



**CITY COUNCIL  
MEETING AGENDA  
JUNE 12, 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. Consent Agenda

*All items listed with an asterisk ( \* ) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*
5. Recognitions - Presentations
  - A. MoorHeart Recognition: Pat Lenertz
  - B. Presentation: Cass-Clay Food Partners, Michelle Draxten & Janice Tweet
  - C. Presentation: Fowzia Adde, Executive Director, Immigrant Development Center
6. Approve Minutes
  - A. May 22, 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. Economic Development
  - A. Resolution to Authorize City Manager to assist in filing a Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative

11. Engineering Department
  - A. \*Resolution to Approve Biennial Routine Maintenance Agreement No. 1053876 with MnDOT
12. Parks and Recreation Department
  - A. Resolution to Proceed with Construction of the Inclusive Playground at Southside Regional Park
13. Community Development Department
  - A. \*Resolution to Approve Grant Agreement with MN Department of Transportation Office of Aeronautics for Maintenance and Operations - Moorhead Municipal Airport Florence Klingensmith Field
  - B. \*Resolution to Approve Vacation of Easements within Prairie Parkway First Addition
14. Police Department
  - A. \*Resolution to Authorize Budget Adjustment #23-026 to Approve Purchases from the State of MN Drug Seizure Fund
  - B. \*Resolution to Approve Budget Adjustment #23-027 to Accept 2023-2024 Pathway to Policing Grant
15. Administration
  - A. 2023 Legislative Recap - Lisa Bode, Governmental Affairs Director
  - B. \*Resolution of Support - Minnesota Capital Investment Funding Request for Flood Mitigation
  - C. Resolution to Authorize Staff to Submit Preliminary Minnesota Capital Investment Application on behalf of the Immigrant Development Center
  - D. \*Resolution to Authorize Advertisement for Construction Manager At Risk (CMAR) Services for the Moorhead Community Center/Public Library
  - E. \*Resolution to Award Contract to KLJ for a Transit Reorganization Study
  - F. \*Resolution to Approve 2023-2024 Liquor License Renewals
  - G. \*First Reading of Ordinance 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services
  - H. \*Resolution to Authorize City Manager and Mayor to execute Memorandums of Agreement with labor unions recognizing Juneteenth as a paid holiday
16. Mayor and Council Reports
17. City Manager Reports
18. Executive Session
19. New Business



20. Adjourn



## City Council Communication

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June 12, 2023

**SUBJECT:**

MoorHeart Recognition: Pat Lenertz

**RECOMMENDATION:**

The Mayor and City Council are asked to recognize and honor Pat Lenertz 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 June 2023 award, the MoorHeart selection committee chose to recognize Pat Lenertz for his dedication to help those in need through his music and mental health advocacy.

Pat is a musician and mental health advocate who uses his time to shed light on positive community engagement opportunities, often donating his talent and time to benefit concerts and the patients and staff at CCRI. He also often teams up with other area musicians for different events, showing the value in bringing communities together through positive activities for people and projects in need.

Chris Larson wrote in the nomination: His dedication to his community, his strength of character, and his overwhelmingly big and open heart have yet to receive the public accolades that I believe he is due. During the pandemic, Pat enlisted the help of a friend with a flatbed truck, hooked up a PA system and drove to local elderly care facilities to provide them some music and a connection to the outside world when it was badly needed. To anyone who knows him, this was not surprising because both as a solo act and as a band leader, he has donated countless hours of performance time to various charity efforts throughout his career as a musician. What a lot of people might not know is that giving back to his community really begins every workday at CCRI, where Pat is a respected and treasured licensed Mental Health Practitioner and often performs for the staff and clients, which always brings them such joy. He also used the connections he built as a local musician to launch the annual Hot Peppers for CCRI fundraiser back in 2016. To date, those efforts have raised several thousand dollars to support CCRI. I proudly nominate this passionate and powerful force for good.

Pat, we are grateful for your positive presence in our community and thank you for helping bring out the best in everyone through your talents in music and mental health advocacy. You and others like you are the reason we are Moorhead strong.

The MoorHeart award is commemorated with a piece of art commissioned from local artist Hudi Kobrinsky especially for this purpose.

As you learn of others in our community doing great things, large and small, please consider



## City Council Communication

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June 12, 2023

submitting a nomination. Information on nominating others for MoorHeart consideration is found at [cityofmoorhead.com](http://cityofmoorhead.com).

**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  
MAY 22, 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: Deb White  
Council Member: Steve Lindaas  
Council Member: Larry Seljevold  
Council Member: Chuck Hendrickson  
Mayor: Shelly Carlson

Absent: Council Member: Laura Caroon

2. Pledge of Allegiance

3. Agenda Amendments

4. Recognitions - Presentations

A. Proclamation - Dr. Anne Blackhurst Day

Mayor Carlson presented a proclamation recognizing MSUM President Dr. Anne Blackhurst.

5. Consent Agenda

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

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Caroon

6. Approve Minutes

A. May 8, 2023 Meeting Minutes

**Motion to Approve May 8, 2023 Meeting Minutes made by Larry Seljevold and seconded by Steve Lindaas**

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0; Absent: 1; Caroon

MOORHEAD CITY COUNCIL MEETING MINUTES

May 22, 2023

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.*
- A. Public Hearing for Special Assessments - 2022 Unpaid Administrative Penalties and Abatements
- Motion to Open Public Hearing Public Hearing for Special Assessments - 2022 Unpaid Administrative Penalties and Abatements made by Deb White and seconded by Heather Nesemeier**  
Motion Passed  
For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevoll, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 1; Caroon
- Community Development Director Kristie Leshovsky shared special assessments due to unpaid administrative penalties related to property maintenance issues, rental registration, tree removal and sanitation billing from 2022. The city has operated an administrative citation and penalty system approved by the Clay County District Court since 2005. Ms. Leshovsky noted that four requests were adjusted related to considerations.
- Motion to Close Public Hearing Public Hearing for Special Assessments - 2022 Unpaid Administrative Penalties and Abatements made by Deb White and seconded by Heather Nesemeier**  
Motion Passed  
For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevoll, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 1; Caroon
- B. Resolution to Consider Adoption for Special Assessments - 2022 Unpaid Administrative Penalties and Abatements
- Motion to Approve Resolution to Consider Adoption for Special Assessments - 2022 Unpaid Administrative Penalties and Abatements made by Matthew Gilbertson and seconded by Steve Lindaas**  
Motion Passed  
For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevoll, Hendrickson  
Against: 0;  
Abstain/Recuse: 0;  
Absent: 1; Caroon



**Motion to direct the City Manager to make property maintenance and compliance of rental housing standards a priority in the 2024 budget planning process as well as explore new and/or enhanced penalties that include but are not limited to revocation of rental licenses. made by Deb White and seconded by Heather Nesemeier**

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Caroon

- C. Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects

**Motion to Open Public Hearing Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects made by Chuck Hendrickson and seconded by Heather Nesemeier**

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Caroon

Assistant City Engineer Tom Trowbridge shared the adoption of special assessments for public improvements for various construction projects. A correction was noted that MCCARA assessment, Lot 3 Block 1 is the city pond which is not normally assessed. Instead, it is recommended that reallocation of those assessments be moved to the other 17 lots owned by the city.

**Motion to Close Public Hearing Public Hearing to Consider Adoption of Special Assessments for Public Improvements for Various Construction Projects made by Deb White and seconded by Steve Lindaas**

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Caroon

- D. Resolution to Consider Adoption for Special Assessments for Public Improvements for Various Construction Projects

**Motion to Approve Resolution to Consider Adoption for Special Assessments for Public Improvements for Various Construction Projects with the re-allocation of assessments for Lot 3 Block 1 to be placed on the remaining city owned lots made by Steve Lindaas and seconded by Ryan Nelson**

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevold, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Caroon

10. Engineering Department

- A. \*Resolution to Approve a Utility Relocation Agreement with MnDOT for 2nd Ave N Area Underground Utility & Street Improvements (Eng. No. 23-A2-04A and 14-02-03F)
- B. \*Resolution to Approve MnDOT Contract No. 1052209 for Federal Participation in Force Account for the 2023 Carbon Reduction Grant Program (SP 144-030-006)

11. Community Development Department

- A. \*Resolution to Award Bid - Electrical Vault and Equipment Replacement Moorhead Municipal Airport Florence Klingensmith Field
- B. \*Resolution to Approve Agreement with Mead and Hunt for Electrical Vault and Equipment Replacements Construction Services Moorhead Municipal Airport Florence Klingensmith Field
- C. \*Resolution to Approve Grant Agreements with State of MN and US Federal Aviation Administration for Electrical Vault and Equipment Replacement Moorhead Municipal Airport Florence Klingensmith Field
- D. Resolution to Approve Agreements Relating to Community Garden Grants

Assistant City Planner Brittany Cameron presented agreements for Community Garden Grants that are recommended for gardens at Brookdale Baptist Church, Grateful Community Gardens and Salem Evangelical Free Church. The community gardening initiative is supported by the Onward Moorhead Comprehensive Plan.

**Motion to Approve Resolution to Approve Agreements Relating to Community Garden Grants made by Heather Nesemeier and seconded by Steve Lindaas**

Motion Passed

For: 6; Nelson, Gilbertson, Nesemeier, Lindaas, Seljevold, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 1; Caroon

- E. Resolution to Approve Agreements Relating to the 2023 Call for Placemaking Services

Assistant City Planner Brittany Cameron shared the agreements for the 2023 Call for Placemaking Services with two projects recommended for funding. Anna Kann, Fargo-Moorhead Community Theatre Technical Director, shared details of the proposed Community Building Build-A-Thon. Simone Wai, Co-Founder and Creative Director of Folkways, shared details of its proposed community event for A Night Festival – Moorhead Riverfront Magic.

**Motion to Approve Resolution to Approve Agreements Relating to the 2023 Call for Placemaking Services made by Steve Lindaas and seconded by Chuck Hendrickson**

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevold, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 1; Caroon

12. Moorhead Public Service

- A. \*Resolution to Approve Amended S-1 Power Sale Agreement - Schedule A with Missouri River Energy Services

13. Public Works

- A. \*Resolution to Approve Submission of Grant for USDA Inflation Reduction Act funds for Support of EAB Efforts

14. Administration

- A. \*Resolution to Approve a Minnesota Lawful Gambling Premise Permit for VFW Post 1223

15. Mayor and Council Reports

Council Member Deb White shared information on upcoming Juneteenth activities, volunteers are needed for events. Council Member White spoke of the Red River Recovery Initiative and how it is working on mobile mental health and substance use crisis response teams to alleviate pressure on law enforcement. Ms. White invited Ward 3 citizens to join a Coffee with Ward 3 Council Members event July 11 at 6:00 pm at Gooseberry Park.

Council Member Steve Lindaas shared his attendance along with Council Member Deb White's in the Inclusive Moorhead event.

Council Member Heather Nesemeier reported the City of Moorhead Clean-Up event was successful and encouraged the public to sign up for city e-notifications to be updated on upcoming activities. Council Member Nesemeier mentioned her meetings with the Clay County Collaborative and encouraged the public to take the partnership4health survey at [www.partnership4health.org](http://www.partnership4health.org). Ms. Nesemeier talked about the Class Clay Food Commission and the impact of gleaning on food security.

Council Member Ryan Nelson shared an update of the Red River Regional Dispatch Center's new proposed location in North Fargo. Council member Nelson also stated the relocation of Moorhead Community Access Media is anticipated to happen in July 2023.

Council Member Gilbertson discussed volunteer watering rules from Moorhead Public Service, with even numbered homes watering on even days and odd numbered homes watering on odd days. Council Member Gilbertson shared a reminder from the MN Department of Commerce that the low-income home energy assistance program is free and provides benefits to community members for renters and homeowners.

Mayor Shelly Carlson shared her participation on a Mayoral panel discussion with the Army Corp of Engineers at Concordia College. Mayor Carlson discussed her attendance at the Missouri River Energy Services' Annual Meeting in Sioux Falls, SD. The Mayor spoke about the groundbreaking for a new First Community Credit Union on 34<sup>th</sup> Street South and also participated on a panel for Protecting Houses of Worship that was hosted by the US Department of Justice and coordinated with ND's US Attorney's Office.

