



**CITY COUNCIL  
MEETING AGENDA  
APRIL 10, 2023 AT 5:30 PM  
HJEMKOMST CENTER AUDITORIUM**

**City Council Meeting**

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

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Agenda Amendments
4. Recognitions - Presentations
  - A. MoorHeart Recognition: Dr. Carrie Leopold
  - B. Presentation: Gate City Bank/City of Moorhead Neighborhood Impact Home Improvement Program
5. 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.*
6. Approve Minutes
  - A. March 27, 2023 Meeting Minutes
7. Citizens Addressing the Council (Time Reserved: 15 Minutes)

*During "Citizens Addressing the Council", the Mayor will invite residents to share issues, concerns and opportunities. Individuals must limit their comments to three minutes. The Mayor may limit the number of speakers on the same issue in the interest of time and topic. Individuals should not expect the Mayor or Council to respond to their comments tonight.*
8. \*Mayor and Council Appointments
9. Public Hearings (5:45 pm)

*During "Public Hearings", the Mayor will ask for public testimony after staff and/or applicants make their presentations. The following guidelines are in place to ensure an efficient, fair, and respectful hearing; limit your testimony to three minutes and to the matter under consideration; the Mayor may modify times, as deemed necessary; avoid repeating remarks or points of view made by previous speakers. The use of signs, clapping, cheering or booing or any other form of verbal or nonverbal communication is not allowed.*
10. Engineering Department
  - A. Resolution to Declare State of Emergency for a Spring 2023 Flood Event
  - B. \*Resolution to Reschedule the Public Hearing for 2nd Ave N Area Underground Utility & Street Improvements (Eng. No. 23-A2-04A and 14-02-03F)

- C. \*Resolution to Approve Carbon Reduction Program Grant Award and Budget Adjustment #23-021
- 11. Community Development Department
  - A. \*First Reading of Ordinance 2023-06: An Ordinance to Amend Title 1, Chapter 7, Planning Commission as it Relates to Membership
- 12. Police Department
  - A. Second Reading of Ordinance 2023-05: An Ordinance to Amend Section 3-7-1 and 3-7-10 of the Moorhead Municipal Code Relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule
  - B. Resolution to Approve Title & Summary of Ordinance 2023-05
- 13. Moorhead Public Service
  - A. \*Resolution to Award Bid for Underground Boring for Electric Line Relocations Related ot the 11th Street Underpass Grade Separation Project
- 14. Public Works
  - A. \*Resolution to Approve Weed Control for Invasive Species in City Parks
- 15. Administration
  - A. \*Resolution to Approve Budget Adjustment #23-017 for Moorhead Community Access Media Studio Relocation and Equipment Upgrades that Benefit Coverage of City of Moorhead Meetings
  - B. \*Resolution to Accept Quarterly Donations
  - C. \*Resolution to Approve New Liquor License to Galaxy Hospitality, LLC DBA Courtyard by Marriott
- 16. Mayor and Council Reports
- 17. City Manager Reports
- 18. Executive Session
- 19. New Business
- 20. Adjourn



## City Council Communication

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April 10, 2023

**SUBJECT:**

MoorHeart Recognition: Dr. Carrie Leopold

**RECOMMENDATION:**

The Mayor and City Council are asked to recognize and honor Dr. Carrie Leopold 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. For the April 2023 award, the MoorHeart selection committee chose to recognize Carrie Leopold for her work with Inspire Innovation Lab, a nonprofit that focuses on innovative learning, student programming and professional development for students, teachers and the greater community.

The Inspire Innovation Lab helps Moorhead's younger community members recognize how they learn and works to enhance their creativity, collaboration, communication and critical thinking in their education and daily lives.

Rachel Geinert wrote in the nomination: Dr. Carrie's approach to "secret learning" makes school accessible and fun to kids for whom school can often feel impossible. Every year, Dr. Carrie changes the lives of hundreds of kids and their families in Moorhead. She meets them where they're at, emotionally, educationally, socially, and economically. Dr. Carrie invests thousands of dollars in our community through scholarship opportunities for Moorhead families. She believes in our kids and in their power to change the world. When the time came to find a new home for the Lab, Carrie never even considered moving to the other side of the river, though finding space would have been much easier. When asked, Carrie said she'd never be able to accomplish what she'd built without the community of Moorhead, she belonged there. Moorhead is better because of Inspire Innovation Lab and because of Carrie Leopold.

The MoorHeart nomination committee thanks Carrie for her drive and passion, and acknowledges that her efforts have impacted so many throughout our community. Her approach to education melds innovation with traditional learning in order to help students advance in new and exciting ways.

The MoorHeart award is commemorated with a piece of art commissioned from Moorhead-based artist, Karman Rheault 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](http://cityofmoorhead.com).



## City Council Communication

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April 10, 2023

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Not Applicable

**Submitted By:**

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Mark Dickerson, Communications Coordinator

**Attachments:**





**CITY COUNCIL  
MEETING MINUTES  
MARCH 27, 2023 AT 5:30 PM  
HJEMKOMST CENTER AUDITORIUM**

1. Call to Order and Roll Call

Roll call of the members was made as follows:

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

Absent:

2. Pledge of Allegiance

3. Agenda Amendments

4. Recognitions - Presentations

A. Presentation: Moorhead Police Department Body Worn Cameras

Police Captain Deric Swenson highlighted the work toward utilizing body worn cameras in the Moorhead Police Department. Sergeant Nick Leinen shared a demonstration of the body cameras. Mayor Carlson thanked Sergeant Leinen, Captain Swenson, Police Department staff and the community for their collaborative work on the cameras. Mayor Carlson also recognized Police Sergeant Scott Kostorhyz who was in the room for being recognized as a Person of Character at Kennedy Elementary School in March.

5. 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.*

**Motion to Approve made by Heather Nesemeier and seconded by Chuck Hendrickson**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

6. Approve Minutes

A. March 13, 2023 Meeting Minutes

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MOORHEAD CITY COUNCIL MEETING MINUTES

March 27, 2023

**Motion to Approve March 13, 2023 Meeting Minutes made by Steve Lindaas and seconded by Laura Caroon**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

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

Two residents addressed the City Council in support of an ordinance that would allow backyard chickens in Moorhead.

8. \*Mayor and Council Appointments

9. Public Hearings (5:45 pm)

- A. Public Hearing Regarding the Request of Thad Thorsness on behalf of Odin Properties LLC for a Property Tax Exemption for a Project located at 2410 2 Ave N (58.307.0360)

**Motion to Open Public Hearing Public Hearing Regarding the Request of Thad Thorsness on behalf of Odin Properties LLC for a Property Tax Exemption for a Project located at 2410 2 Ave N (58.307.0360) made by Heather Nesemeier and seconded by Laura Caroon**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

Derrick LaPoint shared information on the request of Thad Thorsness for a property tax exemption for 2410 2<sup>nd</sup> Ave. N. Plans include two 5-unit multi-tenant buildings with work to beginning June 2023 and anticipated completion in October 2023.

