 26, 2024

WHEREAS, the City Council of the City of Moorhead finds the minor subdivision consistent with Title 11, Chapter 3 of Moorhead City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the minor subdivision described above is hereby approved contingent up the following conditions:

1. Applicant to receive all federal, state and local permits.

PASSED: February 26, 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 Extinguish Access Easement, Document # 790756

WHEREAS, the City Council of the City of Moorhead entered into an agreement for a Permanent Access Easement, as recorded in the Office of the Clay County Recorder, as Document Number 790756; and

WHEREAS, the easement described in Document Number 790756 is no longer needed for access purposes based on the proposed redevelopment of the site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Mayor and City Manager are herein directed to execute documents required to extinguish Permanent Access Easement Document Number 790756.

PASSED: February 26, 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 Extinguish Sidewalk Easement, Document # 790791

WHEREAS, the City Council of the City of Moorhead entered into an agreement for a Permanent Sidewalk Easement, as recorded in the Office of the Clay County Recorder as Document Number 790791; and

WHEREAS, the easement described in Document Number 790791 is no longer needed for purposes based on the proposed redevelopment of the site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Mayor and City Manager are herein directed to execute documents required to extinguish Permanent Sidewalk Easement Document Number 790791.

PASSED: February 26, 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 Approve the Disposition of publicly owned Land located at 400 Center Avenue (58.520.4100) to Sterling Development Group Four Center, LLC

WHEREAS, the City owns property located at 400 Center Avenue which was advertised for sale and published in the City's legal newspaper on December 14, 2023; and

WHEREAS, the City, MCM Development, LLC and Sterling Development Group Four, LLC agree that the City owned property and property abutting publicly owned property will provide a significant development opportunity for this area; and

WHEREAS, the City, MCM Development, LLC and Sterling Development Group Four, LLC have agreed to a Land Swap Agreement which includes Sterling Development Group Four, LLC deeding the building and right-of-way at 524 Center Avenue to the City and the City deeding a portion of the parking lot at 400 Center Avenue to Sterling Development Group Four, LLC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that the Mayor and City Manager are authorized to enter into and execute any documents necessary for the disposition of the publicly owned land located at 400 Center Avenue (58.520.4100) to Sterling Development Group Four, LLC, the final terms of which shall be to the satisfaction of the City Manager and City Attorney as to the intent of the Moorhead City Council.

PASSED: February 26, 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

February 26, 2024

SUBJECT:

Resolution for Appointment of Election Judges for the March 5, 2024, Presidential Nomination Primary Election

RECOMMENDATION:

The Mayor and City Council are asked to consider approving the slate of election judges for the March 5, 2024, Presidential Nomination Primary Election

BACKGROUND/KEY POINTS:

The Council's appointment of the election judges is required by MN Election Law 204B.21. All the judges on the list have completed the necessary election judge training before August 9, 2022.

FINANCIAL CONSIDERATIONS:

Election judges are paid an hourly rate for service as an election judge, which includes training sessions and time served on Election Day.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk

Attachments:

RESOLUTION

Resolution for Appointment of Election Judges for the March 5, 2024 Presidential Nomination Primary Election

WHEREAS, Minnesota Election Law 204B.21 requires that election judges for precincts in a municipality be appointed by the governing body of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the slate of election judges (Attachment A) that are eligible to serve during the PNP Election on March 5, 2024.