16. City Manager Reports

City Manager Dan Mahli highlighted Moorhead's new online permit guide which the city's development team launched recently to provide information on how to complete certain residential

projects such as fences, sheds, pools and decks. The guide can be found on the city website and is an excellent resource for managing projects and expectations. Mr. Mahli also shared an update on the 2023 legislative session in Minnesota. He stated this year's session ends at midnight that evening May 22. Mr. Mahli's status update on Moorhead's legislative priorities include the Tax Bill that has been approved by the Legislature. Specific items to Moorhead are a sales tax exemption for the Community Center Regional Library project which is expected to save approximately \$1 million to construction of the project, an increase in Local Government Aid estimated to be \$900,000 per year, and one-time aid for public safety needs which is estimated to be \$1.9M in Moorhead. There is also an approved \$10M in the Transportation Bill to help cover the inflation gap on the 11 Street Underpass project. In addition, the city is awaiting Bonding Bill details to be announced related to flood mitigation. Moorhead's request is \$24M. Previous bills included \$11M specific to Moorhead's final five flood projects. Beyond the City's specific legislative agenda, there are other state policy changes that impact Moorhead, its residents and businesses. Staff is analyzing information and looks forward to sharing a full legislative update at the City Council meeting on June 12.

17. Executive Session

- A. Closed Executive Session pursuant to Minn. Stat. § 13D.05, subdivision 3 C(3) for an update and direction regarding the property 58.520.4100 owned by the City

Council member Gilbertson did not attend executive session due to a conflict.  
Exited Executive Session at 7:21pm

**Motion to Enter Closed Session Closed Executive Session pursuant to Minn. Stat. § 13D.05, subdivision 3 C(3) for an update and direction regarding the property 58.520.4100 owned by the City made by Ryan Nelson and seconded by Heather Nesemeier**

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, White, Lindaas, Seljevold, Hendrickson

Against: 0

Abstain/Recuse: 0

Absent: 1; Caroon

18. New Business

19. Adjourn

Meeting adjourned at 7:23pm

APPROVED BY:

ATTEST:

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Michelle (Shelly) A. Carlson  
Mayor

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Christina Rust  
City Clerk

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







## City Council Communication

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June 12, 2023

**SUBJECT:**

Resolution to Authorize City Manager to assist in filing a Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative (the "Grant Application")

**RECOMMENDATION:**

The Mayor and City Council are asked to authorize the City Manager to assist in filing a Highway 10 Corridor Main Street Economic Revitalization Grant - West Central Initiative (the "Grant Application")

**BACKGROUND/KEY POINTS:**

As part of the Moorhead Center District redevelopment strategies as found in the Downtown Moorhead Master Plan, the City of Moorhead has retained Roers Construction ("Roers") to assist with the redevelopment of the Moorhead Center Mall site. Roers is proposing to apply for the Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative (the "Grant Application") in connection with the redevelopment of the United Sugars Building (currently owned by Kevin Bartram) located on eastern edge of the Moorhead Center Mall site.

Roers and Bartram are both contemplating projects that would qualify for the grant program and both parties are contemplating grant application submission. Both projects require a land swap or purchase of additional land (eastern portion of the city-owned parking lot) to complete the projects. The grant application requirements ask applicants to prove site control and project readiness to score competitively against other competing projects on the corridor. Therefore, an agreement (or other similar legal document) between the parties showing the proposed transaction is necessary.

The specific terms and conditions of the exchange agreement would be negotiated by the City Manager, City Attorney, Roers, and Kevin Bartram. Any final agreement would be presented to the City Council for approval. At this stage, the City Manager is asking for authorization to assist in the filing of the Grant Application.

**FINANCIAL CONSIDERATIONS:**

The filing of the Grant Application will not result in any financial cost to the City. Any subsequent agreement(s) necessary to complete the contemplated transaction will need to be approved by City Council at a later date.

**Voting Requirements:** Majority of Quorum



## City Council Communication

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June 12, 2023

**Submitted By:**

Dan Mahli, City Manager

Amy Thorpe, Economic Development Program Administrator

Derrick LaPoint, DMI/Economic Development

**Attachments:**

## RESOLUTION

### **Resolution to Authorize City Manager to assist in filing a Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative (the "Grant Application")**

WHEREAS, Roers Construction ("Roers") and the City of Moorhead have previously entered into a pre-development agreement; and

WHEREAS, Roers is proposing to redevelop the United Sugars Building located on the eastern edge of the Moorhead Center Mall; and

WHEREAS, Roers would like to apply for a Highway 10 Corridor Main Street Economic Revitalization Grant through West Central Initiative (the "Grant Application"); and

WHEREAS, the transaction contemplated in the Grant Application will involve an exchange of land, the terms and conditions will be brought to the City Council at a later date.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Manager is herein authorized to assist in applying for the Highway 10 Corridor Main Street Economic Revitalization Grant through the West Central Initiative.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Approve Biennial Routine Maintenance Agreement No. 1053876 with MnDOT

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve, and authorize the Mayor and City Manager to execute, the above-referenced agreement.

**BACKGROUND/KEY POINTS:**

Consistent with previous agreements, MnDOT has requested that the City perform routine maintenance on the following segments of Trunk Highway 10 (TH 10) and Trunk Highway 75 (TH 75) within the corporate City limits:

- TH 10: from the MN/ND border to the eastern City limits (2.53 miles or 10.74 lane miles)
- TH 75: from 24th Ave S to Main Ave (1.56 miles or 7.25 lane miles)

The term of the agreement is two years beginning July 1, 2023, or on the date it is approved and executed by all appropriate City and State of Minnesota officials, whichever occurs later, through June 30, 2025. This is an ongoing agreement that is renewed every two years to reflect changes in terms or conditions, mileage, and the compensation rate per mile.

By entering into this agreement, the City agrees to maintain the highways in good repair and free of all obstruction and impediments to traffic. Routine reactionary maintenance includes snow plowing and sanding of the street and sidewalks, maintaining vegetation, and street sweeping. The agreement does not provide for significant maintenance items such as pothole patching, seal coating, crack filling, or pavement marking and regulatory sign maintenance, nor does it cover repair, rehabilitation, or reconstruction of streets, sidewalks, or traffic signals which remain a MnDOT responsibility.

**FINANCIAL CONSIDERATIONS:**

The agreement includes an inflationary adjustment to increase the compensation rate by 4.5% per year. The City will be paid \$2,466.80 per lane mile for State fiscal year 2024 and \$2,553.13 per lane mile for State fiscal year 2025 for a total of \$95,296.51 over the two-year period.

**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:** Draft Resolution

## RESOLUTION

### **Resolution to Approve Biennial Routine Maintenance Agreement No. 1053876 with MnDOT**

WHEREAS, MnDOT and the City of Moorhead desire to enter into an agreement whereby the City of Moorhead would perform certain routine reactionary maintenance on portions of Trunk Highway No. 10 and No. 75, in exchange for an annual lump sum payment by the State to the City.

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

1. The City of Moorhead enter into MnDOT Agreement No. 1053876 with the State of Minnesota, Department of Transportation for the following purposes:
  - To provide for routine maintenance by the City from July 1, 2023 through June 30, 2025 within the corporate City limits upon, along and adjacent to portions of Trunk Highway Nos. 10 and 75, the limits of which are defined in said Agreement.
2. The Mayor and City Manager are authorized to execute the Agreement and any amendments to the Agreement.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Proceed with Construction of the Inclusive Playground at Southside Regional Park

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution recommending the area next to the Administrative / Restroom Facility at Southside Regional Park as the preferred location for the Moorhead Inclusive Playground and authorize staff to proceed with construction by entering into an Agreement with Landscape Structures and Randall's Excavating Inc.

**BACKGROUND/KEY POINTS:**

An Inclusive Playground was on the list of community projects created during the strategic planning process, prioritized by the Park Advisory Board and approved by the Moorhead City Council on May 28, 2019. Fundraising to support the construction was initiated by city staff along with Project Champion, Jen Troska and a group of parents with special needs children. Over the last five years \$529,201 was collected through various funding sources to start the initial phase of construction. (Attachment 1) A future phase has been designed and can be added as funding becomes available. (Attachment 2)

**Inclusive Playground Overview**

An Inclusive Playground is designed to provide a safe place where children of all abilities can play together. It is recommended that the location for this playground be next to the Administrative/Restroom Facility at Southside Regional Park 2000 40th Ave South. A playground at this location has always been in the Master Plan for Southside Regional Park. Consideration was given to placing this next to the Miracle Field, however it is now thought that placing it in the hub of activity is a preferred location. (Attachment 3)

- Local playground dealer Dakota Playground initially developed a layout that was a 1-million-dollar project but has now downsized the project to fit the available \$500,000 budget. Dakota Playground is the local dealer for Landscape Structures and is regionally recognized for developing inclusive playgrounds. Additionally, they are approved for direct procurement in Sourcwell a cooperative purchasing organization with the State of MN. Design costs are included in the construction costs for the project.
- Site preparation and underground drainage work was quoted by Randall's Excavating and Key Contractors with Randall's coming in as the lowest quote at \$38,000.
- Included in the design / receivables is the concrete base with a rubber surface making it easier for wheelchairs to roll on, along with play equipment that is both sensory and physically challenging.



## City Council Communication

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June 12, 2023

- One of the requests from the Project Champions (Moms group) was to fence in the playground to protect the children, however, due to the limited budget the fencing is not included in this phase. Fundraising efforts will continue for the addition to the fencing portion as it was part of a donor recognition where donations of \$100.00 would have the donors name placed on the fence. Costs for the construction of this fence are being solicited from vendors.

### **FINANCIAL CONSIDERATIONS:**

As designed by Dakota Playground, the cost of Phase 1 is \$516,727 plus the underground drainage work at \$38,000 for a total of \$554,727.

There is approximately \$529,201 available for this project. To date, the following funds have been set aside or donated to support this project.

- |   |           |
|---|-----------|
| • 2023 Park Amenities – Playground Fund     | \$80,000  |
| • American Rescue Plan Act                  | \$345,525 |
| • Parkland Dedication- Prairie Meadows      | \$35,000  |
| • Relocation of Recycling Center            | \$30,000  |
| • Capital Improvement set aside 2019-design | \$10,000  |
| • Community Donations                       | \$53,201  |
| • Larger Donations                          |           |
| ○ Kevin VanDyke – Horace Mann Co.           | \$10,000  |
| ○ Jeromy Brown Family Fund                  | \$10,000  |
| ○ Moorhead Kiwanis Club                     | \$10,000  |

Grants were submitted to Essential Health, AARP Challenge Grant, Christopher Reeves Foundation, Otto Bremer, and the Matt and Bridget Cullen Foundation – Cullys Kids. All were denied apart from one that is currently still under consideration along with some outstanding pledges. Any cost overruns will need to come out of 2023 Park Amenities or an additional draw from the ARPA funds.

An Inclusive Playground is listed as a sub fund under the Moorhead Community Fund with the FM Area Foundation. At this time \$642.79 remains in this fund.

**Voting Requirements:** Majority of Council

### **Submitted By:**

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

**Attachments:** Plan Design, Future Plan Design, Site Plan





Moorhead Miracle League 1



Dakota Playground

Moorhead Miracle League Playground • 4.20.2023





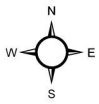
Moorhead Inclusive Park Phase 1 and 2



Dakota Playground

Moorhead Miracle League Playground Ph 1 and 2 • 5.3.2023





# Inclusive Playground Site Layout Draft: 4/27/23





## RESOLUTION

### **Resolution to Proceed with Construction of the Inclusive Playground at Southside Regional Park**

WHEREAS, the City's Strategic Plan under the Strategic Initiative; Infrastructure, outlines a Goal to provide comprehensive and effective City facilities and land management with the Objective to develop a 5-year facilities capital improvement plan; and

WHEREAS, an Inclusive Playground was one of the projects that was included by the Moorhead Park Board and Moorhead City Council as the top priority for completion; and

WHEREAS, the City of Moorhead is ready to move forward with Phase 1 for an Inclusive Playground; and

WHEREAS, after research and discussion on location, staff is recommending that Southside Regional Park, next to the existing Administrative / Restroom Facility, be the location for the Inclusive Playground; and

WHEREAS, the Master Plan for this location has long included a playground at this location; and

WHEREAS, Dakota Playgrounds / Landscape Structures is the preferred vendor along with Randall's Excavating Inc. to construct this playground; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the city move forward with entering into agreements with Dakota Playground/Landscape Structures and Randall's Excavating Inc. to construct an Inclusive Playground next to the Administrative / Restroom Facility at Southside Regional Park 2000 40<sup>th</sup> Ave South.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Approve Grant Agreement with MN Department of Transportation Office of Aeronautics for Maintenance and Operations - Moorhead Municipal Airport Florence Klingensmith Field

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve a Grant Agreement for Airport Maintenance and Operations with the MN Department of Transportation Office of Aeronautics

**BACKGROUND/KEY POINTS:**

The proposed grant would reimburse the City/Airport for maintenance and operations costs not reimbursed by other grant sources (example: utilities, building maintenance, lighting, insurance, etc.). The grant would remain in effect for State fiscal years 2024 and 2025 (July 2023 – June 2025) and would reimburse the City up to \$29,504.00 annually for eligible maintenance and operations expenses.