**Motion to Close Public Hearing Public Hearing Regarding the Request of Thad Thorsness on behalf of Odin Properties LLC for a Property Tax Exemption for a Project located at 2410 2 Ave N (58.307.0360) made by Heather Nesemeier and seconded by Larry Seljevold**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- B. Resolution to Approve a Property Tax Exemption for Odin Properties LLC for Construction of two Commercial Multi-Tenant Buildings located at 2410 2nd Ave N (58.307.0360)

**Motion to Approve Resolution to Approve a Property Tax Exemption for Odin Properties LLC for Construction of two Commercial Multi-Tenant Buildings located at 2410 2nd Ave N (58.307.0360) made by Steve Lindaas and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0;  
Abstain/Recuse: 0;  
Absent: 0

- C. Public Hearing to Consider Actions Related to 11 St S Street and Utility Improvements (Eng No. 22-A2-02)

**Motion to Open Public Hearing Public Hearing to Consider Actions Related to 11 St S Street and Utility Improvements (Eng No. 22-A2-02) made by Heather Nesemeier and seconded by Laura Caroon**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

Assistant City Engineer Tom Trowbridge presented information on the proposed improvements to 11<sup>th</sup> Street South road and utility improvements. A resident asked a question about special assessments for boulevard trees and right-of-ways. Mr. Trowbridge addressed the question.

**Motion to Close Public Hearing Public Hearing to Consider Actions Related to 11 St S Street and Utility Improvements (Eng No. 22-A2-02) made by Heather Nesemeier and seconded by Steve Lindaas**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- D. Resolution to Order Improvements & Declare Intent to Assess for 11 St S Street and Utility Improvements (Eng No. 22-A2-02)

**Motion to Approve Resolution to Order Improvements & Declare Intent to Assess for 11 St S Street and Utility Improvements (Eng No. 22-A2-02) made by Larry Seljevold and seconded by Steve Lindaas**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- E. Public Hearing to Consider Actions Related to Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04)

Assistant City Engineer Tom Trowbridge presented information on actions related to Elm Street and River Drive area street and underground utility improvements. No citizens addressed the City Council during the public hearing.

**Motion to Open Public Hearing Public Hearing to Consider Actions Related to Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04) made by Heather Nesemeier and seconded by Laura Caroon**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevold, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 0

**Motion to Close Public Hearing Public Hearing to Consider Actions Related to Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04) made by Steve Lindaas and seconded by Larry Seljevold**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevold, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 0

- F. Resolution to Order Improvements & Declare Intent to Assess for Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04)

**Motion to Approve Resolution to Order Improvements & Declare Intent to Assess for Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04) made by Steve Lindaas and seconded by Heather Nesemeier**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevold, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 0

- G. Resolution to Award Bid for Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04)

**Motion to Approve Resolution to Award Bid for Elm Street and River Drive Area Street and Underground Utility Improvements (Eng. No. 22-A2-04) made by Heather Nesemeier and seconded by Laura Caroon**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevold, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 0

- H. Public Hearing to Consider Actions Related to 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01)

Assistant City Engineer Tom Trowbridge presented information on the proposed improvements to 19 1/2 St. and 14<sup>th</sup> Ave. S. No citizens addressed the City Council during the public hearing.

**Motion to Open Public Hearing Public Hearing to Consider Actions Related to 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01) made by Heather Nesemeier and seconded by Chuck Hendrickson**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevold, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 0

**Motion to Close Public Hearing Public Hearing to Consider Actions Related to 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01) made by Steve Lindaas and seconded by Larry Seljevold**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- I. Resolution to Order Improvements & Declare Intent to Assess for 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01)

**Motion to Approve Resolution to Order Improvements & Declare Intent to Assess for 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01) made by Laura Caroon and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- J. Resolution to Award Bid for 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01)

**Motion to Approve Resolution to Award Bid for 19-1/2 St and 14th Ave S Area Street Improvements (Eng. No. 23-A2-01) made by Steve Lindaas and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- K. Public Hearing to Consider Actions Related to 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03)

Assistant City Engineer Tom Trowbridge presented information on actions related to 14<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> 18<sup>th</sup> St S & 27<sup>th</sup> Ave S Mill and Overlay. A resident addressed the City Council about the improvements. The questions were answered by Mr. Trowbridge.

**Motion to Open Public Hearing Public Hearing to Consider Actions Related to 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03) made by Matthew Gilbertson and seconded by Ryan Nelson**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevold, Hendrickson Against: 0;

Abstain/Recuse: 0;

Absent: 0

**Motion to Close Public Hearing Public Hearing to Consider Actions Related to 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03) made by Heather Nesemeier and seconded by Laura Caroon**



Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevoll, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- L. Resolution to Order Improvements & Declare Intent to Assess for 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03)

**Motion to Approve Resolution to Order Improvements & Declare Intent to Assess for 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03) made by Steve Lindaas and seconded by Chuck Hendrickson**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevoll, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- M. Resolution to Award Bid for 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03)

**Motion to Approve Resolution to Award Bid for 14th, 16th, 17th, 18th St S & 27th Ave S Mill and Overlay (Eng. No. 23-A2-03) made by Heather Nesemeier and seconded by Laura Caroon**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevoll, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- N. Public Hearing to Consider Actions Related to 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07)

Assistant City Engineer Tom Trowbridge presented information on actions related to the 6<sup>th</sup> St, 18<sup>th</sup> & 20<sup>th</sup> Ave S Street Rehabilitation project. One resident addressed the City Council during the public hearing. Mr. Trowbridge responded to the question.

**Motion to Open Public Hearing Public Hearing to Consider Actions Related to 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07) made by Steve Lindaas and seconded by Laura Caroon**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevoll, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

**Motion to Close Public Hearing Public Hearing to Consider Actions Related to 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07) made by Matthew Gilbertson and seconded by Heather Nesemeier**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevoll, Hendrickson

Against: 0;

Abstain/Recuse: 0;  
Absent: 0

- O. Resolution to Order Improvements & Declare Intent to Assess for 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07)

**Motion to Approve Resolution to Order Improvements & Declare Intent to Assess for 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07) made by Larry Seljevold and seconded by Matthew Gilbertson**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- P. Resolution to Award Bid for 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07)

**Motion to Approve Resolution to Award Bid for 6th St, 18th & 20th Ave S Rehabilitation (Eng. No. 23-A2-07) made by Laura Caroon and seconded by Steve Lindaas**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- Q. Public Hearing to Consider Actions Related to Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08)

Assistant City Engineer Tom Trowbridge presented information on actions related to Hampton Place 3<sup>rd</sup> Addition Final Wearing Course. No residents addressed the City Council during the public hearing.

**Motion to Open Public Hearing Public Hearing to Consider Actions Related to Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08) made by Chuck Hendrickson and seconded by Larry Seljevold**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

**Motion to Close Public Hearing Public Hearing to Consider Actions Related to Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08) made by Ryan Nelson and seconded by Heather Nesemeier**

**Motion Passed**

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- R. Resolution to Order Improvements & Declare Intent to Assess for Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08)

**Motion to Approve Resolution to Order Improvements & Declare Intent to Assess for Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08) made by Chuck Hendrickson and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- S. Resolution to Award Bid for Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08)

**Motion to Approve Resolution to Award Bid for Hampton Place 3rd Addition Final Wearing Course (Eng. No. 23-A2-08) made by Steve Lindaas and seconded by Laura Caroon**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

10. Engineering Department

- A. Resolution to Award Bid for the Midtown Trail (Eng. No. 21-13-01)

A recommendation was presented to the City Council to award a bid to construct the Midtown Trail from Woodlawn Park to Gooseberry Park in Moorhead. State of Minnesota Legacy Grant funds will cover 75% of the project. The remaining 25% of funding was approved as part of the 2023 budget.

**Motion to Approve Resolution to Award Bid for the Midtown Trail (Eng. No. 21-13-01) made by Steve Lindaas and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

11. Community Development Department

- A. Resolution to Approve Conditional Use Permit to Operate a 4,220 square foot Nightclub Adjacent to a Residential Use at 1500 11th Street N (Parcel 58.900.1740)

City Planner Robin Huston shared background on the Conditional Use Permit for the nightclub at 1500 11 St N. The item was tabled during the March 13 City Council meeting. Ms. Huston shared questions from the public with responses. Two Moorhead residents addressed the City Council regarding the proposed Conditional Use Permit.