PASSED: February 26, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

2024 – PNP Election Judges
City Council

Heidi Anderson	Christen Smith	Dan Lund
Michael Anderson	Bailey Stickney	Timothy Magnuson
Jennifer Aranda	Andrea Strautz	Pete Marinucci
Judy Balluff	Elizabeth Swee	Renate Marquette
Carmen Barth	Erik Swee	Chris Martin
Steve Beitelspacher	Carol Thompson	Nicole Mattson
Cynthia Benson	Shirley Volesky	Liberty McClead
John Benson	K. Walter Vollmers	Terry Melby
Rachelle Bill	Alice Volochenko	Randy Mertes
Mary Breneman-Turner	Vanessa Warling	Brian Miller
Carol Busse	Jeff Williams	Samantha Miller
Martha Castanon	Alison Wolbeck	Mark Millner
Jo Cavins	William Woods	James Mulvhill
Betty Chevis	Jennifer Young	Anne Nelson
Laurie Christianson	Tim Zoerner	Deborah Nelson
Betty Clark	Karen Jenkins	Denese Norris
Craig Davidson	Ted Jirik	Kristy Olsgaard
Betsy Dreessen	Rosemarie Johnk	Carolyn Olson
Chad Dubuque	Linda Johnshoy	Clynton Olson
Robert Eidbo	RaeAnn Johnson	Karin Olson-Held
Annette Fischer	Jan Kaspari	Cheryl Packer
Dave Fitchorn	Kristin Knorr	Diane Pennington
Jane Giedt	Mary Knutson	Melissa Peterson
Janine Hanson	Katie Koppelman	Kristi Pink
Roberta Hanson	Allison Koster	Ricky Pinnick
Kipp Harris	David Leiseth	Marilyn Proulx
Anton Hastad	Renee Lentz	Lisa Roberts
Amy Hjelmstad	Allen Liedberg	Cady Rutter
Bev Hunt	Daniel Lien	Carole Seal
Tom Jacobs	Phyllis Lien	Robert Seigel
Karen Jacowitz		Kalli Sherman



City Council Communication

February 26, 2024

SUBJECT:

Used Car Dealership Permit Denial Appeal - Amedy Auto

RECOMMENDATION:

The Mayor and City Council are asked to consider a denial for the 2024 renewal of Amedy Auto's Used Car Dealer License.

BACKGROUND/KEY POINTS:

Amedy Auto owner Nashwan Amedy was contacted by the City Clerk's office on February 16, 2024 due to not receiving renewal paperwork for the 2024 license period. At the February 13, 2023 City Council meeting, the decision to deny the 2023 license was tabled until additional information from the County was obtained.

A background was completed on February 16, 2024. Upon receiving the completed background check, the City Clerk's office forwarded the findings to Attorney John Shockley to review, who agreed with the decision to deny the license based upon Moorhead City Code 2-1-10(2), which allows for denial based on a conviction.

The misdemeanor conviction is directly related to the business which supports the decision to deny the permit. City Clerk, Christina Rust sent 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.

On February 21, 2024 a formal request to appeal the decision was received from Mr. Amedy via email.

If the City Council votes to uphold the decision to deny the permit, City Attorney Shockley will produce Findings of Fact for the Council to review and approval at the meeting on March 11, 2024.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
John Shockley, City Attorney
Christina Rust, City Clerk

Attachments: Denial Letter



City Clerk's Office
218.299.5304 | cityclerk@cityofmoorhead.com

February 21, 2024

VIA CERTIFIED MAIL & EMAIL

Nashwan Amedy
2312 29th St. S
Moorhead MN 56560

Mr. Amedy:

The City of Moorhead received your application for renewal for a Used Car Dealership license for Amedy Auto, located at 2312 29th St. S, Moorhead. As part of the licensing process, a background investigation was conducted pursuant to Moorhead City Code 2-6C-3.

During the course of this background investigation, a number of concerns were found including; gross misdemeanor for Motor Vehicle Excise Tax-Prepare, Submit False or Fraudulent Certificate. Due to these findings,

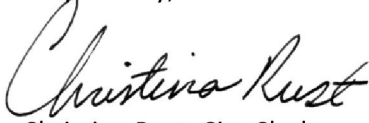
The City of Moorhead is denying your application based upon the following:

- a. Moorhead City Code 2-1-10(2) states that no person shall be issued a license if the applicant has been convicted of any crime or misdemeanor.
- b. Violation of any regulation or provision of this code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable

You have the right to a hearing before the City Council for the denial of your license, provided a written request is filed with the City Clerk's Office within ten (10) days after receipt of this notice (Moorhead City Code 2-1-10, Subsection B). This notice can be mailed to my attention at City of Moorhead, City Clerk's Office, 500 Center Avenue, Moorhead, MN 56560 or emailed to cityclerk@cityofmoorhead.com.

Please contact me with any questions at 218.299.5304 or cityclerk@cityofmoorhead.com.

Respectfully,


Christina Rust, City Clerk

CC: Dan Mahli, City Manager
Chief Shannon Monroe, Police Department
John Shockley, City Attorney