**FINANCIAL CONSIDERATIONS:**

The grant would provide up to 75% of eligible airport maintenance and operations costs up to a maximum of \$29,504.00 annually. This is the same amount as the 2022-2023 grant.

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

**Submitted By:**

Dan Mahli, City Manager  
Kristie Leshovsky, Community Development Director

**Attachments:** Draft Resolution

## RESOLUTION

### **Resolution to Approve Grant Agreement with MN Department of Transportation Office of Aeronautics for Maintenance and Operations - Moorhead Municipal Airport Florence Klingensmith Field**

WHEREAS, the City of Moorhead desires the financial assistance of the State of Minnesota for maintenance and operations costs at the Moorhead Municipal Airport – Florence Klingensmith Field; and

WHEREAS, the State of Minnesota is willing and authorized to provide financial assistance to the City of Moorhead for maintenance and operations costs at the Airport.

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

1. That the State of Minnesota Contract Number 1053297, “Airport Maintenance and Operations Grant Contract” at the Moorhead Municipal Airport is hereby accepted; and
2. That the Mayor and City Manager are herein authorized to execute the Contract and any amendments on behalf of the City of Moorhead.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Approve Vacation of Easements within Prairie Parkway 1st Addition

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a vacation of two 5-foot drainage & utility easements within Prairie Parkway 1<sup>st</sup> Addition.

**BACKGROUND / KEY POINTS:**

The request is to combine the two lots to construct one dwelling across the property line.

The Moorhead Planning Commission considered the request at their June 5, 2023 meeting and unanimously recommended approval of the vacation with no public comments. The complete Planning Commission packet 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

Forrest Steinhoff, Assistant City Planner

**Attachments:** General Location Map  
Resolution – Vacation of Easement & Findings of Fact

## RESOLUTION

### **Resolution to Approve Vacation of Two 5-foot Drainage and Utility Easement within Prairie Parkway 1st Addition**

WHEREAS, Prairie Parkway, LLC, has requested a vacation of easements within Prairie Parkway 1st Addition, described as follows:

A 5.00-foot Drainage and Utility Easement along the east boundary of Lot 17, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and

A 5.00-foot Drainage and Utility Easement along the west boundary of Lot 16, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and

WHEREAS, a public hearing to consider the vacation request was held on June 5, 2023 before the Moorhead Planning Commission following public notice as required by law and all interested and affected persons were given an opportunity to voice their concerns; and

WHEREAS, following the public hearing, the Moorhead Planning Commission unanimously recommended approval of the vacations described herein; and

WHEREAS, the easement vacations have been found consistent with the following considerations:

- A. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan and with the purpose of the zoning district in which the applicant intends to locate the proposed use.
  - The proposed vacations are consistent with Moorhead's 2022 Comprehensive Plan and Zoning Code.
- B. The proposed vacation request is compatible with the present and future uses of the area.
  - The proposed vacations will not be detrimental to traffic circulation, access, emergency services, or utilities facilities.
- C. The proposed action will benefit the public interest.
  - The proposed vacations will accommodate the development of single-family housing.
- D. The proposed action has been considered in relation to City Charter, City Code and MN State Statutes and Rules and has been found consistent with said regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council herein adopts the Findings of Fact approved by the Moorhead Planning Commission in the attached Exhibit A and approved the easement vacations within Prairie Parkway 1st Addition, described as follows:

A 5.00-foot Drainage and Utility Easement along the east boundary of Lot 17, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and

A 5.00-foot Drainage and Utility Easement along the west boundary of Lot 16, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof.

contingent upon the following conditions:

1. Owner/Applicant is responsible for all rerouting and reestablishing easements for existing utilities.
2. Owner/Applicant to receive all required federal, state and local permits.

PASSED: June 12, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

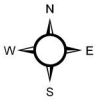
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Michelle (Shelly) A. Carlson, Mayor

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Christina Rust, City Clerk





# General Location Map - Vacation Area

2616 and 2622 37th Ave S  
58.623.0220 and 58.623.0210



**Easements Vacation  
Moorhead Planning Commission  
Findings of Fact**

REQUEST: Vacation of Two 5-foot Drainage & Utility Easement within Prairie Parkway 1<sup>st</sup> Addition

LOCATION: 2616 37<sup>th</sup> Ave S – Lot 17, Block 2 – 58.623.0220  
2622 37<sup>th</sup> Ave S – Lot 16, Block 2 – 58.623.0210

APPLICANT/OWNER: Prairie Parkway, LLC

FILE NO: 23P005

WHEREAS, the Moorhead Planning Commission received a full and complete application for Vacation of Easements within Prairie Parkway 1<sup>st</sup> Addition, described as:

A 5.00-foot Drainage and Utility Easement along the east boundary of Lot 17, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and

A 5.00-foot Drainage and Utility Easement along the west boundary of Lot 16, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and

WHEREAS, the vacation is to accommodate the development of a single-family dwelling; and

WHEREAS, the Moorhead Planning Commission held a public hearing on the aforementioned request on June 5, 2023; and

WHEREAS, upon considering the application, staff report and analysis, public testimony and comment, and all other pertinent and available information, the Moorhead Planning Commission finds the following:

**Findings of Fact**

- A full and complete application was filed by Prairie Parkway, LLC and received May 2, 2023 (herein referred to as "Application") seeking a Vacation of Easements within Prairie Parkway 1<sup>st</sup> Addition, legally described as:
  - A 5.00-foot Drainage and Utility Easement along the east boundary of Lot 17, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and
  - A 5.00-foot Drainage and Utility Easement along the west boundary of Lot 16, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof.
- The request is to accommodate the development of single-family dwelling.
- A public hearing was held by the Planning Commission on June 5, 2023 on the application allowing all interested persons an opportunity to speak, full and complete record of which is detailed in the minutes of the Moorhead Planning Commission.
- The request has been found consistent with the following considerations:
  - A. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan and with the purpose of the zoning district in which the applicant intends to locate the proposed use.
    - The proposed vacation is consistent with Moorhead's 2022 Comprehensive Plan and Zoning Code.
  - B. The proposed vacation request are compatible with the present and future uses of the area.

- The proposed vacation will not be detrimental to traffic, circulation, access, emergency services, or utilities facilities.
- C. The proposed action will benefit the public interest.
  - The proposed vacation will accommodate the development of single-family housing.
- D. The proposed action has been considered in relation to City Charter, City Code and MN State Statutes and Rules and has been found consistent with said regulations.

NOW, THEREFORE, BE IT RESOLVED by the Moorhead Planning Commission that based upon the above Findings of Fact, the request of Prairie Parkway, LLC, for Vacation of Easements within Prairie Parkway 1st Addition, legally described as:

A 5.00-foot Drainage and Utility Easement along the east boundary of Lot 17, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof; and

A 5.00-foot Drainage and Utility Easement along the west boundary of Lot 16, Block 2, Prairie Parkway 1<sup>st</sup> Addition, excluding the northerly and southerly 10.00 feet thereof.

is hereby approved contingent upon:

- a. Owner/Applicant is responsible for all rerouting and reestablishing easements for existing utilities.
- b. Owner/Applicant to receive all required federal, state and local permits.

PASSED by the Moorhead Planning Commission this 5th day of June, 2023.

  
Brent Behm, Chair  
Moorhead Planning Commission

  
Attest: Robin Huston,  
City Planner/Zoning Administrator





## City Council Communication

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June 12, 2023

**SUBJECT:**

Resolution to Authorize Budget Adjustment #23-026 to Approve Purchases from the State of MN Drug Seizure Fund

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution formally supporting the Moorhead Police Department's transfer of \$54,500 from the State Drug Seizure Fund for the purchase of a Polaris Ranger (UTV), purchasing a one-year subscription to Police Academy One, and updating an Arvig Media recruitment video.

**BACKGROUND/KEY POINTS:**

**Utility Terrain Vehicle (UTV):** The Moorhead Police Department has researched the need for a UTV to improve appropriate access to several new bike paths, riverfront areas, and difficult-to-patrol areas located within city limits. The UTV will also enhance community contacts within the city, such as city parks, and during special events, such as parades and marathons. The accessories will also enable the UTV to be used during inclement weather situations and to enhance rescue abilities. The accessories include an enclosed passenger compartment, heat/air, emergency lighting, and tracks. The total cost will be approximately \$42,000.

**Police One Academy:** Police One Academy is an online platform offering hundreds of continuing education, and MN POST required classes. The program will provide options to enhance required continuing education while using a "per officer" schedule to assist with departmental scheduling and maintain officer availability efficiently and effectively. The online option is projected to reduce required officer overtime for attending scheduled in-person classes while delivering quality projects to each officer. The total cost for a one-year subscription is approximately \$4,500.

**Arvig Media:** Producing a new recruitment video that focuses on department support both internally and from our city. City, business, and school leaders will make short video segments to show the support new candidates will receive in Moorhead. Officers who have joined the Moorhead Police Department from other departments will also discuss their experiences and the culture of the Moorhead Police Department. The video will be used on our homepage, YouTube, and other digital media. The total cost to produce the video is approximately \$8,000.

All three projects support the Moorhead Strategic Plan by enhancing Community Safety and Well-Being by improving contacts with our citizens, lowering costs for personal enrichment and education of our staff, and providing new information and testimonials to increase recruitment of needed staff.



## City Council Communication

June 12, 2023

### **FINANCIAL CONSIDERATIONS:**

The monies in the amount of \$54,500 will be taken from our State Drug Seizure fund to support these purchases. MN State Statute supports using funds from the State Drug Seizure fund for these projects.

### **Budget Adjustment #23-026**

<b>Fund Name</b>	<b>Account Description</b>	<b>Expenditure</b>	<b>Funding Source</b>
100-421-10-39999	State Drug Seizures		54,500
100-421-23-44040	Machine & Equipment	42,000	
100-421-23-43100	Professional Services	12,500	
Total		\$54,500	\$54,500

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

### **Submitted By:**

Dan Mahli, City Manager  
Shannon Monroe, Chief of Police  
Deric Swenson, Police Captain

### **Attachments:**

## RESOLUTION

### **Resolution to Authorize Budget Adjustment #23-026 to Transfer of Funds to Support the Purchase of a Polaris Ranger (UTV), Purchasing a One-Year Subscription to Police Academy One, and Updating an Arvig Media Recruitment Video**

WHEREAS, the Moorhead Police Department's transfer of \$54,500 from the State Drug Seizure Fund for the purchase of a Polaris Ranger (UTV), purchasing a one-year subscription to Police Academy One, and updating an Arvig Media recruitment video.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota authorizes Budget Adjustment #23-026 transferring of \$54,500 from the State Drug Seizure Fund for the purchase of a Polaris Ranger (UTV), purchasing a one-year subscription to Police Academy One, and updating an Arvig Media recruitment video.

PASSED: June 12, 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

June 12, 2023

**SUBJECT:**

Resolution to Approve Budget Adjustment #23-027 to Accept 2023-2024 Pathway to Policing Grant

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to acceptance a 2023-2024 Pathways to Policing Reimbursement Grant (Budget Adjustment #23-027)

**BACKGROUND/KEY POINTS:**

The State of MN Pathways to Policing Grant supports policing programs that are intended to bring people with nontraditional backgrounds into law enforcement. Applicants may receive up to 50% of the cost for compensation and training expenses. In Moorhead, we have initiated much of the work by way of the Cadet program. If accepted, the Moorhead Police Department intends to continue to offer rich experiences and opportunities to people interested a career.

**FINANCIAL CONSIDERATIONS:**

The matching funds are within the City of Moorhead's 2023 operating budget. The proposed budget adjustment #23-027 would allow for \$34,865 in reimbursement Pathways to Policing grant funds to support the funding of compensation, training costs.

**Budget Adjustment #23-027**

Fund Name	Account Description	Expenditure	Funding Source
General	Reserves		\$34,865
General	State (Other)		\$34,865
General	Wages & Benefits	\$47,730	
General	Travel/Training	\$22,000	
Total		\$69,730	\$69,730

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

**Submitted By:**

Dan Mahli, City Manager  
Shannon Monroe, Chief of Police

**Attachments:**

## RESOLUTION

### **Resolution to Approve Budget Adjustment #23-027 to Accept 2023-2024 Pathway to Policing Grant**

WHEREAS, the Moorhead Police Department strives to attract and retain officers from backgrounds that represent the diversity within our community; and

WHEREAS, the Pathway to Policing Program Grant provides resources needed to expand recruitment efforts for nontraditional backgrounds; and

WHEREAS, the Pathway to Policing Program Grant adds more diversity to our Hometown Hero squad and creates opportunities for individuals to grow a career in policing in Moorhead.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the Mayor and City Manager are herein authorized and directed to approve a budget adjustment #23-027 for a 2023-2024 Pathways to Policing Reimbursement Grant.