**Motion to Amend Resolution to Approve Conditional Use Permit to Operate a 4,220 square foot Nightclub Adjacent to a Residential Use at 1500 11th Street N (Parcel 58.900.1740) with the removal of the requirement of a security plan made by Deb White and seconded by Heather Nesemeier**

Motion Failed

For: 4; Nesemeier, White, Lindaas, Seljevoll

Against: 5; Nelson, Gilbertson, Caroon, Hendrickson, Carlson

Abstain/Recuse: 0

Absent: 0

**Motion to Approve Resolution to Approve Conditional Use Permit to Operate a 4,220 square foot Nightclub Adjacent to a Residential Use at 1500 11th Street N (Parcel 58.900.1740) except for condition #1 to extend the hours to 2am until May 31, 2023 and returning to a 1:00am closing time moving forward made by Steve Lindaas and seconded by Heather Nesemeier**

Motion Passed

For: 8; Nelson, Gilbertson, Nesemeier, Caroon, White, Lindaas, Seljevoll, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 0

12. Police Department

- A. First Reading of Ordinance 2023-05: An Ordinance to Amend Sections 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule.

Assistant City Planner Forrest Steinhoff presented information and research involved in updating the City Code allowing chickens in backyards.

**Motion to Approve First Reading of Ordinance 2023-05: An Ordinance to Amend Sections 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule. made by Heather Nesemeier and seconded by Steve Lindaas**

Motion Passed

For: 5; Nesemeier, Caroon, White, Lindaas, Seljevoll

Against: 3; Nelson, Gilbertson, Hendrickson

Abstain/Recuse: 0

Absent: 0

13. Moorhead Public Service

- A. \*Resolution to Rescind Award of Bid and Award Bid to the Next Lowest, Qualified Bidder for Furnishing Control Panels at Moorhead DOE Tap Substation
- B. \*Resolution to Award Bid for 2023 Street and Lawn Repairs

14. Public Works

- A. \*Second Reading of Ordinance 2023-04: An Ordinance to Amend Section 6-2B Control of Invasive Species Tree Pests
- B. \*Resolution to Approve Title & Summary of Ordinance 2023-04
- C. Resolution to Approve Agreement with Cass County Vector Control

Public Works Director Steve Iverson presented the Professional Services Agreement with Cass

County Vector Control.

**Motion to Approve Resolution to Approve Agreement with Cass County Vector Control made by Chuck Hendrickson and seconded by Laura Caroon**

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

- D. \*Resolution to Approve Aerial Application Mosquito Control Agreement

15. Administration

- A. Resolution to Approve Submission of 2023 CDBG Annual Action Plan

Community Development Program Administrator Tanya Kunza shared a change that is occurring with the Play Outside Daily Mobile Recreation for Youth program. As a result, the program is being withdrawn from the Community Development Block Grant Annual Action Plan. Funds are proposed to be re-allocated to the Snow Removal program due to the large amount of snow this winter.

**Motion to Approve Resolution to Approve Submission of 2023 CDBG Annual Action Plan made by Steve Lindaas and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

- B. \*Resolution to Amend the Citizens Participation Plan for CDBG

16. Mayor and Council Reports

Council Member Deb White shared an update on the Human Rights Commission and a regarding a metrowide Juneteenth event. Ms. White also spoke of her attendance at the West Central Initiative's Economic Development District Board meeting and stated an Earth Day Convivium is scheduled to occur on the campus of the University of Minnesota Morris in April.

Council Member Laura Caroon reported her daughter's Girl Scout Troop recently toured Moorhead Fire Station 1 and thanked Firefighter Nate Smith for a great job hosting the troop.

Council Member Steve Lindaas spoke of his attendance at the Greater Fargo Moorhead Economic Development Corporation's Bio Science Business Breakfast. Mr. Lindaas also spoke of a Moorhead Police Department community meeting he attended at Triumph Lutheran Church about collaborative efforts to address neighborhood concerns and opportunities. In addition, Council Member Lindaas spoke of a West Central Initiative Climate Action Plan unveiling at the April Spring Convivium in Morris, MN.

Council Member Chuck Hendrickson mentioned his attendance at the 2023 State of Main Street Listening Tour and congratulated all Moorhead sports teams for their effort and accomplishments, and especially the Moorhead Junior Gold hockey team that won back-to-back State of Minnesota



championship titles.

Council Member Heather Nesemeier thanked Assistant City Manager Mike Rietz, City Manager Intern Zoe Johnson, and city staff for their work on the Citizens Government Academy. Ms. Nesemeier stated applications are now being accepted for the Citizens Police Academy. Information can be found on the City of Moorhead website.

Council Member Matt Gilbertson stated the Bio Science Breakfast hosted by the Greater Fargo Moorhead Economic Development Corporation reported the gross regional product of biosciences in the area were \$35 million in 2011, \$208 million in 2021, and expectations are \$325 million by 2025.

Mayor Shelly Carlson extended her appreciation to the Fargo Moorhead West Fargo Chamber of Commerce and the League of Minnesota Cities for hosting Moorhead Days at the Minnesota State Capitol. Mayor Carlson also shared an update on the Fargo Moorhead Diversion project. In response to recent public media about Moorhead looking like Cuba, Mayor Carlson provided information on the growth and development of Moorhead and emphasized pride in the residents, businesses, community leaders and organizations across the City of Moorhead and the metro area.

17. City Manager Reports

City Manager Dan Mahli updated the City Council on the 2023 spring flood forecast. He stated Moorhead's history of planning and preparation has put the metro in a position of strength when dealing with flood events. It speaks to a team of professionals and data driven decision making. The delayed thaw dictates continued diligence on the City's part. The latest probabilistic flood forecast indicates a 50% chance of 34.2 feet and a 10% chance of 37.8 feet. Based on the National Weather Service's most recent probabilistic forecasts, staff-initiated planning efforts and a pre-event checklist. Mr. Mahli stated there are also threats of flooding across the State of MN which increases the likelihood of State and/or Federal assistance. Dan Mahli added staff may recommend an emergency declaration when it becomes apparent that reimbursable resources may be committed.

18. Executive Session

19. New Business

20. Adjourn

Meeting adjourned at 8:01pm

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 to Declare State of Emergency - Spring 2023 Flood Event

WHEREAS, the National Weather Service (NWS) issued a “2023 Spring Flood Outlook” for the Red River at Moorhead on March 23, 2023; and

WHEREAS, the March 23, 2023 NWS forecast indicated a 90% chance that the Red River will crest at a major flood stage of 30.7 feet or greater; and

WHEREAS, as in previous years, it has been the policy of the City Council of the City of Moorhead to authorize multiple actions as may be necessary to effectively prepare Moorhead to minimize flood risk to its municipal infrastructure and other public and private property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that, so as to minimize flood risk to both public and private property, the following actions are herein authorized and approved:

- The Mayor and City Manager are herein authorized and directed to take such measures as may be necessary to effectively prepare for and undertake actions necessary to minimize flood risk associated with a Spring 2023 Flood Event.

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

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Michelle (Shelly) A. Carlson, Mayor

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Christina Rust, City Clerk



## City Council Communication

April 10, 2023

**SUBJECT:**

Resolution to Reschedule the Public Hearing for 2nd Ave N Area Underground Utility & Street Improvements (Eng. No. 23-A2-04A and 14-02-03F)

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to reschedule the public hearing for the above-referenced project.

**BACKGROUND/KEY POINTS:**

The project area is for the reconstruction and/or rehabilitation of 2nd Ave N from 8th to 12th St, and 12th St N from 1st to 2nd Ave N. These streets were included in the City's 2023-2027 Capital Improvement Plan and scheduled for construction in 2023. In addition to the proposed street improvements, the project includes the relocation of City sanitary sewer and water mains required in order to complete the proposed 11th Street Underpass (Eng. No. 14-02-03F). The full cost of the utility relocation will be reimbursed by the State of Minnesota because it is a result of the 11th St underpass construction.

Since special assessments will be used to finance the road construction portion of the project cost, and the project has been initiated by Council action rather than by petition of the benefiting property owners, in accordance with Minnesota Statutes, Chapter 429, it is necessary to hold a Public Hearing prior to ordering the improvements. At the February 27th Council Meeting, the Council set a date of April 10th for the hearing. However, the final design and project information took longer to complete, and staff recommends rescheduling the Public Hearing to be held on April 24, 2023.

Below is an outline of the proposed project schedule.

PROJECT SCHEDULE	
Activity	Date
Order Preliminary Engineer's Report	December 12, 2022
Receive Engineer's Report, Order Plans & Specs, Call for Public Hearing	February 27, 2023
Approve Plans & Specs and Authorize Ad for Bids	March 13, 2023
Reschedule the Public Hearing	April 10, 2023
Receive Bids	April 19, 2023
Hold Public Hearing, Order Improvements, Declare Intent to Assess & Award Bid	April 24, 2023
Anticipated Construction Schedule	May – Oct., 2023
Hold Assessment Hearing	Fall 2023

**FINANCIAL CONSIDERATIONS:**

The total project cost, including contingencies and fees, is preliminarily estimated at \$4,870,000. Approximately \$3,291,400 of this cost is for the relocation of City utilities in advance of the 11th



## City Council Communication

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April 10, 2023

St Underpass project, and will be reimbursed by the State. It is proposed to finance the City share of the project cost (\$1,359,600) through the PIR Fund using a General Obligation Improvement Bond and Municipal State Aid Maintenance funds, and to assess approximately \$219,000 of the total project cost to the benefiting properties in accordance with the City's Special Assessment Policy.

**Voting Requirements:** Majority of Quorum

**Submitted By:**

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

**Attachments:** Location Map

# 2nd Ave N, 10th St N & 12th St N Street & Utility Improvements (Eng. Nos. 23-A2-04A & 14-A2-03F)

RIVERFRONT  
PARK RD

9 ST N

10 ST N

12 ST N

2 AVE N



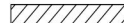

8 ST N

1 AVE N

1 AVE N

11 ST N

## LEGEND

-  WATER MAIN REPLACEMENT
-  SANITARY SEWER REPLACEMENT
-  STREET REHABILITATION
-  STREET RECONSTRUCTION

120

Feet

9 ST S

10 ST S

CENTER AVE

11 ST S



## RESOLUTION

### **Resolution to Reschedule the Public Hearing for 2nd Ave N Area Underground Utility & Street Improvements (Eng. No. 23-A2-04A and 14-02-03F)**

WHEREAS, pursuant to a resolution of the City Council dated February 27, 2023, the City Council received the preliminary engineering report to consider the making of the 2<sup>nd</sup> Ave N Area Underground Utility & Street Improvements (Eng. No. 23-A2-04A and 14-02-03F) and called for a Public Hearing to be held on April 10, 2023; and

WHEREAS, the final design and detailed project information needed for the hearing took longer to complete than originally planned so it is necessary to reschedule the Public Hearing date.

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

1. A public hearing shall be held on such proposed improvement on the 24<sup>th</sup> day of April, 2023, during the regularly scheduled Council Meeting in the auditorium of the Hjemkomst at 5:45 p.m., and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

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April 10, 2023

**SUBJECT:**

Resolution to Approve Carbon Reduction Program Grant Award and Budget Adjustment #23-021

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve a Carbon Reduction Program (CRP) grant award and a budget adjustment for the acquisition of a new Advanced Traffic Management System (ATMS).

**BACKGROUND/KEY POINTS:**

The Engineering Department currently manages all of the City traffic signal infrastructure either manually or on an individual basis using an IP address to communicate. This can lead to a variety of issues with keeping the traffic network operating smoothly. Staff is proposing to implement an ATMS that provides centralized remote control for all of the City-owned traffic signal systems. This system will provide the ability to monitor the system real time, facilitate consistent deployments of new signal timing plans, and provide direct notification for any traffic signal malfunction reducing the response time for these issues dramatically.

Centracs ATMS is the software that best communicates with the City's signal system and is programmed and maintained by the same company that manufactures the City's signal controllers. In the December 2022 Intelligent Traffic Systems Architecture Framework completed by MetroCOG, the ability to share data with regional partners (Fargo, West Fargo, Dilworth) was included as a priority investment. Both Fargo and West Fargo already use the Centracs platform for their signal control and the use of the same software in Moorhead will allow for signal control data to pass between the jurisdictions seamlessly in the future as the region continues to grow.

The CRP was established as part of the Infrastructure Investment and Jobs Act (IIJA) passed in 2021. The CRP provides funds for projects designed to reduce transportation emissions from on-road highway sources. Funding was made available to local jurisdictions through MnDOT in late 2022 for 2023 projects, and the program is currently active through 2026. The proposed ATMS is in direct alignment with the stated purpose of the CRP grant. The ATMS will help optimize traffic operations thereby reducing transportation emissions. For this solicitation, the CRP schedule was abbreviated with a notice issued on December 22, 2022 and application deadline of January 4, 2023).

**FINANCIAL CONSIDERATIONS:**

On January 4, 2023, the Engineering Department submitted a CRP grant application for a total amount of \$62,533. The City was notified of a grant award on March 24, 2023. The program is 80% Federal funding (\$50,000) and 20% local funding (\$12,533). Due to the late grant notice, funds were not included in the 2023 City budget for this project. The local share is proposed to



## City Council Communication

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April 10, 2023

be funded through the budget adjustment outlined below.

### Budget Adjustment #23-021

Fund Name	Account Description	Expenditure	Funding Source
Capital Improvement	Federal Grant		\$50,000
Capital Improvement	From Reserves		12,533
Capital Improvement	Software	\$62,533	
	Total	\$62,533	\$62,533

**Voting Requirements:** 3/4 of Council (6)

**Submitted By:**

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

**Attachments:**

## RESOLUTION

### **Resolution to Approve Carbon Reduction Program Grant Award and Budget Adjustment #23-021**

WHEREAS, the Engineering Department is proposing to implement an Advanced Traffic Management System (ATMS) that allows for centralized control for all of the City owned traffic signal systems; and

WHEREAS, a notice of award for 2023 Carbon Reduction Program grant funds for the ATMS was received on March 24, 2023; and

WHEREAS, the 2023 Carbon Reduction Program grant will fund 80% of the proposed ATMS costs; and

WHEREAS, budget adjustment #23-021 is proposed to fund the 20% local match for the ATMS.

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

1. The City Council hereby accepts the 2023 Carbon Reduction Program grant award.
2. The City Council hereby approves budget adjustment #23-021.
3. The City Council hereby authorizes the acquisition of an Advanced Traffic Management System and associated hardware.

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

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April 10, 2023

**SUBJECT:**

First Reading of Ordinance 2023-06: An Ordinance to Amend Title 1, Chapter 7, Planning Commission as it relates to Membership

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a first reading of Ordinance 2023-06: An ordinance to amend Title 1, Chapter 7, Planning Commission as it relates to membership.