PASSED: June 12, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

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

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

# CITY OF MOORHEAD

## 2023 LEGISLATIVE DASHBOARD

**Legislative Session:** January 3 – May 22, 2023

*The 2023 Legislative Session concluded as scheduled on May 22, 2023. In addition to bills specific to the City of Moorhead detailed herein, there were notable policy and financial changes affecting cities, including:*

- ***Increase to Local Government Aid - \$80 million statewide. Estimated Moorhead annual increase is \$900,000.***
- ***One-time aid for Public Safety - \$300 million statewide.***
- ***Recreational cannabis was legalized.***
- ***A statewide family medical leave program was authorized, to be implemented in 2026.***

### MOORHEAD'S LEGISLATIVE INITIATIVES:

#### ❖ Bonding Initiatives:

- Support of DNR's efforts and advocate for larger allocations of capital investment funding to continue and complete flood mitigation and acquisition of flood prone properties to address the North Moorhead Flood Control Project and gaps in citywide protection. Moorhead's request was \$24M.
  - **Outcome: \$11M was allocated to Moorhead's flood mitigation projects within the Capital Investment Bill.**
- Seek allocation of capital investment funding to address inflationary impacts to the 11 St Downtown Moorhead Underpass Project. Moorhead's request was \$10M.
  - **Outcome: \$10M was allocated to the MnDOT/Moorhead 11 St Downtown Underpass Project within the Transportation Bill.**

#### ❖ Policy Initiatives:

- Downtown Moorhead Revitalization
  - Seek opportunities to address construction and financing inflation through construction materials sales tax exemption, extended sales tax collection period, or other means. Moorhead requested a sales tax exemption on construction materials.
    - **Outcome: The Tax Bill included a sales tax exemption for Moorhead community center/library construction applicable to taxable supplies and equipment purchased after February 29, 2024 and before April 1, 2027.**
  - Pursue opportunities for pre-development funding for construction of the Fargo-Moorhead Science Museum in downtown Moorhead. *Request discontinued due to non-Moorhead location selection.*
  - Seek opportunities for greatest flexibility and return on investment for downtown Moorhead revitalization.
- Address public safety challenges affecting Moorhead and Clay County, specifically workforce availability and preservation of interstate mutual aid.
  - **Outcome: The Tax Bill included \$300M one-time funding for public safety statewide (\$1,950,913 for Moorhead).**
- Preserve and protect the Border City Enterprise Zone and Disparity Reduction Credit Programs essential to business attraction and retention.
  - **Outcome: Border City programs were not challenged or expanded during the session.**

- Pursue and support local and regional parks and trails that connect Moorhead neighborhoods and surrounding communities.
  - **Outcome:** Expansions to segments of Heartland Trail were approved (Detroit Lakes to Frazee and Itasca State Park).
- Support legislative activity of Coalition of Greater Minnesota Cities and League of Minnesota Cities consistent with local plans and studies, including Onward Moorhead Comprehensive Plan and Moorhead Strategic Plan.
  - **Outcome:** City officials advocated policy positions in partnership with the Coalition of Greater Minnesota Cities and League of Minnesota Cities.

## LEGISLATIVE TEAM

### LEGISLATORS

Senator Rob Kupec, District 4, MN Senate Building- Rm 3101, Phone 651.296.3205

Representative Heather Keeler, District 4A, State Office Building – Rm 431, Phone 651.296.5515

Representative Jim Joy, District 4B, State Office Building – Rm 315, Phone 651.297.9010

### CONTRACT LOBBYISTS

#### Flaherty & Hood

- Bradley Peterson – Phone 651.225.8840 Email [bmpeterson@flaherty-hood.com](mailto:bmpeterson@flaherty-hood.com)
- Shane Zahrt – Phone 651.225.8840 Email [sazahrt@flaherty-hood.com](mailto:sazahrt@flaherty-hood.com)

#### Fredrikson & Byron

- Kevin Goodno – Phone 612.492.7348 Email [kgoodno@fredlaw.com](mailto:kgoodno@fredlaw.com)
- Andy Pomroy – Phone 612.492.7644 Email [apomroy@fredlaw.com](mailto:apomroy@fredlaw.com)

### MAYOR & COUNCIL LEGISLATIVE WORK GROUP

- Shelly Carlson, Mayor – Phone 218.299.5307 Email [shelly.carlson@moorheadmn.gov](mailto:shelly.carlson@moorheadmn.gov)
- Council Member Chuck Hendrickson, 4<sup>th</sup> Ward – Phone 218.299.5545 Email [chuck.hendrickson@moorheadmn.gov](mailto:chuck.hendrickson@moorheadmn.gov)
- Council Member Laura Caroon, 2<sup>nd</sup> Ward – Phone 218.299.5543 Email [laura.caroon@moorheadmn.gov](mailto:laura.caroon@moorheadmn.gov)
- Council Member Steve Lindaas, 4<sup>th</sup> Ward – Phone 218.299.5542 Email [steve.lindaas@moorheadmn.gov](mailto:steve.lindaas@moorheadmn.gov)
- Dan Mahli, City Manager – Phone 218.299.5314 Email [dan.mahli@moorheadmn.gov](mailto:dan.mahli@moorheadmn.gov)

### CITY OF MOORHEAD STAFF LOBBYIST

- Lisa Bode – Office 218.299.5372 Cell 701.219.0095 Email [lisa.bode@moorheadmn.gov](mailto:lisa.bode@moorheadmn.gov)

## PRE-SESSION/PRELIMINARY EFFORTS

- December 6, 2022, Legislative Priorities Workshop, presentation by Bradley Peterson and Shane Zahrt representing Coalition of Greater Minnesota Cities
- December 12, 2022, Mayor and Council establish 2023 Legislative Priorities by Resolution 2022-1212-O
- December 20, 2022, Introductory meeting with Rep. Elect Joy – Mayor Carlson, Mahli and Bode
- December 21, 2022, Clay County, City, and FM Diversion discussion – Coordinate Flood Requests – Mayor Carlson, Mahli, Zimmerman, Bode, Shockley, Ebinger, Campbell, Paulsen, Barthel
- December 22, 2022 Introductory meeting with Sen. Elect Kupec – Mayor Carlson and Bode
- December 27, 2022, MnDOT discussion of increased 11 St Underpass cost – Zimmerman, Trowbridge, Bode with MnDOT District 4 team Wahl, Knopf, Lundberg, Gannon

## SESSION & LEGISLATIVE MEETINGS/EVENTS

- January 12, 2023, Bode and Zahrt review Council's legislative priorities
- January 9, 2023, Moorhead Economic Development Authority – Bode presents 2023 City of Moorhead Legislative Priorities



- January 23, 2023, Discussion with MnDOT District Office on 11 St Underpass budget gap
- January 23, 2023, Legislative Priorities Discussion Bode and Rep. Keeler
- January 25, 2023, Coalition of Greater Minnesota Cities “Legislative Action Day.” Attending: Mayor Carlson, Council Members Hendrickson, Caroon, and Lindaas, Staff Mahli and Bode. Meetings with Sen. Kupec and Rep. Joy.
- February 2, 2023, Legislative Priorities Discussion Bode and K. Grindberg
- February 15, 2023, Legislative Priorities Discussion, Bode and Rep. Keeler
- March 1 & 2, 2023, Moorhead Area Day at the Capitol, Mayor Carlson, Bode, LaPoint. Meetings with Senators Kupec, Rest, Johnson, Rasmusson, Mann, Housley, Pappas; Representatives Urdahl, Joy, Lee; Commissioner Marquart
- March 9, 2023, League of Minnesota Cities, Mayor Carlson, Council Members Hendrickson and Caroon, Bode. Meetings with Senator Kupec, Acting DEED Commissioner McKinnon, Reps. Joy and Hornstein
- April 7, 2023, Governor Walz visits Moorhead, met with Council’s Legislative Workgroup, along with area childcare providers and local business, Byte Speed
- April 17, 2023, Mayor Carlson speaks as part of Office of State Auditor “State of Main Street” event. Bode/Carlson meetings with Sen. Kupec, Reps. Joy and Keeler

## BONDING

### NORTH MOORHEAD FLOOD MITIGATION PROJECT & GAPS IN CITYWIDE PROTECTION

Support of DNR's efforts to secure additional funding to continue flood mitigation and acquisition of flood prone properties to address the North Moorhead Flood Control Project and gaps in citywide protection. Seeking \$24M in bonding resources for Moorhead flood mitigation.

- Full \$24M request included in Governor’s Capital Budget Recommendations
- House File: [HF0349](#)
  - Author: Keeler
  - 1/17/2023: Introduction and first reading; referred to Capital Investment.
  - 2/13/2023: \$7.374M GO Bonding included in DE to [HF 669](#); \$3.626M General Fund included in DE to [HF 670](#). Bode testifies 2/15/2023. [DE Amendment Summary](#)
- Senate File: [SF0479](#)
  - Author: Kupec
  - 1/19/2023: Introduction and first reading; referred to Capital Investment.
  - 2/13/2023: \$7.374M GO Bonding included in DE to [SF 676](#); \$3.626M General Fund included in DE to [SF 677](#).
  - 3/14/2023: Hearing in Senate Capital Investment. Bode testifies.
- The Legislature approved a \$2.6B capital investment bill (\$1.5B bonding and \$1.1B cash). Moorhead received \$11M in General Obligation Bonds for flood mitigation. In addition to Moorhead’s flood mitigation funding, MSU Moorhead will receive \$23.099M for renovation of Weld Hall, and the Moorhead National Guard Readiness Center received \$855K for building improvements.

### ADDITIONAL APPROPRIATION FOR DOWNTOWN 11 ST GRADE SEPARATION

Request additional capital investment funding to address inflationary impacts to the 11 St Downtown Moorhead Underpass Project. Previously, the 2020 Legislature appropriated \$65M, federal funds were allocated in 2022. Inflationary impacts required additional resources to complete the project. Seeking \$10M in bonding resources to supplement prior state commitments, federal grant, MnDOT, local, and BNSF funding.

- House File: [HF3213](#)

- Author: Keeler
- 4/13/2023: Introduction and first reading; referred to Capital Investment.
- Senate File: [SF3040](#)
  - Author: Kupec
  - 3/22/2023: Introduction and first reading; referred to Capital Investment.
  - 4/17/2023: Hearing in Senate Transportation, Carlson testifies.
- The Legislature approved a Transportation Bill that includes \$10M to Minnesota Department of Transportation specifically for Moorhead's rail grade separation project to address inflationary impacts to the project. Groundbreaking is anticipated in spring 2024.

## PLANNING & DESIGN RESOURCES FOR FM SCIENCE MUSEUM IN MOORHEAD

**(Request Discontinued)** Request planning and design funds for FM Science Museum should they choose to locate in Moorhead. Private fundraising and capital bonding requests would occur in 2024. Seeking \$1M in bonding resources.

## MOORHEAD POLICY INITIATIVES

### PURSUE OPPORTUNITIES FOR DOWNTOWN REVITALIZATION IN MOORHEAD

Community Center & Public Library Project and Tax Increment Finance/Redevelopment opportunities to kickstart renewal within the heart of Moorhead.

### COMMUNITY CENTER/LIBRARY SALES TAX EXEMPTION ON CONSTRUCTION MATERIALS

Request state and local sales tax exemption on the building materials to be used for construction of the community center/library project.

- House File: [HF 2482](#)
  - Author: Keeler, Joy
  - 3/02/2023: Introduction and first reading; referred to Taxes
  - Included in House Omnibus Tax Bill [HF 1938](#) as modified to reflect general authority provision for sales tax exemptions for public projects statewide through 2024, and extended authority for Moorhead's project after December 31, 2024 and before April 1, 2027.
- Senate File: [SF 2177](#)
  - Author: Kupec
  - 2/27/2023: Introduction and first reading; referred to Taxes
  - 3/16/2023: Hearing in Senate Tax Committee. Bode testifies.
  - Included in Senate Omnibus Tax Bill [SF 1811](#) in substantial form.
- The Legislature approved a \$3B Tax Bill that included a sales tax exemption for the City of Moorhead specific to the community center/library project. This is anticipated to save the project approximately \$1M.

### ADDRESS PUBLIC SAFETY CHALLENGES AFFECTING MOORHEAD AND CLAY COUNTY

Moorhead is monitoring public safety proposals for potential threats to interstate mutual aid and opportunities to strengthen public safety in Moorhead.

- The Tax Bill also included \$300M one-time funding for public safety statewide (\$1,950,913 for Moorhead).



## PRESERVE AND PROTECT THE BORDER CITY ENTERPRISE ZONE PROGRAM AND DISPARITY REDUCTION CREDIT PROGRAMS

Border City policies and programs remain funded at approved funding levels are not under review at this time.

## PURSUE AND SUPPORT LOCAL AND REGIONAL PARKS AND TRAILS

Moorhead is monitoring park and trail opportunities to benefit Moorhead neighborhoods and connect to surrounding recreational amenities.

## SUPPORT LEGISLATIVE ACTIVITY OF COALITION OF GREATER MINNESOTA CITIES AND LEAGUE OF MINNESOTA CITIES CONSISTENT WITH LOCAL PLANS AND STUDIES

Support and rely on the efforts of the associations that advocate for the collective interest of cities. Monitor for opportunities to advance Moorhead's Strategic Plan and the Onward Moorhead Comprehensive Plan and related planning studies.

## ARTICLES/MATERIALS OF INTEREST

- [At stake in 2023 at the Capitol: Abortion, climate, marijuana, tax relief | StarTribune](#) 12.31.2022
- [MN Legislature convenes Tuesday. What to expect. | Pioneer Press](#) 01.01.2023
- [5 Greater Minnesota storylines to watch at the Legislature in 2023 | MinnPost](#) 01.02.2023
- [MinnPost's guide to 7 things to watch at the Minnesota Legislature in 2023 | MinnPost](#) 01.03.2023
- [In DFL-controlled Legislature, Twin Cities metro has more clout than Greater Minnesota | MinnPost](#) 01.05.2023
- [Walz pitches \\$3.3 billion public works plan | MPR News](#) 01.26.2023
- [Minnesota's budget surplus grew to \\$19 billion, but new law requires accounting for inflation | MinnPost](#) 02.28.2023
- [Bill to Simplify Local Government Sales Tax Exemption for Construction Materials Considered in Senate Taxes Committee - League of Minnesota Cities \(lmc.org\)](#) 3.6.2023
- [Public Safety Duty Disability Bill Passed by Pension Commission - League of Minnesota Cities \(lmc.org\)](#) 3.27.2023
- ['Exactly the right moment.' House DFL wants tax on top earners, corporations amid budget surplus | MinnPost](#) 4.18.2023
- [House Omnibus Tax Bill Released and Moves Through Committee - League of Minnesota Cities \(lmc.org\)](#) 4.24.2023
- [Details on Minnesota \\$2.6 billion bonding, infrastructure package came late. Here they are | MinnPost](#) 5.23.2023
- [Bills passed in the 2023 Minnesota legislative session | kare11.com](#) 5.24.2023

## RESOURCES

- Minnesota House of Representatives: [www.house.leg.state.mn.us](http://www.house.leg.state.mn.us)
- Minnesota State Senate: [www.senate.mn/](http://www.senate.mn/)
- [MPR Capitol View Daily Digest](#)
- [WCCO Radio Morning Take](#)
- [Coalition of Greater MN Cities](#)



## City Council Communication

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June 12, 2023

**SUBJECT:**

Resolution of Support - Minnesota Capital Investment Funding Request for Flood Mitigation

**RECOMMENDATION:**

The Mayor and City Council are asked to authorize and support a request to Minnesota Management and Budget for a 2024 state legislative bonding request.

**BACKGROUND/KEY POINTS:**

Minnesota Management and Budget (MMB) has established June 16, 2023 as the preliminary deadline for proposing projects for state bonding funds to be considered during the 2024 legislative session. The City of Moorhead received \$11M in bonding funds for flood mitigation in 2023. Remaining projects necessary to complete the 2009 Comprehensive Flood Mitigation Plan total \$13M.

The June submissions to MMB are subsequently reviewed by MMB staff and provided to the House and Senate Capital Investment Committees. The committees usually take "bonding tours" later in the summer. Final tweaks can be made on applications up until October. The final applications are reviewed by the Governor's office for his capital budget recommendations and submitted to the Legislature for bills, hearings, and negotiations.

**FINANCIAL CONSIDERATIONS:**

The requested projects are estimated in 2022 dollars. MMB has inflation adjustments built into the application process based on timing of construction.

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

**Attachments:**

## **RESOLUTION**

### **Resolution of Support - Minnesota Capital investment Funding Request for Flood Mitigation**

WHEREAS, the City of Moorhead established a comprehensive flood mitigation plan following the 2009 flood of record in order to protect Moorhead and Clay County from 100-year flood events; and

WHEREAS, the State of Minnesota provides a bonding program that assists local governments to fund such projects through state resources; and

WHEREAS, community flood mitigation meets the City's strategic priorities and the state's continued funding participation would be appropriate in that it reduces costs of flood emergencies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Manager or his designee is herein authorized and directed to submit a request for flood mitigation funding to Minnesota Management and Budget.

BE IT FURTHER RESOLVED that the city's remaining flood mitigation projects represent the City of Moorhead's highest priority request for the State of Minnesota's capital bonding program.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Authorize Staff to Submit Preliminary Minnesota Capital Investment Application on behalf of the Immigrant Development Center

**RECOMMENDATION:**

It is recommended that the Mayor and Council authorize staff to continue working with the Immigrant Development Center on the Cultural Mall project proposal and to authorize staff to submit a preliminary capital investment request to Minnesota Management and Budget.

**BACKGROUND/KEY POINTS:**

Fowzia Adde of the Immigrant Development Center has brought forward a project proposal to construct and operate a Cultural Mall within the City of Moorhead. It is intended to serve as “a bustling commercial marketplace but also a vibrant platform for social interactions and the exchange of ideas.” This concept has been successfully tested in other communities. Ms. Adde will be present at the June 12, 2023 City Council meeting to share more about the project.

**FINANCIAL CONSIDERATIONS:**

Submitting a preliminary application to Minnesota Management and Budget does not obligate the City to pursue the project in the 2024 legislative session. It does allow the project to move forward for further evaluation and discussion. If the project receives General Obligation Bond approval, regulations would require the City to own the facility and it could be leased to the Immigrant Development Center for eligible purposes subject to a formal agreement.

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

**Attachments:**



## RESOLUTION

### **Resolution to Authorize Staff to Submit Preliminary Minnesota Capital Investment Application on behalf of the Immigrant Development Center**

WHEREAS, the Immigrant Development Center has researched and proposed a “Cultural Mall” in Moorhead that would enhance Moorhead’s retail presence and provide opportunities for local entrepreneurs and consumers to access unique flavors through a variety of imported goods and prepared foods; and

WHEREAS, the Minnesota Capital Investment Program is a potential source of competitive funding for the Cultural Mall; and

WHEREAS, the City of Moorhead is an eligible applicant for the Minnesota Capital Investment Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that staff is herein authorized to submit a preliminary application for funding for the Cultural Mall to the Minnesota Department of Management and Budget.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Authorize Advertisement for Construction Manager At Risk (CMAR) Services for the Moorhead Community Center/Public Library

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a Resolution to Authorize Advertisement for Construction Manager At Risk Services for the Moorhead Community Center/Public Library

**BACKGROUND/KEY POINTS:**

On November 8, 2022, Moorhead voters approved a 0.5% local option sales tax that will be used to fund a new Community Center/Public Library. A citizens task force appointed by Mayor Carlson developed some broad parameters for the project, including:

- A Community Center where people can gather and connect
- A Public Library to meet current/future information needs
- A place where ideas and dreams can take shape
- A central, downtown location

[www.cityofmoorhead.com/about-the-city/regional-library-community-center#ad-image-6](http://www.cityofmoorhead.com/about-the-city/regional-library-community-center#ad-image-6)

A Community Center/Public Library Design Review Team was established to guide the design process. The Design Review Team includes:

- Anthony Manzella, Moorhead Facility and Fleet Manager
- Derrick LaPoint, Executive Director of Downtown Moorhead Inc.
- Holly Heitkamp, Moorhead Parks and Recreation Director
- James Hand, Moorhead Parks Advisory Board Chair
- Jenica Flanagan, City Finance Director
- John Shockley, City Attorney's Office
- Laura Caroon, City Council
- Lisa Bode, Moorhead Governmental Affairs Director
- Lisa Borgen, Moorhead Business Team Member
- Liz Lynch, Lake Agassiz Regional Library Executive Director
- Megan Krueger, Moorhead Library Director
- Shelly Carlson, Mayor

Design Review Team Liaisons:

- Brittany Cameron, Assistant City Planner
- Kristie Leshovsky, Community Development Director



## City Council Communication

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June 12, 2023

A Construction Management firm provides pre-construction and construction services for the project. The Design Review Team has prepared a Request for Proposals (RFP) process for Construction Manager At Risk services which included:

**RFP - submit proposals that will be evaluated based on the following criteria:**

- Experience on similar projects
- Capacity and experience of key personnel and availability for this project
- Technical competence and capability to perform
- Past performance of the CMAR and its employees
- Safety record
- Availability to and familiarity with the project locale
- Other appropriate facts submitted by the applicant in response to the RFP

**The anticipated timeline includes:**

- June 13, 2023: advertise CMAR
- June 30, 2023: Application deadline
- July 19, 2023: Interview top candidates
- July 24, 2023: City Council consideration

**FINANCIAL CONSIDERATIONS:**

Costs associated with the design services will be paid through the sales tax/associated bond.

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

**Submitted By:**

Dan Mahli, City Manager  
Kristie Leshovsky, Community Development Director

**Attachments:** CMAR RFP Draft  
Draft Resolution



**Request for Proposals**  
**Construction Manager At Risk**  
**Moorhead Community Center/Public Library**  
**Moorhead, MN**

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**Due by June 30, 2023 by 2:00 PM Central Time**

**City of Moorhead, MN**  
**ATTN: Library Community Center**  
**500 Center Avenue**  
**Moorhead, MN 56561-0779**

**Email: [LibraryCC@moorheadmn.gov](mailto:LibraryCC@moorheadmn.gov)**





## 1. PROJECT DESCRIPTION

The City of Moorhead, Minnesota (the “City”) is accepting Proposals for a Construction Manager At Risk (CMAR) to provide design phase/pre-construction services and construction phase services for the construction of the Lake Agassiz Regional Library and Community Center (the “Community Center/Public Library”). The building is anticipated to be a multi-story building with a footprint of approximately 20,500 square feet and used for a public library, community center, office space and community rooms, Center for Entrepreneurship, parking needs, utility/storage spaces and other similar spaces. The anticipated budget for the project is \$31.59 million, including design fees, soft costs, and contingencies.

Requested pre-construction and construction services are outlined below and will be finalized during contract negotiation:

- Work with client/design team to establish project charter and project performance metrics.
- In collaboration with the design team, develop preliminary target values for all aspects of the scope of work aligned with the Owner goals and objectives and total project budget.
- Act as liaison between subcontractor/fabricator/vendor community during design phases to improve constructability, labor efficiencies, material detailing, and cost value.
- Provide construction feasibility recommendations throughout the design phase.
- Estimating and budget analysis services throughout the design phase based on regular participation in design meeting with the owner, architect, consultants, and in the drawings of the design team. This shall include development of an estimated Guaranteed Maximum Price (GMP) at the end of the Schematic Design and Design Development phases of the project.
- Provide any documentation or process required by the Contractor if State of Minnesota State Historical Office (SHPO) requirements arise throughout the duration of the project design or construction phases.
- Prepare, monitor, and enforce a detailed project schedule. Provide regular schedule updates.
- Provide services to the City that include the coordination of all bid packages, advertising of the request for bids, securing bids, analyzing bid results, and furnishing recommendations on award of contracts.
- Determination of the GMP upon completion of the Construction Document phase by the Architect. The CMAR will be required to obtain bids and/or quantify costs for all work so that the GMP amendment may be executed within one month of completion of the Construction Document phase.
- Obtain all required bonding and insurance policies.
- Prepare, implement, and maintain contracts with all subcontractors for all bid packages.
- Obtain and/or confirm permit issuance prior to start of work.
- Provide comprehensive construction phase administration, including:
  - On-going full-time project supervision,
  - Project management and inspection of work,
  - Conduct and preside over meeting to discuss construction procedures, progress, and scheduling with Owner, Contractors, and Design Team. CM shall prepare agenda, meeting minute, and promptly distribute such to the Owner, Architect, and all meeting participants.



- Implement and monitor a safety program to include but not limited to; conducting safety meetings, performing work site safety assessments, recordkeeping, and pre-construction safety audits.
  - Review plans, shop drawings, etc.
  - Implementation and management of an ongoing open book cost management system.
  - Monitoring and enforcing the construction schedule,
  - Preparation of change orders and contractor payment estimates,
  - Final inspections, and
  - Submitting project completion reports.
- Review and prepare all close-out documents including warranties, operating and maintenance manuals, schedule and coordinate City and Library training of system components.
- Manage and follow up on any warranty issues for one (1) year.
- The construction manager may “self-perform” any divisions of the work up to 5% of the project construction costs.
- Perform all other related work as required by the City.

## 2. SUBMITTAL REQUIREMENTS

Submittals are limited to 25 pages maximum. Your company may choose how those pages are used.

### Professional Organization

- List company name, address, telephone number, and email address.
- How many years has your company provided professional Construction Management At Risk services?
- What other services does your firm presently provide beside professional construction management?
- What do you feel sets your company apart from your competition?
- How many people are employed by your organization?
- List the project team which will service this project and provide an organizational chart of those who will be involved in the project.
- Describe the role of each person proposed for this project and their experience in this type of project, including projects previously worked on in role. Provide a minimum of two reference contacts. *Proposed superintendents, managers, and staff may be changed only with the express prior written permission of the City. However, the City retains the right to approve or reject replacements.*

### Project Experience

- List your direct similar experience for building facilities in our region.
- List five (5) library, community center, or institutional references including name, title, entity, phone, and e-mail address. Provide relevant project information including construction delivery method, size of building, cost, date of completion.
- What qualities does your company attribute to successfully manage a project of this scope?



### **Safety Record of the Company**

- EMR for the past 3 years
- Company safety leader resume and anticipated involvement in this project
- Provide .pdf copy of company safety manual/policy on thumb drive (do not provide printed copies)
- Provide example(s) of high-risk activity safety plans
- List any safety recognitions/awards received in the past 3 years

### **Construction Management Approach**

- How do you propose to manage the following:
  - Cost estimating and cost control
  - Project Scheduling
  - Coordination with other consultants (Architect/Engineer, etc.)
  - Procurement of bids for construction
  - Project supervision and management
  - Safety Inspections and Coordination
  - Communications with City and Library Staff

### **Work Load**

- List your firm's current construction management projects including type of project, location, size, and anticipated completion date.

### **Compensation Proposal**

#### **\*Compensation proposals must be in a sealed envelop – Template Attached as Attachment B**

Your proposal should be based on the attached project summary of project and budget, and project schedule (Attachment A).

Include a fee for Construction Management At Risk based on the proposed construction cost and a proposal of costs for construction/site services.

1. The fee for Pre-Construction Services should include:
  - Planning and Scheduling
  - Estimating
  - Value Management
  - Quality Review
  - Preparing Contracts for Construction
  - Review front end specifications
  - Bid Procurement
  - Project Director
  - Tracking costs against the budget
  - Design Meetings
  - Clerical Costs



2. The proposed fee for Construction Services should include:

- Senior Project Manager
- Senior Project Manager
- Project Manager
- Assistant Project Manager
- Safety Officer
- Project Superintendent
- General Superintendent
- Miscellaneous Staff Expenses
- Review Shop Drawings
- Prepare Change Orders
- Project Completions Reports
- Superintendent Vehicle
- Clerical Costs
- Building Permit Coordination

3. The proposal does not need to identify the predicted costs for the following (these items will be considered reimbursable expenses):

**Items to be included in the General Conditions will be:**

- Safety Equipment
- First Aid Supplies
- Handrails and Toe Boards
- Opening Protection
- Fire Extinguishers
- Temporary Fencing
- Storage Rental
- Temporary Toilets
- Temporary Stairs
- Temporary Enclosures
- Temporary Barricades
- Project Signs
- Bulletin Boards
- On-Site Equipment
- Printing
- Telephone Expenses
- Temporary Power Service
- Temporary Water Service
- Temporary Heating Service
- Heating Energy Charges
- Temporary Wiring
- Temporary Lighting
- Periodic Clean-Up
- Trash Dumpsters
- Dump Permit and Fees
- Traffic Control
- Temporary Roads
- Roadway Maintenance
- Job Trailer/Trailer Utilities
- All other costs involved with providing construction management service

<b>Selection Timeline:</b>	<b><i>Timeline is subject to change</i></b>
June 13, 2023	RFP for Construction Management At Risk Advertisement
<b>June 30, 2023</b>	<b>RFP for Construction Management At Risk Deadline</b>
July 19, 2023	Interview Candidates
July 24, 2023	Recommendation to City Council
July 25, 2023	Contract Negotiation





### 3. SELECTION PROCESS

**Responses must be received no later than  
2:00 PM Central Time on June 30, 2023.**

**Submit 6 Copies and a PFD Copy to:**

City of Moorhead  
ATTN: Library Community Center  
500 Center Avenue  
Moorhead, MN 56561-0779  
Email: [LibraryCC@moorheadmn.gov](mailto:LibraryCC@moorheadmn.gov)

Proposals will be reviewed by a Community Center/Public Library design team. Upon review of the proposals, City staff may consult with an applicant regarding submissions received by the City. The City may request additional information or request that the applicant provide additional documentation. The City, at its sole discretion, may reject any or all submissions. The City may make its selection by July 24, 2023, or at a later date, as the City so desires.

### 4. EVALUATION CRITERIA & SUBMITTAL

The proposals will be evaluated relative to the following criteria:

- Experience on similar projects: 25 points
- Capacity and experience of key personnel and availability for this project: 25 points
- Technical competence and capability to perform: 10 points
- Past performance of the CMAR and its employees: 10 points
- Safety record: 15 points
- Availability to and familiarity with the project locale: 15 points
- Other appropriate facts submitted by the applicant in response to the RFP: 5 points

**\*Compensation proposals must be in a sealed envelop**

### 5. QUESTIONS

Questions regarding this RFP shall be submitted in writing, by email, to [LibraryCC@moorheadmn.gov](mailto:LibraryCC@moorheadmn.gov). Questions must NOT contain confidential or proprietary information. All questions may be submitted through June 26, 2023. Answers to questions received will be posted online at [www.cityofmoorhead.com/about-the-city/regional-library-community-center](http://www.cityofmoorhead.com/about-the-city/regional-library-community-center). The City does not guarantee that questions received after July 26, 2023, will be answered.



## 6. CONFIDENTIALITY

All information included in this RFP is subject to disclosure according to the Minnesota Government Data Practices Act.

## 7. INCURRED EXPENSES

There is no express or implied obligation for the City to reimburse applicants for any costs or expenses incurred in preparing proposals in response to this RFP. The City will not reimburse applicants for such costs or expenses, nor will the City pay any subsequent costs associated with the provision of any additional information or documentation requested by the City, or for the applicants' costs to develop or procure a contract for services. The City is not responsible for any cost(s) incurred by an applicant in preparing and/or submitting proposals.

## 8. DISCLAIMERS

**THIS IS A REQUEST FOR PROPOSALS ONLY.** It is intended to identify potential independent applicants capable of providing construction management services for the City. The information in this RFP is subject to change and is not binding on the City. The City has not made a commitment to procure any of the items discussed, and release of this RFP is not to be construed as such a commitment or as authorization to incur cost for which reimbursement would be required or sought. All submissions become the City's property and will not be returned. The City maintains the right to reject any and all submissions.

## 9. HELPFUL REFERENCES:

- 2020 Downtown Master Plan: [www.dtmoorhead.org/](http://www.dtmoorhead.org/)
- 2022 Onward Moorhead! Comprehensive Plan: [www.cityofmoorhead.com/onwardmoorhead](http://www.cityofmoorhead.com/onwardmoorhead)
- Community Center/Public Library Overview Website: [www.cityofmoorhead.com/about-the-city/regional-library-community-center#ad-image-5](http://www.cityofmoorhead.com/about-the-city/regional-library-community-center#ad-image-5)
- Moorhead Public Library: <https://larl.org/locations/moorhead/>
- [https://www.cbsnews.com/news/welcome-to-the-library-of-the-21<sup>st</sup>-century/](https://www.cbsnews.com/news/welcome-to-the-library-of-the-21st-century/)

## 10. BUILDING CODE REFERENCES

The building must be compliant with:

- 2020 Minnesota Building Code
- 2020 Minnesota Energy Code
- 2020 Minnesota Mechanical and Fuel Gas Code
- 2020 Minnesota Plumbing Code
- 2020 Minnesota Fire Code
- Minnesota Electrical Code

For details please visit [www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes](http://www.dli.mn.gov/business/codes-and-laws/2020-minnesota-state-building-codes)



## **ATTACHMENT A – Project Summary**

On November 8, 2022, Moorhead voters approved a 0.5% local option sales tax for a new Lake Agassiz Regional Library and Community Center in the City. The Community Center/Public Library will be located in downtown Moorhead – anticipated within the master planned redevelopment site around Moorhead City Hall (pictured below).

The Mayor appointed a citizens task force to develop parameters for the project. The task force has envisioned a community center where people can gather and connect and a regional library that meets current and future information needs. The anticipated total budget for the project is \$31.59 million, including design fees, soft costs, and contingencies. The anticipated total construction budget is \$25,000,000. The project area identified in the More to Moorhead Master Plan is approximately 20,500 square feet. For more information on the Library and Community Center, please visit, [www.cityofmoorhead.com/about-the-city/regional-library-community-center](http://www.cityofmoorhead.com/about-the-city/regional-library-community-center).



[www.moretomoorhead.com](http://www.moretomoorhead.com) – rendering by JLG architects

Through the issuance of a Request for Qualifications and Request for Proposals for Architectural/Engineering Design Services, the JLG Architects & Miller Hull team was selected as the top candidate. On May 8, 2023, the Moorhead City Council approved the authorization of an agreement with JLG Architects for Architectural/Engineering Design Services for the project.

The time has come for the Construction Manager At Risk to join this robust team. We hope to gain involvement from the CMAR for continued planning efforts and during design phase. Please see the Request for Proposals for Construction Manager At Risk for full details and submit your proposal by June 30, 2023, for consideration.





**ATTACHMENT B – Fee Template / Compensation Proposal (Excel version available on the City’s website)**

*The total construction budget is \$25,000,000, including CMAR fees, staff, insurance, and bond as noted below.*

**Moorhead Community Center/Public Library Project  
CMAR Fee Estimate Template**

*Project Const. Value      25,000,000  
Project Duration (mo)      24*

Fee Proposal Summary			
Type	Unit	Value	Total
Pre-Construction Services Fee	LS		\$ -
CMAR Construction Fee/Profit and Overhead	%		\$ -
Project Staff Monthly Estimate	LS	\$ -	\$ -
Builder's Risk Insurance	%		\$ -
Performance Payment Bond	%		\$ -
<b>Total Cost</b>			<b>\$ -</b>

Estimate of Project Staff				
<i>including travel and subsistence</i>				
Title		Hours per month	Billable rate	Total
<b>Project Staff Total</b>				<b>0</b>



## RESOLUTION

### **Resolution to Authorize Advertisement for Construction Manager At Risk (CMAR) Services for the Moorhead Community Center/Public Library**

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

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

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

WHEREAS, a Request for Proposals will provide a transparent process resulting in the selection of a highly qualified Construction Management firm for the new Community Center/Public Library.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Manager is hereby authorized and directed to advertise a Request for Proposals for Construction Manager At Risk services for the Moorhead Community Center/Public Library.

FURTHERMORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Manager and Moorhead Community Center/Public Library Design Review Team are authorized and directed to review, interview and further process submittals for the Request for Proposals for Construction Manager At Risk services to recommend to the City Council one firm for the CMAR services for the Moorhead Community Center/Public Library.

PASSED: June 12, 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

---

June 12, 2023

**SUBJECT:**

Resolution to Award Contract to KLJ for a Transit Reorganization Study

**RECOMMENDATION:**

The Mayor and City Council are asked to consider award of a joint contract with the City of Fargo to KLJ, Inc. for consulting service for a Transit Reorganization Study in an amount not to exceed \$49,921.17, of which 50% will be paid by the City of Moorhead and 50% by the City of Fargo.

**BACKGROUND/KEY POINTS:**

As of 2020, the United States Census population of the Fargo-Moorhead metropolitan area exceeds 200,000, and the Federal Transit Administration (FTA) now considers the area a large urbanized area (UZA). There are grant programs (Section 5310 and 5339) directly allocated to large UZAs, with related and expanded requirements. These changes in federal requirements take effective October 1, 2023, and provide opportunities to consolidate assets and personnel, identify methods for distribution of federal funds and identify methods to allocate transit costs between participating jurisdictions in the Fargo-Moorhead UZA.

In 2020, the Metropolitan Council of Governments (Metro COG) and its partners completed a Transit Authority Study. The 2020 study outlined options for possible formation of a Transit Authority and changes in funding and operation as Fargo becomes the designated recipient of transit funds for the metro area. Fargo Transit has transitioned to an Enterprise Fund to address the change to a UZA, but a transit authority is not being pursued at this time.

A Moorhead/Fargo Request for Qualifications (RFQ) was distributed to six firms. One proposal was received from KLJ, Inc. KLJ, Inc. was determined to be qualified; the price proposal exceeded the budget slightly and was negotiated to fall within budget.

The study scope addresses coordination of transit services throughout the Fargo-Moorhead UZA, by providing:

- a detailed plan for the reorganization of existing Fargo and Moorhead transit staff under a new governance model;
- an outline of new FTA requirements and opportunities to reduce duplication between grantees;
- the development of formulas for distribution of federal funds between jurisdictions; and
- an equitable cost allocation formula for participating entities for transit service operating costs.

**FINANCIAL CONSIDERATIONS:**

This study was included in the 2023 Mass Transit Budget. Moorhead's share of the project cost is \$25,000 of which 80% will be paid through a FTA 5307 planning grant and 20% funded through Mass Transit Reserves.



## City Council Communication

---

June 12, 2023

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

**Submitted By:**

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Lori Van Beek, Transit Manager

**Attachments:** KLJ Cost Proposal

MATBUS Transit Reorganization Study – Cost Proposal						
1	Direct Labor	Hours	X	Rate	=	Project Cost
	Wade Kline	106	X	\$66.00	=	\$6,996.00
	Denae Johnson - Government Relations	88	x	\$38.00	=	\$3,344.00
	Blake Wilcox - Government Relations	24	x	\$35.00	=	\$840.00
	Dave Wiosna - Data Analyst	24	x	\$35.00	=	\$840.00
	Emma Myers-Verhage - Data Analyst	63	x	\$31.00	=	\$1,953.00
	Graphic Design/Communications Support	40	x	\$35.00	=	\$1,400.00
Subtotal						\$15,373.00
2	Overhead/Indirect Cost (189.69%)					\$29,161.04
3	Subconsultants					\$-
4	Materials & Supplies					\$-
5	Travel Costs					\$-
6	Fixed Fee (12%)					\$5,344.09
7	Miscellaneous/COF (0.28%)					\$43.04
TOTAL						\$49,921.17



## **RESOLUTION**

### **Resolution to Award Contract to KLJ for a Transit Reorganization Study**

WHEREAS, the City of Moorhead and the City of Fargo jointly distributed a Request for Qualifications (RFQ) for consultant services for a Transit Reorganization Study; and

WHEREAS, one proposal was received from KLJ, Inc., which was reviewed and determined qualified by an evaluation team consisting of transit staff; and

WHEREAS, the KLJ Inc. cost proposal was opened and reviewed, resulting in negotiations and final project cost within budget;

WHEREAS, the City of Moorhead requested and received a Federal Transit Administration planning grant for a Transit Reorganization Study for a total of \$25,000, with 80% Federal funding and 20% local funding;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that they do hereby authorize the Mayor and City Manager to enter into and execute a joint contract with the City of Fargo and KLJ Inc. for an amount not to exceed \$49,921.17, of which 50% will be paid by the City of Moorhead and 50% by the City of Fargo.

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

Resolution to Approve 2023-2024 Liquor License Renewals

**RECOMMENDATION:**

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

**BACKGROUND/KEY POINTS:**

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

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

**FINANCIAL CONSIDERATIONS:**

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

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager  
Kelle Jenkins, Deputy City Clerk

**Attachments:**

## **RESOLUTION**

### **Resolution to Approve 2023-2024 Liquor License Renewals**

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

#### **3.2 ON SALE / WINE / STRONG BEER**

Altony's  
Historical & Cultural Society of Clay County  
Sol Ave. Kitchen  
Thai Orchid  
Theatre B  
Moorhead Softball Association

#### **CLUB ON SALE / SUNDAY**

American Legion  
Moorhead Country Club

#### **3.2% OFF SALE**

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

#### **OFF SALE**

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

#### **ON SALE**

Concordia College  
Usher's House/Punk Chef Pizza

#### **ON SALE / SUNDAY**

19<sup>th</sup> Hole on the Meadows  
19<sup>th</sup> Hole on Village Green  
Boulder Tap House  
Brewtus' Brickhouse  
Buffalo Wild Wings  
Courtyard by Marriott  
El Torero's  
Harold's on Main  
J.C. Chumley's  
Legends Sports Bar & Grill  
Midtown Tavern

Moorhead Billiards  
Murphy's Pub  
Rustica Eatery & Tavern  
Sunset Lanes  
Village Inn

**SPECIAL HOURS LIQUOR (EVENT CENTER)**

RiverHaven  
Fargo Moorhead Community Theatre  
Urban Foods Catering

**ON/OFF SALE / SUNDAY**

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

**BREWER OFF SALE/TAP ROOM ON SALE/SUNDAY**

Junkyard Brewing Company  
Swing Barrel Brewing

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

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

PASSED: June 12, 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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June 12, 2023

**SUBJECT:**

First Reading of Ordinance No. 2023-07 Relating to Administrative Procedures for Utility Service Disconnection Due to Nonpayment of Municipal Services

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a first reading of Ordinance 2023-07: An Ordinance relating to administrative procedures for utility service disconnection due to nonpayment of municipal services

**BACKGROUND/KEY POINTS:**

Payment for the supply of municipal services is vitally important to the City's ability to continue to provide such services. Pursuant to Chapter 12.06, subsection (e) of the Moorhead City Charter, the Moorhead Public Service Commission has jurisdiction over the procedures for the termination of electrical and water service. Accordingly, the City and Moorhead Public Service have desired to set forth administrative procedures for service discontinuance and collection of past-due amounts in the event of non-payment.

City Attorney John Shockley worked with City and MPS staff to develop this ordinance that declares that there is a connection between water, electric, wastewater, stormwater, garbage and street lighting in the promotion and protection of public health. As such, disconnection of water and electrical services can occur for non-payment for any of those services and all past due balances related to those services must be addressed prior to reconnection. The ordinance establishes procedures for discontinuance and remedies for non-payment of utility charges.

**FINANCIAL CONSIDERATIONS:**

Without this ordinance there is no way to enforce customers to pay delinquent charges for wastewater, stormwater, garbage or street lighting fees.

**Voting Requirements:** Majority of Council (5)

**Submitted By:**

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

**Attachments:** Ordinance 2023-07 – Text Amendment

## **ORDINANCE NO. 2023-07**

AN ORDINANCE TO CREATE AND ENACT TITLE 1 CHAPTER 15 OF THE MOORHEAD MUNICIPAL CODE RELATING TO ADMINISTRATIVE PROCEDURE FOR UTILITY SERVICE DISCONNECTION DUE TO NONPAYMENT OF MUNICIPAL SERVICES.

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

SECTION 1. Title 1, Chapter 15 of the Moorhead Municipal Code is hereby created and enacted to read as follows:

### **CHAPTER 15 ADMINISTRATIVE PROCEDURE FOR UTILITY SERVICE DISCONNECTION**

- 1-15-1: FINDINGS**
- 1-15-2: JURISDICTION**
- 1-15-3: PURPOSE**
- 1-15-4: DEFINITIONS**
- 1-15-5: AUTHORITY TO DISCONNECT WATER AND ELECTRICAL SERVICE**
- 1-15-6: DELINQUENCY**
- 1-15-7: DISCONTINUANCE PROCEDURE**
- 1-15-8: CONSENT TO DISCONTINUANCE OF UTILITY SERVICES**
- 1-15-9: REMEDIES FOR NONPAYMENT OF UTILITY CHARGES**
- 1-15-10: RESTRICTIONS IF RESIDENTIAL DISCONNECTION NECESSARY**
- 1-15-11: RESTRICTIONS ON DISCONNECTION OF GENERAL MUNICIPAL SERVICES**
- 1-15-12: SAFE HARBOR PROVISION**

#### **1-15-1: FINDINGS:**

A. The city exercises its police power to protect the public health of its residents by ensuring the removal and proper processing of wastewater, the removal of storm water, and the removal of garbage and rubbish from the city. These three services bear a clear and demonstrable relationship to the goal of protecting public health. Further, these three services are directly related to providing residents clean drinking water because without drinking water service, residents would not have a need for sewer service, and structures and buildings would not be habitable.

B. The city, by and through its Moorhead Public Service Commission, provides residents with cost-efficient and reliable electrical service and clean drinking water. The provisions of electrical service and clean drinking water to the residents, along with the three other interrelated fee-based services described in Section A, directly impact and support the public health of the city and its residents.

C. The city hereby finds that because the services of electrical, drinking water, wastewater, storm water, garbage service, and street light service are interrelated, the non-payment of one of these interrelated services may result in service being discontinued pursuant to the due process protections and procedures set forth in this chapter.

#### **1-15-2: JURISDICTION:**

Pursuant to Chapter 12.06, subsection (e) of the Moorhead City Charter, the Moorhead Public Service Commission has jurisdiction over the procedures for the termination of the Electrical and

Water Service. Because the city provides three services consisting of wastewater, the removal of storm water, the removal of garbage and rubbish, and street light service which are interrelated to the provision of Water and Electrical service, the Moorhead Public Service Commission will not discontinue Electrical or Water service except as provided in this ordinance.

### **1-15-3: PURPOSE:**

The payment for supply of municipal services is vitally important to the city's ability to continue to provide such municipal services. Accordingly, the city desires to set forth its authority for service discontinuance and collection of past-due amounts in the event of nonpayment. Additionally, the City Council finds there is a connection between Water and Electrical Service and wastewater service, storm water service, and garbage service in the promotion and protection of public health. Accordingly, the City Council finds the operation, regulation, and discontinuance of Electrical and Water Service in relation to the nonpayment of wastewater service, storm water service, garbage service, and street light service as a means to promote and protect public health.

### **1-15-4: DEFINITIONS:**

For purposes of this chapter, the following terms shall be defined as follows:

ACCOUNT HOLDER: the individual in whose name a Service account is registered.

CLAY COUNTY: Clay County, Minnesota.

ELECTRICAL SERVICE: the providing of Electrical Service via a meter or electric meter.

GENERAL MANAGER: the General Manager of the Moorhead Public Service Commission, or his or her designee.

GENERAL MUNICIPAL SERVICES: all services provided by the city, with the exception of Water and Electrical Service.

HEARING: a proceeding at which evidence and arguments may be presented by an Account Holder related to discontinuance of Water and/or Electrical Service.

MOORHEAD PUBLIC SERVICE: the entity responsible for billing and discontinuing Electrical and Water Service within the city.

MOORHEAD PUBLIC SERVICE COMMISSION: the Moorhead Public Service Commission as created and continued by Chapter 12 of the City Charter.

SERVICE: Water or Electrical Service supplied by the Moorhead Public Service Commission.

WATER SERVICE: water, wastewater, stormwater and/or garbage.

### **1-15-5: AUTHORITY TO DISCONNECT WATER AND ELECTRICAL SERVICE:**

A. Water Service Discontinuance for Nonpayment. The Moorhead Public Service Commission has the authority to discontinue Water Service (including wastewater service, storm water service, garbage service, and street light service to a premises with a delinquent utility bill as set forth under this chapter.

B. Electrical Service Discontinuance for Nonpayment. The Moorhead Public Service Commission has the authority to discontinue Electrical Service to a premises with a delinquent electrical bill as set forth in this chapter.

C. No Liability. The Moorhead Public Service Commission reserves the right to shut off the supply of Water Service to any customer without any preliminary notice for any reason whatsoever. This includes the specific right, power, and authority to cut off the supply of water any time without incurring any liability or cause of action for damages, any regulation to the contrary notwithstanding, and the Moorhead Public Service Commission shall not be liable under any circumstances for a deficiency or failure in the supply of water as a result of shutoffs for delinquent bills. In case of fire, or alarm of fire, or in making repairs or construction of new works, water may be shut off at such time and kept off as long as necessary. In addition, the Moorhead Public Service Commission shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations.

#### **1-15-6: DELINQUENCY:**

When an account has a past-due balance for a Service, notice of such balance will be provided to the Account Holder. Included within such notice will be a due date for the past-due balance. If an Account Holder does not (i) pay the past-due balance in full by the due date, (ii) establish a payment arrangement for the past-due balance with the Moorhead Public Service Commission by the due date, or (iii) dispute the past-due balance, stating specific reasons therefor, and request an investigation of the past-due balance in writing with the General Manager by the due date, the account will be deemed delinquent, and the Service may be discontinued in accordance with the following section. If an Account Holder requests an investigation, the General Manager will conduct such an investigation and report his or her written findings to the Account Holder within thirty (30) calendar days of the Account Holder's written request for an investigation. An account will not be considered delinquent while an investigation is pending. If the General Manager determines through his or her investigation that a past-due balance is owed, the General Manager's written findings will contain a due date for such past-due balance. If an Account Holder does not (i) pay the past-due balance in full by the due date, or (ii) establish a payment arrangement for the past-due balance with Moorhead Public Service by the due date, the account will be deemed delinquent, and the Service may be shut off in accordance with the following section. Although an Account Holder may request an investigation, the Account Holder is not excused from making payment on Service charges that are not in dispute.

#### **1-15-7: DISCONTINUANCE PROCEDURE:**

A. Notice. Except as provided in this chapter, Moorhead Public Service will not discontinue Service unless a written cut-off notice has been provided to the Account Holder with a due date of twenty-two (22) days. The Moorhead Public Service Commission will send the Account Holder a second, separate written notice at least ten (10) days prior to the due date with notice that disconnection may occur at any time after the due date. The Moorhead Public Service Commission shall keep an accurate record of the date of mailing or personal service of a discontinuance notice.

B. Form of Notice. A notice of discontinuance of Service shall contain, at a minimum, the following information:

1. The name and address of the Account Holder;
2. The address of the premises to which Services are provided;
3. A clear and concise statement of reasons for the proposed discontinuance of Service;



4. The date on or after which Service will be discontinued unless the Account Holder acts to prevent discontinuance;
5. A description of the appropriate action the Account Holder must take to prevent discontinuance and contact information for whom to contact;
6. The right to dispute the discontinuance with the business office, Finance Manager, and before the General Manager, and that Service will not be discontinued prior to a decision by such officer; and
7. A statement describing the steps necessary for an Account Holder to have Service restored following discontinuance.

C. Hearing.

1. An Account Holder has the opportunity to request a Hearing before the General Manager following the receipt of the discontinuance notice and prior to discontinuance. Discontinuance of Service may not occur prior to a requested Hearing. Such a request must be in writing and must be postmarked or hand delivered to the Moorhead Public Service Commission prior to the date for discontinuance contained in the discontinuance notice. An Account Holder may request a Hearing before the General Manager to address technical administrative issues and for any other reason deemed appropriate by the General Manager and Moorhead Public Service.
2. The General Manager shall be empowered to hear argument and review evidence from the Account Holder and to render a decision.
3. The General Manager must schedule a Hearing within thirty (30) calendar days of the receipt of a written request for a Hearing and provide written notice of the date, time, and place of Hearing to the Account Holder at least seven (7) calendar days prior to the scheduled Hearing.
4. At the Hearing, the Account Holder will have the opportunity to present objections to discontinuance and evidence supporting the same. The Moorhead Public Service Commission also has the opportunity to present support for discontinuance during the Hearing.
5. Within thirty (30) calendar days of the Hearing, the General Manager will render his or her decision on discontinuance in writing and provide a copy of such to the Account Holder. If the General Manager finds in favor of discontinuance, the General Manager will include a timeline for discontinuance in the decision.
6. Although an Account Holder may request a Hearing, the Account Holder is not excused from making payment on Service charges that are not in dispute.

D. Limitation on Discontinuance. The Moorhead Public Service Commission must abide by all applicable federal and state laws in discontinuing Service.

E. Discontinuance of Service to Accounts Affecting Tenants.

1. Residential Rental Rule. In situations where the Moorhead Public Service Commission has reason to believe (i) a landlord-tenant relationship exists, (ii) the landlord is the Account Holder of the Service, and (iii) the landlord

as the Account Holder would otherwise be subject to discontinuance of Service, then, prior to discontinuance, this section shall apply.

2. Notice. Where the Moorhead Public Service Commission has reason to believe that the circumstances set forth in the immediately preceding subsection are met and the Moorhead Public Service Commission proposes to discontinue Service at such premises for Service nonpayment, the Moorhead Public Service Commission will use the following procedures:
  - (A) The Moorhead Public Service Commission will provide written notice to the landlord by first class mail.
  - (B) The Moorhead Public Service Commission will post in a conspicuous place on or near the front or rear entrances of the premises where the Service is rendered a notice of intent to discontinue Service and a copy of the notice provided to the landlord pursuant to the prior subsection.
  - (C) Said notices shall be posted not less than seven (7) calendar days prior to the date upon which the Moorhead Public Service Commission proposes to terminate Service.
3. Tenant's Rights and Continuance of Service. The posted notice required under the prior subsection shall also contain the following information:
  - (A) The date the Service will be discontinued;
  - (B) The telephone number to call at the Moorhead Public Service Commission to obtain further information;
  - (C) The right to dispute the discontinuance and request a Hearing before the General Manager in accordance with this chapter;
  - (D) The right of tenants to pay to have the Service continued;
  - (E) A brief description of the rights of tenants under Minn. Stat. § 504B.215, as may be amended from time to time; and
  - (F) A statement that tenants are encouraged to consider seeking assistance from legal aid, a private attorney, or a housing organization in exercising the rights of tenants under Minnesota law to maintain their Service.
4. Account Information. The General Manager will make available to any requesting tenant, the account of the premises that has been posted pursuant to this section.

#### **1-15-8: CONSENT TO DISCONTINUANCE OF UTILITY SERVICES:**

Notwithstanding any provision of this chapter, and if no landlord/tenant relationship exists, an Account Holder may forego procedures for discontinuance of Services and provide consent to

Moorhead Public Service for shutoff of Services for the Account Holder's property during or after a move out.

**1-15-9: REMEDIES FOR NONPAYMENT OF UTILITY CHARGES:**

A. Collection Remedies for Water, Sewer, and Garbage Services.

1. Certification for Collection with Taxes. After disconnection for non-payment, the Moorhead Public Service Commission may provide the city with information related to unpaid charges for certification to the County Auditor to be collected in accordance with Minn. Stat. § 444.075, Subd. 3e. Unpaid charges shall not be certified to the County Auditor until notice and an opportunity for a Hearing have been provided to the Account Holder. The notice shall be sent by first class mail and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the County Auditor for collection as other taxes are collected. The notice shall also state that the Account Holder may, before such certification date, attend or schedule a Hearing on the matter to object to certification of unpaid charges. Unpaid charges may also be recovered in a civil action against the Account Holder.
2. Revenue Recapture. The Minnesota Department of Revenue has the authority to recapture individual tax refunds or other payments and apply them to debts owed to state, local, and county agencies. The city and Moorhead Public Service Commission may utilize the revenue recapture program to apply individual tax refunds or other payments to debts for nonpayment of Services.
3. Option of Payment. The Account Holder shall have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but may include unpaid penalties.
4. Hearing. A Hearing shall be held on the matter by the City Council. Property owners with unpaid utility charges shall have the opportunity to object to certification of unpaid charges to be collected as taxes are collected. If, after the Hearing, the City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this ordinance, the city may certify the unpaid charges to the County Auditor for collection as other taxes are collected.
5. Options after Hearing. For each certification sustained, the Account Holder shall have the following options after the Hearing.
  - (A) To pay the delinquent amount after the Hearing date, but before certification, with no interest.
  - (B) To pay the certified charges as billed to them by Clay County on their property tax statement with a collection term of one (1) year.

B. Collection Remedies for Electrical Services. The Moorhead Public Service Commission shall offer a payment agreement for the payment of arrears. Payment agreements

must consider an Account Holder's financial circumstances using MN Cold Weather requirements regarding household income and State median income as a guide, and any extenuating circumstances. Unpaid charges may be recovered in a civil action against the Account Holder.

C. Implementation. The Moorhead Public Service Commission is tasked with the primary responsibility for the implementation of this chapter for discontinuance of services and may adopt such additional policies and procedures that are not in contravention with this chapter to accomplish such implementation.

#### **1-15-10: RESTRICTIONS IF RESIDENTIAL DISCONNECTION NECESSARY:**

If a residential customer must be involuntarily disconnected, the disconnection must not occur:

A. On a Friday, unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by the Public Service Commission;

B. On a weekend, holiday, or the day before a holiday;

C. When Moorhead Public Service Commission offices are closed; or

D. After the close of business on a day when disconnection is permitted, unless a field representative of the Moorhead Public Service Commission who is authorized to enter into a payment agreement, accept payment, and continue Service, offers a payment agreement to the customer.

Further, the disconnection must not occur until at least ten (10) days after the notice required in Section 1-15-7(A) has been mailed to the customer or ten (10) days after the notice has been personally delivered to the customer. If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by Section 1-15-7(C) the Moorhead Public Service Commission must not disconnect until the appeal is resolved.

#### **1-15-11: RESTRICTIONS ON DISCONNECTION OF GENERAL MUNICIPAL SERVICES:**

A. Restrictions. The Moorhead Public Service Commission does not have the authority to discontinue Water or Electrical Service to a premise for nonpayment or for delinquent bills relating to General Municipal Services, including forestry and vector control services, except as set forth under this chapter.

B. Collection Remedies. The Moorhead Public Service Commission shall offer a payment agreement for the payment of charges relating to General Municipal Services that are in arrears. Payment agreements must consider an Account Holder's financial circumstances using MN Cold Weather requirements regarding household income and State median income as a guide, and any extenuating circumstances. Unpaid charges may be recovered in a civil action against the Account Holder.

C. Unpaid Charges for General Municipal Services May be Levied as Special Assessments. The Moorhead Public Service Commission will provide the city with information necessary for the collection of unpaid special charges, including the amount unpaid, as a special assessment against the property benefited for all or any part of the cost of (i) operation of a street lighting system, (ii) treatment and removal of insect infested or diseased trees on private property, (iii) trimming and care of trees and removal of unsound trees from any street, or (iv) for all or any part of the costs set forth in Minn. Stat. § 429.101, Subd. 1(a), as amended from time to time. The



city shall conduct the special assessment process in accordance with the procedures set forth in Minnesota law, as amended from time to time.

**1-15-12: SAFE HARBOR PROVISION:**

The city and Moorhead Public Service Commission reserve the right to deviate from the terms of this ordinance if the Account Holder can provide assurances that it will maintain a payment agreement for the payment of Services that are in arrears, or pay the amount of the delinquent bill in full.

SECTION 2. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED by the City Council of the City of Moorhead this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
MICHELLE (SHELLY) A. CARLSON, Mayor

\_\_\_\_\_  
CHRISTINA RUST, City Clerk

First Reading: 05/12/2023

E-Post:

Second Reading:

Publication:



## City Council Communication

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June 12, 2023

**SUBJECT:**

Resolution to Authorize City Manager and Mayor to execute Memorandums of Agreement with labor unions recognizing Juneteenth as a paid holiday.

**RECOMMENDATION:**

The Mayor and City Council are asked to consider authorizing the City Manager and Mayor to execute Memorandums of Agreement with the City of Moorhead labor unions amending the union contracts to recognize Juneteenth.

**BACKGROUND/KEY POINTS:**

The State of Minnesota enacted a law that designated Juneteenth a state holiday beginning June 19, 2023. The City of Moorhead updated its city-wide Holiday Leave Policy to establish Juneteenth as a city-wide holiday. Additionally, Memorandums of Agreement were provided to labor unions for consideration regarding amending union contracts to recognize Juneteenth.

**FINANCIAL CONSIDERATIONS:**

Compensation regarding the Juneteenth holiday is contained in the 2023 Operating and Capital Budget.

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

**Submitted By:**

Dan Mahli, City Manager  
Amy Settergren, HR Director

**Attachments:**

**Resolution to Authorize City Manager and Mayor to Execute Memorandums of Agreement Amending the Union Contracts to Recognize Juneteenth**

WHEREAS, the State of Minnesota enacted a law that designated Juneteenth a state holiday beginning June 19, 2023; and

WHEREAS, the City of Moorhead has 5 unions that are the exclusive representatives for certain employees in an appropriate unit; and

WHEREAS, the City of Moorhead designated Juneteenth as a holiday City-wide, effective in 2023; and

WHEREAS, the City of Moorhead union contracts require written amendment to recognize Juneteenth as a holiday;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead to authorize the City Manager and Mayor to execute Memorandums of Agreement amending the union contracts to recognize Juneteenth.

PASSED: June 12, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

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

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