**BACKGROUND/KEY POINTS:**

Late last year, the Clay County Board of Commissioners requested that an alternate member from its board be permitted on the Planning Commission. Currently, the Planning Commission ordinance and bylaws do not allow it. After discussion, it was recommended that the City of Moorhead Code of Ordinances Title 1-7-1, which establishes the Planning Commission, be amended to add alternates from the Clay County Commission and the City Council so there may be additional representation from both boards in the case of regular member absences.

The proposed language adds that the Mayor and Clay County Commission may appoint an alternate so that if it does not, it would not hold up meetings.

The Planning Commission reviewed the proposed language and unanimously recommended approval of the ordinance text amendment at its April 3, 2023 meeting. The Planning Commission report is available at:

<https://www.ci.moorhead.mn.us/government/boards-commissions/planning-commission>

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Council

**Submitted By:**

Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

**Attachments:** Ordinance 2023-06 – Text Amendment



**ORDINANCE 2023-06**

**AN ORDINANCE TO AMEND TITLE 1, CHAPTER 7, PLANNING COMMISSION AS IT  
RELATES TO MEMBERSHIP**

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

Section 1. Title 1, Chapter 7 of the Moorhead Municipal Code is hereby enacted to read as  
follows:

**1-7-1: PLANNING COMMISSION ESTABLISHED, MEMBERSHIP:**

A. Establishment: A city planning commission for the city of Moorhead is hereby established.  
(Ord. 283; amd. Ord. 304; 1967 Code §41.01a)

B. Composition, Term, Oath, Fees And Vote:

1. The planning commission shall consist of seven (7) appointed members. The appointed  
members of the commission shall all be residents of the city and shall be selected by  
appointment as hereinafter defined and subject to the confirmation of the council. The two (2)  
council members from each ward shall collectively appoint one member from the ward they  
represent. The mayor shall appoint one member at large. The mayor shall appoint one council  
member and the board of county commissioners shall appoint a member from its own  
membership. (Ord. 94-16, 9-19-1994, eff. 2-1-1995) **The mayor and board of county  
commissioners may also appoint one voting alternate member each from their  
membership to serve in the regular appointee's absence.**

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

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk

First Reading: 04/10/2023

Second Reading:

E-Post:

Publication:



## City Council Communication

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April 10, 2023

**SUBJECT:**

Second Reading of Ordinance 2023-05: An Ordinance to Amend Section 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a Second Reading of Ordinance 2023-05: An Ordinance to Amend Sections 3-7-1 and 3-7-10 of the Moorhead Municipal Code and 2023 Fee schedule related to the keeping of chickens.

**BACKGROUND/KEY POINTS:**

At the December 12, 2022 City Council meeting, Council directed the City Manager to begin drafting an Ordinance for a first reading of an Ordinance to allow keeping chickens within the City of Moorhead.

**Current Code:** Chickens are prohibited.

**Proposed Code:** Proposed code changes – which include setbacks, coop/run standards, food/water/bedding standards, and fence/buffering – are intended to provide standards for keeping chickens and mitigate neighborhood concerns which could arise from the keeping of chickens.

**Proposed Fee:** The proposed application fee to keep chickens is \$10.00. The permit would be valid for one year and would require an annual renewal. This is the same application fee utilized by the City of Fargo.

**Strategic Policy:** “Advance the health of individual residents and communities in adapting to a changing environment” from the 2022 Onward Moorhead Comprehensive Plan recommends developing policies that support individual and community projects such as local food production.

The City Council approved the first reading of Ordinance 2023-05 on March 27, 2023.

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Council



## City Council Communication

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April 10, 2023

**Submitted By:**

Dan Mahli, City Manager  
Forrest Steinhoff, Assistant City Planner  
Deric Swenson, Police Captain

**Attachments:** Draft Ordinance  
Draft Application

**ORDINANCE NO. 2023-05**

**AN ORDINANCE TO AMEND AND REENACT SECTIONS 3-7-1 AND 3-7-10 OF THE MOORHEAD CITY CODE RELATING TO ANIMAL CONTROL DEFINITIONS AND ANIMALS PROHIBITED IN CITY.**

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

SECTION 1. Section 3-7-1 of the Moorhead City Code is hereby amended and reenacted to read as follows:

Terms used in this chapter have the following meanings:

**AT LARGE:** Off the premises of the owner or caretaker, and not under the control of the owner or caretaker by leash which a person has physical control over.

**CHICKEN:** A female chicken or hen.

**COOP:** A structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

**FEED:** Making food and water available for consumption outdoors, either on the ground or at a height of less than five feet (5'). For purposes of this chapter, a person does not feed wildlife by maintaining live vegetation, such as fruit trees, gardens, or flower beds.

**OWNER:** Any person or persons, firm, association or corporation owning, keeping or harboring a dog or a cat.

**PERSONS:** The resident, property owner, custodian or keeper of any chicken.

**PREMISES:** Any lot or group of contiguous lots, parcels or tracts of land located within the City of Moorhead.

**RUN:** An enclosed outside yard for keeping chickens.

**WILDLIFE:** Undomesticated animals living in the wild. This definition includes feral cats and dogs.

SECTION 2. Section 3-7-10 of the Moorhead City Code is hereby amended and reenacted to read as follows, with the previous subsections B, C, and D to be renumbered accordingly, following the new subsection B below:

A. **Livestock Prohibited In City Limits:** It shall be unlawful for an owner to keep ~~chickens~~, ducks, geese, turkeys or other domestic fowl, except as permitted in this Chapter, cattle, horses, pigs, sheep, goats, or other domestic livestock within the limits of the city, except that licensed veterinarians may keep such animals for the purposes of care and treatment necessary in the practice of their profession and except for temporary presence in connection with livestock or wildlife shows, exhibitions, zoos, circuses or auctions within the city. Any animals present in such

a temporary livestock or wildlife event shall be caged, tethered or otherwise safely restrained to protect the public.

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

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

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

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

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

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

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

- i. Must not be located within the front yard;
- ii. Must be setback a minimum of three (3) feet from any adjacent structures;
- iii. Must be setback a minimum of ten (10) feet from all property lines;
- iv. Must not be located on any public easements;
- v. Must be a minimum of four (4) square feet per chicken and may not exceed ten (10) square feet per chicken;
- vi. Fencing for coops and runs may not exceed six (6) feet in total height from adjacent ground level;

- vii. Must not be located in any part of a dwelling unit or garage;
- viii. Feed must be kept within a coop, run, shed or garage and must be kept in metal animal proof containers; and
- ix. Manure must be removed frequently, and use of quality bedding material is recommended. Manure which is not properly disposed of and/or causes odor issues will result in revocation of the permit.
- x. To provide a buffer from adjacent properties, Coops and runs shall be enclosed by a solid opaque fence or wall measuring a minimum of five feet (5') in height and not more than four inches (4") from the ground or other surface. A solid opaque fence or wall around the rear yard that meet these measurements, shall also be sufficient to meet this requirement.

b. The following conditions apply to coops:

- i. Must be either elevated with a clear open space of at least sixteen (16) inches between the ground surface and grading/floor of the coop or;
- ii. Must not exceed seven (7) feet in total height from adjacent ground level;
- iii. May be a commercially purchased chicken coop that substantially conforms with the requirements of this ordinance. Substantially conforms means that it may not differ more or less than twenty percent (20%) of the noted chicken coop standards.
- iv. The coop floor, foundation and footings must be constructed using rodent resistant construction.

c. The following apply to runs:

- i. Must not exceed ten (10) square feet per chicken;
- ii. Fencing must not exceed six (6) feet in total height from adjacent ground level; and
- iii. May be enclosed with wood, woven wire materials, or a combination thereof.

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

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



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

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

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

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

C. Pigeons: It shall be unlawful for an owner to keep pigeons within the limits of the city except fancy or homing pigeons as hereinafter defined may be kept in accordance with the following regulations:

SECTION 3. The Annual Fee Schedule of the Appendix of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the table have been omitted from the text below):

Animal Control	2023
Chicken Annual Permit Fee	\$10.00

SECTION 4. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

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

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk

First Reading: 03/27/2023  
E-Post: 03/29/2023  
Second Reading: 04/10/2023  
Publication: XX/XX/2023



## Chicken Permit

Moorhead Police Department  
Animal Licensing  
PO Box 817  
Moorhead, MN 56561  
[animallicensing@moorheadmn.gov](mailto:animallicensing@moorheadmn.gov)

### PERMIT IS VALID FOR ONE CALENDAR YEAR BEGINNING JANUARY 1, AND ENDING DECEMBER 31.

Permits purchased after January 1 in any given calendar year will also expire December 31 of that year; and permit fees will not be pro-rated. Chickens are permitted to be kept at single, two-family, and three-family homes only. Chickens not permitted in mixed-use, commercial, industrial, or institutional districts.

#### APPLICANT/PROPERTY INFORMATION

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Property Zoning District: \_\_\_\_\_ Find the information [here](#) by searching for your property or contact Planning and Zoning (218.299.5370 or [planning@moorheadmn.gov](mailto:planning@moorheadmn.gov))

#### APPLICATION REQUIREMENTS

- ☐ Total number of hens to be kept: \_\_\_\_\_ (a maximum of six chickens (no roosters) are allowed per residential lot).
- ☐ Species of hen to be kept: \_\_\_\_\_
- ☐ Site Plan showing location of coop & run with setbacks, required fencing, property lines, easements, and existing structures
- ☐ Fee - \$10.00 (Checks made payable to City of Moorhead)
- ☐ Review Keeping of Chicken Standards – Learn more about chicken keeping at <https://extension.umn.edu/poultry/small-scale-poultry>
- ☐ Review covenants and obtain approval from the developer/townhouse/condo/homeowner's association if applicable. (The City of Moorhead does not enforce covenants)

Complete regulations regarding the keeping of chickens within the City of Moorhead can be found on the City of Moorhead website at [www.cityofmoorhead.com](http://www.cityofmoorhead.com) City Code, Title 3, Chapter 7, Animal Control.

#### REQUEST AND AFFIDAVIT

**The applicant must read the following statement carefully and sign below:**

I hereby certify that the information submitted is true and correct to the best of my knowledge. In submitting the permit application, I acknowledge and agree the application is subject to all the regulations found in Title 3, Chapter 7, Animal Control and further agree to fully comply with said regulations. If the requirements of Title 3, Chapter 7, Animal Control are not complied with, the City of Moorhead may revoke any permit.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

Office Use Only:		
Planning & Zoning Review	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Animal Control Review	<input type="checkbox"/> Approved – This application is your permit	<input type="checkbox"/> Denied – Please correct noted issues and resubmit application
Please correct the following:	Agenda Item 12.A.	

## KEEPING OF CHICKEN STANDARDS

- **Number:** No more than six (6) chickens may be kept on a property. Roosters are prohibited.
- **Containment:** Chickens must be kept in a coop and run. Keeping chickens in a garage is prohibited. Chickens must be contained within the coop and run between sunset and sunrise.
- **Side Yard / Backyard Fencing:** Coop and run must be surrounded by a solid opaque fence or wall in addition to the fencing required for the run. Fencing shall be at least five (5) feet in height and not more than four (4) inches raised off the ground.
- **Construction:** Coop must be a minimum of 16 inches off the ground and may not exceed seven (7) feet in height when measured from the ground. Coop floor, footings, and foundation must be constructed using rodent resistant materials.
- **Coop Size:** A minimum of four (4) square feet per each chicken not exceed ten (10) square feet per chicken. A commercially purchased coop which substantially conforms to the requirements of the Ordinance may be permitted. Substantially conforms means that it may not differ more or less than twenty (20%) of the noted chicken coop standards.
- **Run:** Must be fully fenced and attached to the coop. A minimum of four (4) square feet per chicken not to exceed ten (10) square feet per chicken. A solid roof or wire top is required to keep predators out and prevent chickens from escaping. Fencing may not exceed six (6) feet in total height.
- **Zoning:** Chickens are not permitted in mixed-use, commercial, industrial, or institutional zoning districts or on lots exceeding three (3) dwelling units.
- **Setbacks:** Chicken coop and run must be setback at least ten (10) feet from the property line and three (3) feet from any adjacent structure. Chicken coops and runs may not be located in any front yard or within easements.
- **Food Containers:** Food containers must be kept within the coop, run, shed, or garage in a metal animal proof container.
- **Bedding:** Chicken coops and runs layered with quality bedding is recommended. Bedding must be cleaned and changed frequently so as to prevent odor, pests, or cause other nuisances.
- **Maintenance and Waste Disposal:** Coop and run must be maintained and kept in good repair. Manure must be removed frequently to prevent issues with odors, pests, or other nuisances. Chicken manure must be disposed of in the trash and may not be composted with yard waste items collected by the City. Chicken litter may be composted on private property provided it follows Minnesota regulations under [7035.0300 Sub99a](#) for a "Small Compost Site."
- **Covenants:** Restrictive covenants may prohibit the keeping of chickens on your property. The City does not enforce covenants and it is your responsibility to review your property for covenants prior to submitting an application.

\*A fully fenced in yard can provide *additional* space for the birds to exercise. The fence must be able to keep birds contained and you must be outside with the chickens if they are roaming around in the yard. Issues which arise in regards to the Ordinance will be enforced by Animal Control. **Chickens that escape your yard are your responsibility to catch and contain.** Moorhead patrol officers will not respond to calls relating to chicken issues. **Providing false or misleading information, complaints of birds escaping, odors, etc., or failing to adhere to the requirements above can lead to your permit being revoked.**





# Site Plan Example

## Chicken Permit Site Plan Requirements:

Please clearly define and label the following on the site plan:

- Location and dimensions of chicken coop and run
- Property Lines
- Easements
- Existing Structures
- Property / Building Setbacks
- Required Fencing

## Helpful Tips!

Review Keeping of Chicken Standards to ensure you are meeting setback requirements

- OR -

Review Title 3, Chapter 7, Animal Control for the complete ordinance at [www.cityofmoorhead.com](http://www.cityofmoorhead.com)

### Setback Requirements:

Property Line: 10 feet

Other Structures: 3 feet

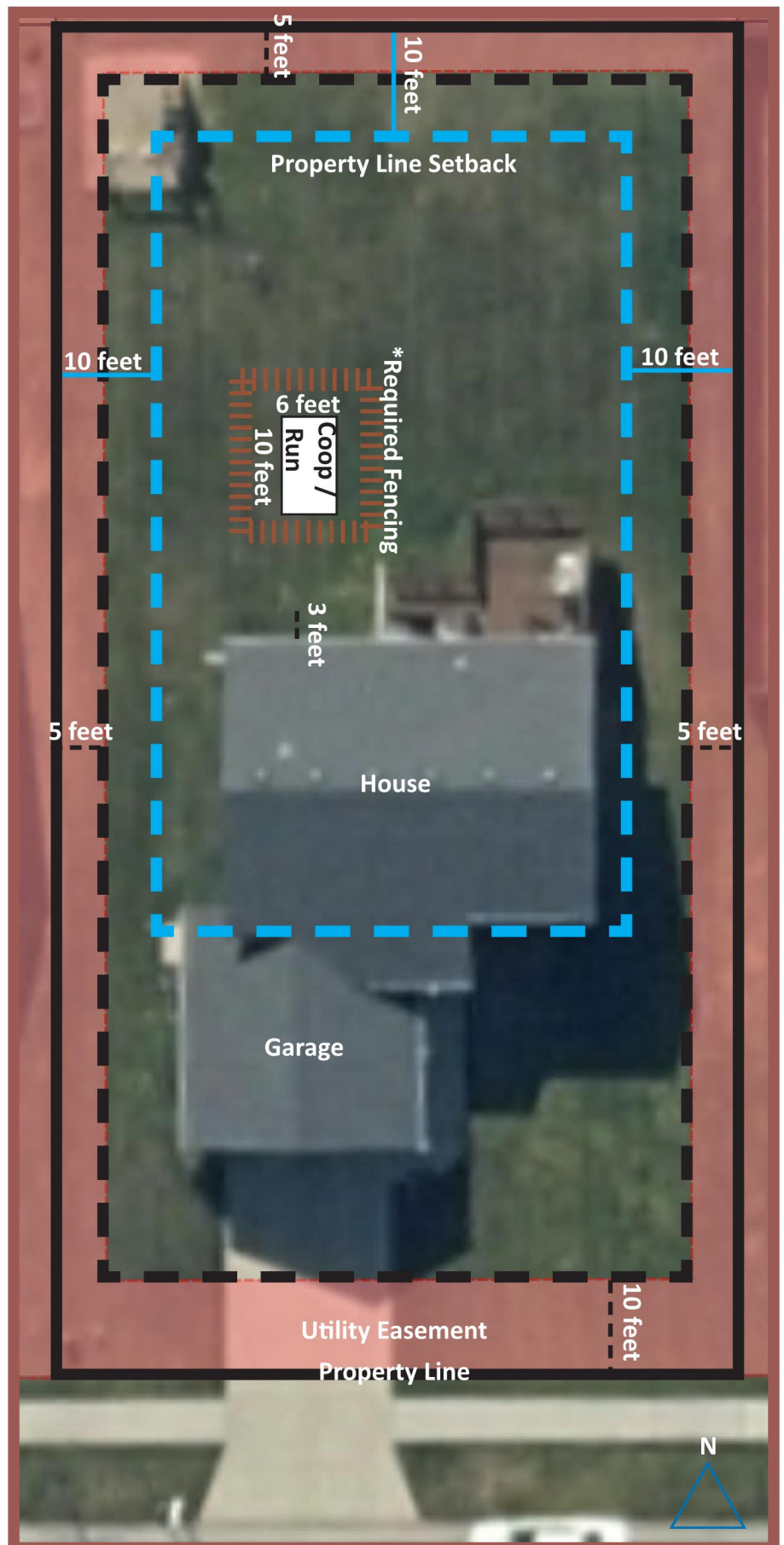
Must be placed outside of easement area

Visit [https://gis.cityofmoorhead.com/public\\_link/](https://gis.cityofmoorhead.com/public_link/) to locate easements.

- Select layers list
- Expand Cadastral
- Check Easements

Call GopherOne (811) before you dig

\*Required fencing can be met by providing a fully fenced in backyard or fencing around the coop/run area.



## RESOLUTION

### Resolution to Approve Title & Summary of Ordinance 2023-05

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2023-05: An Ordinance to Amend Section 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule; and

WHEREAS, a title and summary for publication of the above Ordinance was submitted to the City Council for its review in accordance with Section 3.07 of the Moorhead City Charter; and

WHEREAS, the City Council has reviewed the Title and Summary for said Ordinance for approval and has determined that the Title and Summary informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Title and Summary for Ordinance 2023-05: An Ordinance to Amend Section 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule 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: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## **TITLE AND SUMMARY OF ORDINANCE 2023-05**

The following Ordinance is hereby published by Title and Summary:

### **1. Title of Ordinance**

Ordinance 2023-05: An Ordinance to Amend Section 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule

### **2. Summary of Ordinance**

An Ordinance to Amend Section 3-7-1 and 3-7-10 of the Moorhead Municipal Code relating to Animal Control Definitions and Animals Prohibited in City and to Amend the 2023 Fee Schedule

### **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

This Ordinance was passed by the City Council of the City of Moorhead this 27<sup>th</sup> day of March, 2023.

First Reading: 03/27/2023

E-Post: 03/29/2023

Second Reading: 04/10/2023

Publication: XX/XX/2023



## City Council Communication

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April 10, 2023

**SUBJECT:**

Resolution to Award Bid for Underground Boring for Electric Line Relocations Related to 11<sup>th</sup> Street Underpass Grade Separation Project

**RECOMMENDATION:**

The Moorhead Public Service Commission respectfully requests the Mayor and City Council award the bid for the 11th Street Underpass Relocation Projects to the lowest, qualified bidder meeting the specifications, as shown on the attached Bid Tabulation Sheet, contingent upon award of the bid by the Moorhead Public Service Commission on/about April 18, 2023.

**BACKGROUND/KEY POINTS:**

The Minnesota Department of Transportation (MnDOT) has set a required relocation date of November 1, 2023, for utilities to relocate its infrastructure in order to accommodate construction of the 11th Street Underpass Project (Underpass Project) in downtown Moorhead. The required relocation projects that Moorhead Public Service (MPS) must complete are separated into three different projects. These projects are based upon location, and MPS has the potential to seek reimbursement from MnDOT for the expenses incurred as a direct result.

Bids were opened on March 22, 2023, for the Underpass Project. MPS received three qualified bids, all qualified bidders passed the Contractor Safety Pre-Qualification Checklist, and all bid securities were submitted properly and on time.

The lowest, qualified bidder is Parsons Electric (Parsons) in the amount of \$201,915. Parsons included a contingency allowance of \$9,615 in its bid price for the relocation projects. This allowance is for the sole use by MPS staff to cover any unanticipated costs that may arise during the projects. MPS cannot be billed for any of the contingency allowance unless a Work Change Directive is approved. The engineer's estimate for the Underpass Project is \$265,000.

Costs for the Underpass Project are included in MPS' capital and operations budgets for 2023.

**FINANCIAL CONSIDERATIONS:**

Although there is no cost to the City of Moorhead (directly), the total cost to the Moorhead Public Service Commission for the relocation projects is \$201,915.

**Voting Requirements:** Majority of Quorum

**Submitted By:**

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

**Attachments:** Bid Tabulation Sheet

## **RESOLUTION**

### **Resolution to Award Bid for 11th Street Underpass Relocation Projects**

WHEREAS, on March 22, 2023, bids were opened for the 11th Street Underpass Relocation Projects; and,

WHEREAS, Moorhead Public Service (MPS) staff evaluated the bids and submitted a Bid Tabulation Sheet with their recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead to award the bid for the 11th Street Underpass Relocation Projects to Parsons Electric, in the amount of \$201,915, contingent upon approval award of the bid by the Moorhead Public Service Commission on/about April 18, 2023.

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 the 11th Street Underpass Relocation Projects.

PASSED: April 10, 2023, by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

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March 27, 2023

**SUBJECT:**

Resolution to Approve weed control for invasive species in City parks

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve a unanimous recommendation of the Moorhead Park Advisory Board to mow ditches and ponds every three weeks, mow one mower width on the wet side of levees in areas that abut native planting areas and apply herbicides in Moorhead parks.

**BACKGROUND/KEY POINTS:**

At the Park Advisory Board's November 29 meeting, staff shared the 2022 trial of mowing ditches and ponds every three weeks was a success and the trial of spot spraying or manually removing weeds within 50' of playgrounds was not. Many parks experienced weed growth in playgrounds that made it difficult to keep them acceptably maintained. Ultimately, the Park Advisory Board unanimously voted to recommend the attached resolution to the Moorhead City Council.

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Council

**Submitted By:**

Dan Mahli, City Manager  
Steve Iverson, Public Works Director  
Nichole Parr, Administrative Assistant

**Attachments:**

## **RESOLUTION**

### **Resolution to Approve the use of Herbicides in City Parks**

WHEREAS, in 2022 staff performed trail practices of mowing ditches and ponds every three weeks; mowing one mower width on the wet side of levees in areas abutting native planting areas; and spot spraying or manually removing weeds within 50' of playgrounds; and

WHEREAS, the trials related to mowing were deemed a success; and

WHEREAS, the trail of spot spraying or manually removing weeds within 50' of playgrounds made it difficult to keep many playgrounds acceptably maintained; and

WHEREAS, at its November 29, 2022 meeting, the Park Advisory Board unanimously voted to recommend the Moorhead City Council consider a resolution to mow ditches and ponds every three weeks; mow one mower width on the wet side of levees where they abut native plantings; and to resume the practice of applying herbicides to the entirety of active Moorhead Parks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Mayor and City Council have approved mowing ditches and ponds every three weeks; mowing one mower width on the wet side of levees where they abut native plantings; and to resume the practice of applying herbicides to the entirety of active Moorhead Parks.

PASSED: March 27, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

March 27, 2023

**SUBJECT:**

Resolution to Approve Budget Adjustment #23-017 for Moorhead Community Access Media studio relocation and equipment upgrades that benefit coverage of City of Moorhead meetings

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve Budget Adjustment #23-017 to utilize Cable Capital Support Funds for Moorhead Community Access Media studio relocation and equipment upgrades that benefit coverage of City of Moorhead meetings.

**BACKGROUND/KEY POINTS:**

MCAM is relocating its studio from the Moorhead Center Mall. Fit up expenses such as electrical and office readiness are needed to continue broadcast services to the City of Moorhead. Equipment upgrades such as network infrastructure, wireless microphones, and presentation devices will provide continuing and enhanced MCAM productions of all City of Moorhead covered meetings.

**FINANCIAL CONSIDERATIONS:**

The cost is estimated not to exceed \$95,000. There is a cash balance in the Capital Cable Support Fund that in accordance with provisions of the franchise agreements with Midcontinent Communications and Sparklight (formerly Cable One), the Fund can only be used for the purchase of equipment upgrades and cable/fiber infrastructure such as this.

Budget Adjustment #23-017:

Fund Name	Account Description	Expenditure	Funding Source
Cable Capital Support	From Fund Balance		\$95,000
Cable Capital Support	Machinery & Equipment	\$95,000	
	<b>Total</b>	<b>\$95,000</b>	<b>\$95,000</b>

**Voting Requirements:** 3/4 of Council (6)

**Submitted By:**

Dan Mahli, City Manager  
Corey Delorme, Information Technology Director  
Jenica Flanagan, Finance Director

**Attachments:**



## RESOLUTION

### **Resolution to Approve Budget Adjustment #23-017 for Moorhead Community Access Media Studio Relocation and Equipment Upgrades that benefit coverage of City of Moorhead meetings**

WHEREAS, MCAM is relocating its studio from the Moorhead Center Mall; and

WHEREAS, fit up expenses such as electrical and office readiness are needed to continue broadcast services to the City of Moorhead; and

WHEREAS, equipment upgrades such as network infrastructure, wireless microphones, sound improvements, and presentation devices will provide continuing and enhanced MCAM productions of all City of Moorhead covered meetings; and

WHEREAS, a budget adjustment in the Cable Capital Support Fund is required to complete this purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that Budget Adjustment #23-017 is hereby approved.

PASSED: March 27, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

April 10, 2023

**SUBJECT:**

Resolution to Accept Quarterly Donations

**RECOMMENDATION:**

The Mayor and City Council are asked to approve a resolution accepting various donations/gifts that are \$1,000 or greater in value on behalf of the City.

**BACKGROUND/KEY POINTS:**

Minnesota Statutes Section 465.03 allows the City to accept donations of real and personal property by resolution with an affirmative vote of two-thirds of the members of the City Council. The City has been accepting donations without a formal process of approval by the City Council. City staff has developed a policy and procedures to manage the acceptance of donations by the City, which includes the approval of an annual resolution to allow the City Manager to accept smaller donations, and quarterly resolutions for Council approval of larger donations. In both cases the City Council will be provided with a list of donations for approval by resolution for all donations accepted on behalf of the City.

The donations of \$1,000 or more that have been received, but not formally accepted include:

Name of Donor	Amount	Terms and Conditions
Lake Agassiz Pacers	\$1,800.00	Inclusive Playground
Kiwanis Club of Moorhead Foundation	\$2,000.00	Inclusive Playground

**FINANCIAL CONSIDERATIONS:**

In an effort to minimize the administrative time involved with asking the City Council to approve separate resolutions for every donation it was decided that quarterly reporting to accept donations of \$1,000 or more and an annual resolution accepting those of smaller amounts would be presented to Council.

**Voting Requirements:** 2/3 of Council (6)

**Submitted By:**

Dan Mahli, City Manager

Jami McGregor, Executive Assistant

**Attachments:**

## RESOLUTION

### Resolution to Accept Quarterly Donations

WHEREAS, the City of Moorhead is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 et seq. for the benefit of its citizens; and

WHEREAS, cities may accept gifts of real or personal property, including money and use them in accordance with the terms described by the donor; however, a municipality may not accept or use donations for religious or sectarian purposes; and

WHEREAS, under Minnesota Statute 465.03, a resolution accepting donations and the terms for such, requires an affirmative vote of two-thirds of the members of the Council; and

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the city with the terms and conditions, if any:

Name of Donor	Amount	Terms and Conditions
Lake Agassiz Pacers	\$1,800.00	Inclusive Playground
Kiwanis Club of Moorhead Foundation	\$2,000.00	Inclusive Playground

WHEREAS, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead Minnesota that, in accordance with Minnesota Statute 465.03, the City Council does hereby authorize and direct the City Manager to accept gifts of real or personal property, including money to be utilized by the City of Moorhead as listed above that shall be used as the terms and conditions describe above, as allowed by law.

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

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April 10, 2023

**SUBJECT:**

Resolution to Approve New Liquor License to Galaxy Hospitality, LLC DBA Courtyard by Marriott

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve the issuance of an On-Sale liquor license to Galaxy Hospitality, LLC. (DBA Courtyard by Marriott).

**BACKGROUND/KEY POINTS:**

Approval is contingent upon the following:

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

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager  
Christina Rust, City Clerk

**Attachments:**

**RESOLUTION**

**Resolution to Approve New Liquor License to Galaxy Hospitality, LLC  
DBA Courtyard by Marriott**

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** ..... \$1,500  
**Sunday Liquor**..... \$200

Name: Galaxy Hospitality, LLC  
DBA: Courtyard by Marriott  
Location: 1080 28<sup>th</sup> Ave. S  
License Period: April 10, 2023 to June 30, 2023

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

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

PASSED: April 10, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk