



**CITY COUNCIL
MEETING AGENDA
SEPTEMBER 11, 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.

Swearing-In: Ward 4 Council Member Sebastian McDougall

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: Peter Haberman
 - B. Presentation: Moorhead Fire Department Promotions
 - C. Update: Community Center Regional Library
 - D. Presentation: 2023 Bond Sale, Baker Tilly Municipal Advisors
6. Approve Minutes
 - A. August 28, 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
 - A. *Resolution to Approve Mayoral Appointments of Council Members to Committees, Boards, and Commissions
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 Approve Short Term Extension to Pre-development and Lien Agreement
 - B. Resolution to Declare Substandard Blighted Building for Redevelopment
11. Public Works
 - A. *Resolution to Approve Budget Adjustment #23-044 and Award Bid for Demolition of Transfer Station Facility located at 2727 Hwy 10E
12. Administration
 - A. Resolution to Approve and Accept Offer of Sale of General Obligation Improvement Bonds, Series 2023A
 - B. *Resolution to Approve New Liquor License to Onyx Bar & Grill LLC DBA Onyx Bar & Grill
 - C. *Resolution to Approve Application for the Edward Byrne Memorial Justice Assistance Grant
13. Mayor and Council Reports
14. City Manager Reports
15. Executive Session
16. New Business
17. Adjourn



City Council Communication

September 11, 2023

SUBJECT:

MoorHeart Recognition: Peter Haberman

RECOMMENDATION:

The Mayor and City Council are asked to recognize and honor Peter Haberman with the MoorHeart award.

BACKGROUND/KEY POINTS:

The MoorHeart award recognizes individuals and organizations that go above and beyond to demonstrate community within our City by their actions and service. A team of volunteers from City boards and commissions selects award recipients who are recognized at City Council meetings. The MoorHeart selection committee recommended recognition of Peter Haberman for his willingness to go above and beyond for his students at Concordia College as well as his dedication to further enrich our city.

Peter is Director of Bands at Concordia College, but his job doesn't end at teaching music. He is a support system for his students, especially those who have recently moved to Moorhead. Outside of the classroom, he travels to different towns and cities recruiting young musicians to come to college in Moorhead.

Michelle Webber wrote in the nomination: "As director of bands at Concordia College, Peter literally drives all over the state of Minnesota, finding remarkable musical talent and touting the benefits of living in Moorhead. He is responsible for countless talented students moving to Moorhead to pursue their degrees. As I was driving past Concordia this morning, with the trees decked out in winter splendor, I was simultaneously hit with how much I appreciate living here and how cool it is that Peter Haberman does this thing where he travels all over telling people how cool it is to live here. Once students move here to be part of the Concordia band program, he mentors them. He is constantly responding to texts from students and not just about the band. He works tirelessly to make sure their experience here is fruitful for them and the band. Of course, that is not all that Peter does that expresses his heart. He also makes sure there is a place for international students at his personal Thanksgiving table. When the dining hall closes for the holidays, international students – who are prevented from holding a job – must find their own food. Peter makes space for them at his table."

Peter, we are glad to have you as a talented professor as well as a dedicated spokesperson for Moorhead. You are an encourager who reminds residents of our community why we love Moorhead and to share that admiration with others.

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

September 11, 2023

submitting a nomination. Information on nominating others for MoorHeart consideration is found at 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:



MOORHEAD COMMUNITY CENTER AND PUBLIC LIBRARY

TUESDAY, SEPT. 26, 2023
**PUBLIC OPEN
HOUSE**

11:30 a.m.-1 p.m.

4:30-7 p.m.

 **Moorhead Public Library, 1st floor**
118 5 St S, Moorhead, MN 56560

This event is designed for you – pick either time and come and go as you'd like.

Stop by to view the displays, chat with project representatives, and hear more about this exciting, community-driven project in the heart of Moorhead.

Bringing the little ones?

The Moorhead Public Library is hosting a building-themed Storytime at 6:30 p.m. in the Children's Area.





**CITY COUNCIL
MEETING MINUTES
AUGUST 28, 2023 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

1. Call to Order and Roll Call

Roll call of the members was made as follows:

Present: Council Member: Ryan Nelson
Council Member: Matthew Gilbertson
Council Member: Heather Nesemeier
Council Member: Laura Caroon
Council Member: Deb White
Council Member: Steve Lindaas
Council Member: Chuck Hendrickson

Absent: Council Member: Larry Seljevold
Mayor: Shelly Carlson

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve made by Matthew Gilbertson and seconded by Heather Nesemeier

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

5. Recognitions - Presentations

A. Presentation: West Central Initiative, Rebecca Petersen, Director of Development

West Central Initiative Director of Development Rebecca Petersen updated the City Council on new initiatives and events happening across the region with WCI.

B. Presentation: Moorhead Baseball Stadium – Matson Field

Members of the American Legion presented a check of \$250,000 to kick off the capital campaign for the Grandstand Stadium project at Matson Ball Field in Moorhead.

C. Presentation: Next Steps on Sustainability & Resiliency Goals, Crystal Rayamajhi

Sustainability Coordinator Crystal Rayamajhi updated the City Council on sustainability, resilience, and climate action initiatives in Moorhead and presented a framework for a green team/sustainability workgroup.

6. Approve Minutes

A. August 14, 2023 Meeting Minutes

Motion to Approve August 14, 2023 Meeting Minutes made by Deb White and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Seljevoll

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

A Moorhead resident addressed the City Council regarding a blighted and abandoned single-family property next to her home. City Attorney John Shockley provided an update on the status of the problem property.

A Moorhead resident addressed concerns regarding the removal of School Resource Officers from Moorhead's middle and high schools and requested changing how communities and schools work with SROs.

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 Regarding the Request of Terry Lagerquist on behalf of 4101 32 Ave LLC for a Property Tax Exemption for a Project located at 4101 32 Ave S (58.417.0050)

Motion to Open Public Hearing Public Hearing Regarding the Request of Terry Lagerquist on behalf of 4101 32 Ave LLC for a Property Tax Exemption for a Project located at 4101 32 Ave S (58.417.0050) made by Heather Nesemeier and seconded by Ryan Nelson

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Seljevoll

Economic Development partner Derrick LaPoint shared the request of Terry Lagerquist on behalf of TL Industries for an addition to the commercial building at 4101 32 Ave S.

Motion to Close Public Hearing Public Hearing Regarding the Request of Terry Lagerquist on behalf of 4101 32 Ave LLC for a Property Tax Exemption for a Project located at 4101 32 Ave S (58.417.0050) made by Heather Nesemeier and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;
Absent: 1; Seljevold

- B. Resolution to Approve Property Tax Exemption for 4101 32 Ave LLC for a Project located at 4101 32 Ave S (58.417.0050)

Motion to Approve Resolution to Approve Property Tax Exemption for 4101 32 Ave LLC for a Project located at 4101 32 Ave S (58.417.0050) made by Heather Nesemeier and seconded by Deb White

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Seljevold

10. Fire Department

- A. *Resolution to Accept Grant Award for 2022 Hazardous Materials Emergency Preparedness (HMEP) Grant Program (Budget Adjustment #23-037)

11. Parks and Recreation Department

- A. *Resolution to Approve Grant from PartnerSHIP 4 Health and related Agreement for Benches in Southside Regional Park (Budget Adjustment #23-041)

12. Public Works

- A. *Resolution to Approve Submission of Grants for Minnesota Department of Natural Resources Funds for Support of EAB Efforts

13. Administration

- A. Resolution to Approve Consent to the Clay County Housing and Redevelopment Authority 2024 Special Benefit Tax

Moorhead Public Housing Agency Executive Director Dawn Bacon and Clay County Housing and Redevelopment Authority Executive Director Dara Lee presented a request to consent to a special benefit tax in 2024 to be levied if approved by the Clay County Commission.

Motion to Approve Resolution to Approve Consent to the Clay County Housing and Redevelopment Authority 2024 Special Benefit Tax made by Heather Nesemeier and seconded by Deb White

Motion Passed

For: 6; Nelson, Nesemeier, Caroon, White, Lindaas, Hendrickson

Against: 1; Gilbertson

Abstain/Recuse: 0

Absent: 1; Seljevold

- B. *Resolution to Authorize Budget and Expenditures for Maple Court Townhomes Homeownership Initiative
- C. *Resolution to Approve Contract with Houston Engineering for Professional Services Associated with Land Transfer

- D. *Resolution to Approve Budget Adjustment #23-042 for State of Minnesota One-Time Public Safety Aid Funding

14. Mayor and Council Reports

Council members Heather Nesemeier & Laura Caroon invited Ward 2 residents to a Conversation with Council Members on August 30 at 6:00 p.m. at Morningside Park. Council member Nesemeier stated as of September 1, sanitation crews will no longer pick-up yard waste in clear plastic bags from the curb. Council member Nesemeier invited residents to a Longest Table Event on September 14 at 5:30 p.m. at 1111 30 Ave S, Moorhead.

Council member Deb White spoke about a grant that was received for Welcome Week and the Greater Moorhead Days Parade. Council member White added there is a social event after the parade at MState. All are welcome to attend.

Council member Laura Caroon asked residents to save-the-date for a Community Center Regional Library open house which is scheduled on September 26 with more information to be provided soon.

Council member Ryan Nelson stated information on how to donate to many good causes in Moorhead including the [Matson Baseball Stadium](#).

15. City Manager Reports

City Manager Dan Mahli thanked Council member Steve Lindaas for his service and guidance on the Moorhead City Council over the last four years.

16. Executive Session

17. New Business

18. Adjourn

Meeting adjourned at 6:40pm

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson
Mayor

Christina Rust
City Clerk

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

RESOLUTION

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

BE IT RESOLVED by the City Council of the City of Moorhead, does hereby accept Mayor Carlson's 2023 appointment of newly appointed Ward 4 Council Member Sebastian McDougall to various committees, boards, and commissions as noted below.

Sebastian McDougall – Ward 4

- Airport Committee
- Clay County Planning Commission
- Park Advisory Board (alternate)
- Planning Commission
- Fargo-Moorhead Metropolitan Council of Governments (MetroCOG)
- Metro Area Transit Coordinating Board
- Legislative Workgroup

PASSED: September 11, 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

September 11, 2023

SUBJECT:

Resolution to Approve Short Term Extension to Predevelopment Agreement and Lien Agreement and Approve the Demolition and Clearance of Blighted Buildings

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of the following Resolutions:

- Resolution to Approve Amendment 2 to the Predevelopment Agreement and Lien Agreement with Roers Development
- Resolution to Approve the Demolition and Clearance of Blighted Buildings

BACKGROUND/KEY POINTS:

On September 23, 2019, the Moorhead City Council approved a Pre-Development and Option to Purchase Agreement with Roers Development for City owned property and areas in and around City Hall and the Moorhead Center Mall. Since that time, Roers and the City have been reviewing development scenarios and exploring the option for development of a Tax Increment Financing (TIF) District. At the September 12, 2022 meeting, the City Council approved Amendment 1 which was a one-year extension. The agreement currently expires on September 23 and Amendment 2 extends to March 15, 2024.

On September 27, 2021, a Lien Agreement was approved by the Moorhead City Council which provided assurance to the bank that the redevelopment will proceed and the City intends to create a TIF district and enter into a Master Development Agreement with the Developer. At its September 12, 2022 meeting, the City Council approved Amendment 1 which was a one-year extension. The agreement currently expires on November 1 and Amendment 2 extends this to March 15, 2024.

Roers announced a Master Development concept (www.moretomoorhead.com) for the downtown site and continues to work with owners and developers on the potential project. Roers has received notice that it has received a grant from West Central Initiative for demolition for a portion of the Mall building. As a TIF district has not yet been established, the Council is asked to consider a resolution authorizing a Building Demolition Development Agreement allowing for the demolition of portions of the redevelopment area while retaining the ability to consider these costs reimbursable through a future Tax Increment Financing District.

FINANCIAL CONSIDERATIONS:

Future financial terms and development requirements are anticipated to be outlined within a Master Development Agreement and TIF Agreement/TIF Plan.

Voting Requirements: 3/4 of Council (6)



City Council Communication

September 11, 2023

Submitted By:

Dan Mahli, City Manager

Derrick LaPoint, President/CEO, Downtown Moorhead Inc.

Attachments: Draft Resolutions

RESOLUTION

Resolution to Approve Amendment 2 to the Predevelopment Agreement and Lien Agreement with Roers Development

WHEREAS, in 2019 and 2021, the Moorhead City Council approved agreements with Roers Development relating to redevelopment and financing for a potential project(s) around City Hall that would be further outlined within a Master Development Agreement and Tax increment Financing Agreement; and

WHEREAS, Roers Development and the City continue to work on development of the site and a related Master Development Agreement; and

WHEREAS, Roers Development and the City extended the timeline for these agreements to September and November, 2023; and

WHEREAS, Roers Development and the City wish to extend the executed Pre-Development Agreement and Lien Agreement to all work to continue on the redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the Mayor and City Manager are hereby authorized to enter into Amendments of the noted Agreements with Roers Development extending the timeline to establish a Master Development Agreement and related Tax Increment Financing Agreement to March 15, 2024.

PASSED: September 11, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Declare Substandard Blighted Building for Redevelopment

WHEREAS, the City of Moorhead (the "City") intends to undertake a redevelopment project in the City (the "Redevelopment Project");

WHEREAS, a part of the Redevelopment Project involves the demolition and clearance of certain blighted buildings (the "Building") described on Exhibit A attached hereto located on a certain parcel also described on Exhibit A attached hereto (the "Parcel");

WHEREAS, the City intends to create a tax increment financing district including the Parcel as a "redevelopment district";

WHEREAS, the deteriorated condition of the Buildings creates a health and safety concern necessitating the demolition of the Buildings prior to the creation of a tax increment financing district;

WHEREAS, Minnesota Statutes, Sections 469.174 to 469.1794 (the "Tax Increment Act") provides that a City may create a tax increment financing district (a "TIF District") as a "redevelopment district" if the City finds by resolution that parcels consisting of 70% of the area of the TIF District are occupied by buildings, streets, paved or gravel parking lots or other similar structures, and more than 50% of the buildings, not including out buildings, are structurally substandard to a degree requiring substantial renovation or clearance;

WHEREAS, Minnesota Statutes, Section 469.174, subdivision 10(d), provides, among other things, that a parcel may be deemed to be occupied by a structurally substandard building if:

(1) the parcel was occupied by a substandard building within three years of the filing of the request for certification of the parcel as part of the TIF District with the county auditor;

(2) the substandard building was demolished or removed by the City, the demolition or removal was financed by the City or was done by a developer under a development agreement with the City; and

(3) the City found by resolution, before the demolition or removal, that the parcel was occupied by a structurally substandard building and that after demolition and clearance the City intended to include the parcel within the district.

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

1. At least 70% of the area (see Exhibit A) are occupied by the Building.
2. The Building is "structurally substandard" within the meaning of Minnesota Statutes, Section 469.174, subdivision 10. The reasons and supporting facts for this determination are on file with the staff of the City.
3. The Economic Development Authority of and for the City of Moorhead and the City of Moorhead intend to demolish the Buildings and the City intends to subsequently include the Parcel in a redevelopment tax increment district

established pursuant to Minnesota Statutes, Section 469.174, subdivision 10, which TIF District, if established, shall be established within three years of the date hereof.

4. The Mayor and Administrator are hereby authorized and directed to execute a Development Agreement with the Developer for the demolition of the Buildings.
5. Upon filing the request for certification of the tax capacity of the Parcel is part of the TIF District, the City will notify the county auditor that the original tax capacity of the Parcel must be adjusted as provided in Minnesota Statutes, Section 469.177, subdivision 1, paragraph (f).

PASSED: September 11, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

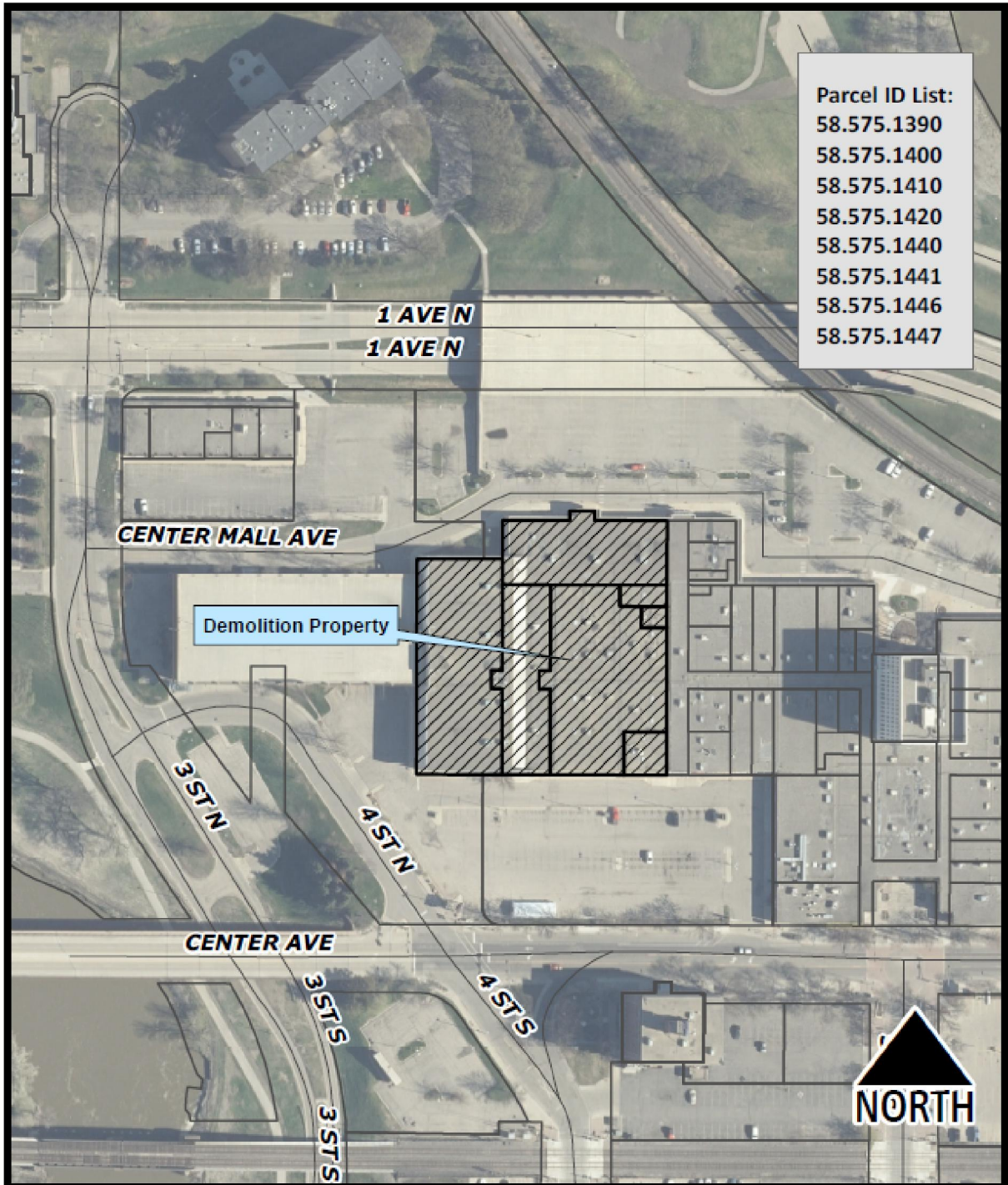
ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



EXHIBIT A





City Council Communication

September 11, 2023

SUBJECT:

Resolution to Approve Budget Adjustment #23-044 and Award Bid for Demolition of Transfer Station Facility located at 2727 Hwy 10E

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve a budget adjustment and award the bid, in the amount of \$273,000, for the demolition of the City Transfer Station Facility located at 2727 HWY 10E, Moorhead, MN 56560 to KPH of Fargo, ND.

BACKGROUND/KEY POINTS:

This building was constructed in 1973 and has served the city well beyond its useful life. Certain areas of the building have been deemed unsafe by a structural engineer (Braun Intertec) and it is no longer being utilized since Clay County Resource Recovery Center is now serving the functions of the City Transfer Station. Three bids were received for this project and the low bidder was KPH out of Fargo, ND. Staff would like to have the demolition accomplished this fall/winter & KPH can accommodate this request.

FINANCIAL CONSIDERATIONS:

Three bids were received on August 25, 2023 and are summarized below:

| Bidder | Bid |
|-------------------------|------------|
| KPH | \$273,000 |
| Hough Incorporated | \$298,000 |
| Dawson Contracting, LLC | \$648,000 |

On October 24, 2022, the City Council authorized an allocation of \$100,000 in American Rescue Plan Act (ARPA) funds for demolition of the transfer station. Total project cost for the scope of work is \$353,000. In addition to the demo contract with KPH, the project includes initial site assessment work, asbestos abatement, demo monitoring, and a ten percent contingency for any unforeseen work that should arise during demolition. Staff requests budget adjustment #23-044 be approved to allocate an additional \$253,000 of federal American Rescue Plan Act funds to enable this effort.

Budget Adjustment #23-044

| Fund Name | Acct. Description | Expenditure | Funding Source |
|------------------|--------------------------------|--------------------|-----------------------|
| ARPA | Federal Grant (from reserves) | | \$253,000 |
| ARPA | Improvements Other than Bldgs. | \$253,000 | |
| | Total | \$253,000 | \$253,000 |



City Council Communication

September 11, 2023

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Anthony Manzella, Facilities and Fleet Manager

Attachments: Demolition Area Map



RESOLUTION

Resolution to Approve Budget Adjustment #23-044 and Award Bid for Demolition of Transfer Station Facility located at 2727 Hwy 10E

WHEREAS, the Transfer Station Facility located at 2727 Hwy 10E was constructed in 1973 and has served the city well and;

WHEREAS, areas of the building have been deemed unsafe by structural engineers and is no longer being utilized since the Clay County Resource Recovery Center is now serving citizens as the City Transfer Stations and;

WHEREAS, three bids were received on August 25, 2023 and KPH out of Fargo was the lowest bidder and;

WHEREAS, on October 24, 2022 the City Council authorized an allocation of \$100,000 in American Rescue Plan Act (ARPA) funds for demolition of the transfer station and;

WHEREAS, staff request budget adjustment #23-044 be approved to allocate an additional \$253,000 of federal American Rescue Plan Act funds to enable this effort.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that budget adjustment #23-044 is approved and demolition of the Transfer Station Facility will be provided by KPH.

PASSED: September 11, 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

September 11, 2023

SUBJECT:

Resolution to Approve and Accept Offer of Sale of General Obligation Improvement Bonds, Series 2023A

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution with any substantive changes as deemed necessary by Bond Council, accepting bids on the sale of \$15,785,000 General Obligation Improvement Bonds, Series 2023A.

BACKGROUND/KEY POINTS:

The Mayor and Council authorized calling for the sale of these bonds at the August 14th Council meeting passing a resolution authorizing the sale date of September 11th. The proceeds of this bond issue will be used to fund infrastructure projects in various areas of the City as identified in the information as approved by the City Council on August 14, 2023.

Bid proposals for the Bonds will be received on Monday, September 11th until 10:30am at the offices of Baker Tilly Municipal Advisors, at which time proposals will be opened and tabulated. The resolutions included in this packet are draft resolutions. After the sale is complete, the resolutions will be updated to reflect the results of the sale, which will include interest rates, terms, etc. The final resolutions will be distributed to the City Council immediately prior to the start of the City Council meeting. Ms. Christine Hogan, Director with Baker Tilly Municipal Advisors, will be present at the September 11, 2023 City Council meeting to present the results of the sale and answer questions related to the sale.

FINANCIAL CONSIDERATIONS:

The City pledges special assessments to be levied against benefited property, as well as, the City's full faith and credit to levy general ad valorem taxes for repayment of the 2023A General Obligation Improvement Bonds. Special assessments will be assessed over terms of 20 and 25 years at an interest rate currently estimated at 5.55%. The 2023A Bonds will require an estimated annual tax levy of approximately \$469,000.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Jenica Flanagan, Finance Director

Attachments:

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF
MOORHEAD, MINNESOTA

HELD: September 11, 2023

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Moorhead, Clay County, Minnesota, was duly called and held at the City Hall in said City on Monday, the 11th day of September, 2023, at 5:30 p.m., for the purpose of awarding the sale of \$15,785,000 General Obligation Improvement Bonds, Series 2023A of the City.

The following members were present: _____,
_____, and the following were absent:
none.

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING OFFER ON THE
SALE OF \$15,785,000 GENERAL OBLIGATION IMPROVEMENT
BONDS, SERIES 2023A, PROVIDING FOR THEIR ISSUANCE AND
LEVYING A TAX FOR THE PAYMENT THEREOF

A. WHEREAS, the City Council of the City of Moorhead, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue \$15,785,000 General Obligation Improvement Bonds, Series 2023A of the City, pursuant to Minnesota statutes, Chapters 429 and 475, to finance the construction of various improvements in the City (the "Improvements"); and

B. WHEREAS, the construction of each of the improvement projects to be financed by the Bonds has heretofore been ordered; and

C. WHEREAS, offers to purchase the Bonds were solicited on behalf of the City by Baker Tilly Municipal Advisors, LLC ; and

D. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

E. WHEREAS, the following offers were received, opened and recorded at the offices of Baker Tilly Municipal Advisors, LLC, at 10:00 a.m. this same day:

| <u>Bidder</u> | <u>Interest Rate</u> | <u>Net Interest Cost</u> |
|---------------|----------------------|--------------------------|
|---------------|----------------------|--------------------------|

See Attached

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

1. Acceptance of Offer. The offer of [to be updated with sale results] (the "Purchaser") to purchase \$15,785,000 General Obligation Improvement Bonds, Series 2023A, of the City (the "Bonds," or individually a "Bond"), in accordance with the terms of proposal, at the rates of interest hereinafter set forth, and to pay therefore the sum of \$ _____ plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable offer received and is hereby accepted, and the Bonds are hereby awarded to the Purchaser. The City Manager is directed to retain the deposit of said Purchaser and to forthwith return to the others making offers their good faith deposits.

2. Terms of Bonds.

(a) Title: Original Issue Date: Denominations; Maturities. The Bonds shall be titled "General Obligation Improvement Bonds, Series 2023A," shall be dated October 12, 2023, as the date of original issue and shall be issued forthwith on or after such date as fully registered bonds. The Bonds shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity. The Bonds shall mature on February 1 in the years and amounts as follows:

| <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|
| 2025 | \$ 480,000 | 2035 | \$ 800,000 |
| 2026 | 705,000 | 2036 | 815,000 |
| 2027 | 715,000 | 2037 | 825,000 |
| 2028 | 720,000 | 2038 | 845,000 |
| 2029 | 730,000 | 2039 | 860,000 |
| 2030 | 740,000 | 2040 | 875,000 |
| 2031 | 750,000 | 2041 | 885,000 |
| 2032 | 765,000 | 2042 | 895,000 |
| 2033 | 775,000 | 2043 | 900,000 |
| 2034 | 790,000 | 2044 | 915,000 |

(b) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

(i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 (with respect to Redemption) and 10 (with respect to registration, transfer, exchange) Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only period to the outstanding principal amount of that Bond.

(ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by Bond Trust Services

Corporation, Roseville, Minnesota (the "Bond Registrar") in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

(iii) With respect to the Bonds, neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10 (with respect to registration, transfer,

exchange) hereof, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations, to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(ix) Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency registrar agreement shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(x) In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in paragraph 5 hereof (with respect to redemption), make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

(c) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 10 hereof. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10 (with respect to registration, transfer, exchange) hereof, the Bonds will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10 (with respect to registration, transfer, exchange) hereof.

(d) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose. The Bonds shall provide funds to finance the construction of various public improvement projects in the City (the "Improvements"). The total cost of the Improvements, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. Work on the Improvements shall proceed with due diligence to completion. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Improvements proceeds with due diligence to completion and that any, and all permits and studies required under law for the Improvements are obtained.

4. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each an "Interest Payment Date"), commencing August 1, 2024,

calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

| <u>Maturity Year</u> | <u>Interest Rate</u> | <u>Maturity Year</u> | <u>Interest Rate</u> | <u>Maturity Year</u> | <u>Interest Rate</u> |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 2025 | % | 2032 | % | 2039 | % |
| 2026 | | 2033 | | 2040 | |
| 2027 | | 2034 | | 2041 | |
| 2028 | | 2035 | | 2042 | |
| 2029 | | 2036 | | 2043 | |
| 2030 | | 2037 | | 2044 | |
| 2031 | | 2038 | | | |

5. Redemption. All Bonds maturing on or after February 1, 2034, shall be subject to redemption and prepayment at the option of the City on February 1, 2033, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the City shall determine the maturities and principal amounts within each maturity to be prepaid; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar, prior to giving notice of redemption, shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the holder thereof or his, her or its attorney duly authorized in writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any authorized denomination or denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. U.S. Bank Trust Company, National Association, St. Paul, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed,

all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12 of this resolution (with respect to interest payment and record date).

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
CLAY COUNTY
CITY OF MOORHEAD

R-_____

\$_____

GENERAL OBLIGATION IMPROVEMENT
BOND, SERIES 2023A

INTEREST
RATE

MATURITY
DATE

DATE OF
ORIGINAL ISSUE

CUSIP

October 12, 2023

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Moorhead, Clay County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for earlier redemption, and to pay interest thereon semiannually on February 1 and August 1 of each year (each an "Interest Payment Date"), commencing August 1, 2024, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of U.S. Bank Trust Company, National Association, St. Paul, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the special Record Date shall be given to Bondholders not less than ten days prior to the special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America.

Redemption. All Bonds of this issue (the "Bonds") maturing on and after February 1, 2034, are subject to redemption and prepayment at the option of the Issuer on February 1, 2033, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the Issuer shall determine the maturities and principal amount within each maturity to be prepaid; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds.

Selection of Bonds for Redemption; Partial Redemption. To affect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or his, her or its attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any authorized denomination or denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose: General Obligation. This Bond is one of an issue in the total principal amount of \$15,785,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, which Bond has been issued pursuant to and in full conformity with the Constitution, laws of the State of Minnesota and the Charter of the Issuer and pursuant to a resolution adopted by the City Council of the Issuer on September 11, 2023 (the "Resolution"), for the purpose of providing money to finance the construction of various improvements. This Bond is payable out of the General Obligation Improvement Bonds, Series 2023A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchanger Resolution. The Bonds are issuable solely as fully registered bonds in the denominations of \$5,000 and integral multiples thereof of a single maturity and are exchangeable for fully registered Bonds of other authorized denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution

for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by his, her or its attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an authorized denomination or denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided on the reverse side hereof with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

NOT Designated as a Qualified Tax-Exempt Obligation. This Bond has **not** been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution, laws of the State of Minnesota and Charter of the Issuer to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional, statutory or charter limitation of indebtedness.

IN WITNESS WHEREOF, the City of Moorhead, Clay County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the manual signatures of its Mayor and its City Manager, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Bond Registrar's
CERTIFICATE OF AUTHENTICATION

CITY OF MOORHEAD
CLAY COUNTY, MINNESOTA

This Certificate is one of the
Certificates described in the
Resolution mentioned
within.

Mayor

U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION
60 Livingston Avenue EP-MN-WS3C
St. Paul, MN 55107
Bond Registrar

City Manager

By: _____
Authorized Signature

SPECIMEN

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UTMA - _____ as custodian for _____

(Cust) (Minor)

under the _____ Uniform

(State)

Transfers to Minors Act

Additional abbreviations may also be used
though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____
the within Bond and does hereby irrevocably constitute and appoint _____
attorney to transfer the Bond on the books kept for the registration thereof, with full power of
substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it
appears upon the face of the within Bond in every particular, without
alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm
having a membership in one of the major stock exchanges or any other "Eligible Guarantor
Institution" as defined in 17 CFR 240.17 Ad-15(a) (2).

The Bond Registrar will not effect transfer of this Bond unless the information
concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by
joint account.)

CERTIFICATE AS TO LEGAL OPINION

We certify that attached is the legal opinion rendered by Bond Counsel on the issue of Bonds which includes the within Bond, dated as of the date of delivery of and payment for the Bonds.

City Manager

Mayor

SPECIMEN

8. Execution; Temporary Bonds. The Bonds shall be printed (or, at the request of the Purchaser, typewritten), shall be executed on behalf of the City by the signatures of its Mayor and City Manager and be sealed with the seal of the City; provided, however, that the seal of the City may be a printed (or, at the request of the Purchaser, photocopied) facsimile; and provided further that both of such signatures may be printed (or, at the request of the Purchaser, photocopied) facsimiles and the corporate seal may be omitted on the Bonds as permitted by law. In the event of disability or resignation or other absence of either such officer, the Bonds may be signed by the manual or facsimile signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. The City may elect to deliver, in lieu of printed definitive bonds, one or more typewritten temporary bonds in substantially the form set forth above, with such changes as may be necessary to reflect more than one maturity in a single temporary bond. The temporary bonds may be executed with photocopied facsimile signatures of the Mayor and City Manager. Such temporary bonds shall, upon the printing of the definitive bonds and the execution thereof, be exchanged therefore and canceled.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form herein above set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9, with respect to authentication) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any authorized denomination or denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any authorized denomination or denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever

any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The City Manager is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten (10) days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12 above, with respect to interest payment and record date) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Improvement Bonds, Series 2023A Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund two (2) separate accounts, to be designated the "Construction Account" and "Debt Service Account," respectively.

(i) Construction Account. To the Construction Account there shall be credited \$_____ of the proceeds of the sale of the Bonds, plus any special assessments levied with respect to the Improvements and collected prior to completion of the Improvements and payment of the costs thereof. From the Construction Account there shall be paid all costs and expenses of making the Improvements listed in paragraph 16, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65; and the moneys in said account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the collection of special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Improvements there shall remain any unexpended balance in the Construction Account, the balance (other than any special assessments) may be transferred by the Council to the fund of any other improvement instituted pursuant to Minnesota Statutes, Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied towards payment of the costs of the Improvements upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(ii) Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (a) all collections of special assessments herein covenanted to be levied with respect to the Improvements and either initially credited to the Construction Account and not already spent as permitted above and required to pay any principal and interest due on the Bonds or collected subsequent to the completion of the Improvements and payment of the costs thereof; (b) all accrued and capitalized interest received upon delivery of the Bonds; (c) all collections of taxes herein or hereafter levied for the payment of the Bonds and interest thereon; (d) all funds remaining in the Construction Account after completion of the Improvements and payment of the costs thereof, not so transferred to the

account of another improvement; (f) all investment earnings on funds held in the Debt Service Account; and (g) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The Debt Service Account shall be used solely to pay the principal and interest and any premiums for redemption of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said account as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent (5%) of the proceeds of the Bonds or \$100,000. To this effect any special assessments against benefitted properties are also pledged to the Debt Service Account, in excess of amounts which under then-applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Assessments. It is hereby determined that no less than twenty percent (20%) of the cost to the City of each Improvement financed hereunder within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments to be heretofore levied against every assessable lot, piece and parcel of land benefitted by any of the Improvements. The City hereby covenants and agrees that it will let all construction contracts not heretofore let within one (1) year after ordering each Improvement financed hereunder unless the resolution ordering the Improvement specifies a different time limit for the letting of construction contracts. The City hereby further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of such special assessments, and in the event that any such assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the City or the City Council or any of the City officers or employees, either in the making of the assessments or in the performance of any condition precedent thereto, the City and the City Council will forthwith do all further acts and take all further proceedings as may be required by law to make the assessments a valid and binding lien upon such property. It is hereby determined that the assessments shall be payable in equal, consecutive, installments of principal, with interest on the declining balance, with general taxes for the years shown below and with interest on the declining balance of all such assessments at a rate per annum not greater than the maximum permitted by law and not less than 5.40% per annum:

| <u>Improvement Designation</u> | <u>Amount</u> | <u>Levy Years</u> | <u>Collection Years</u> |
|--|---------------|-----------------------|-----------------------------|
| McCARA 5 th | \$2,587,00 | 2024-2043 | 2025-2044 |
| Elm Street & River Drive Area | 2,932,000 | 2024-2043 | 2025-2044 |
| 2 nd Avenue North & 12 th St North | 231,800 | 2024-2043 | 2025-2044 |
| Hampton 4 th Addition | 3,220,000 | 2024-2043 | 2025-2044 |
| 11 th Street South | 377,320 | 2024-2043 | 2025-2044 |
| Johnson Farms 5 th & 7 th | 1,710,000 | 2024-2043 | 2025-2044 |
| 6 th Street South, 18 th & 20 th Avenue South | 253,000 | 2024-2043 | 2025-2044 |
| 14 th Street, 16 th -18 th Street & 27 th Avenue South | 270,000 | 2024-2043 | 2025-2044 |
| Misc. Sewer Service Repairs | 420,000 | 2024-2043 | 2025-2044 |
| 19½ Street South & 14 th Avenue South | 84,000 | 2024-2043 | 2025-2044 |
| Hampton 3 rd Final Wear | 228,000 | 2024-2043 | 2025-2044 |
| 7 th & 8 th Street North | 28,000 | 2024-2043 | 2025-2044 |

Pursuant to State law and City policy, some of the assessments for some of the districts set out above may be deferred for a number of years. In addition the City intends to pay for a portion of the above costs permanently by the tax levy set forth in paragraph 17, without assessing the full amount to individual properties. At the time the assessments are in fact levied each year, the City Council shall, based on the then-current estimated collections of the assessments, make any adjustments in any ad valorem taxes required to be levied in order to assure that the City continues to be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

17. Tax Levy; Coverage Test. To provide monies for the payment of principal and interest on the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of, other general property taxes in said City for the years and in the amounts as set forth in Attachment A hereto.

Said tax levies are such that if collected in full they, together with estimated collections of investment earnings and other revenues herein pledged for the payment of the Bonds will, if collected when due, produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds.

The tax levies shall be irrevocable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61(3).

18. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

19. Certificate of Registration. The City Manager is hereby directed to file a certified copy of this resolution with the County Auditor of Clay County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's certificate that the Bonds have been entered in the County Auditor's Bond Register, and that the tax levy required by law for the Bonds has been made.

20. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

21. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, subject to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

22. Negative Covenant as to Use of Proceeds and Improvements. The City hereby covenants not to use the proceeds of the Bonds or to use the Improvements, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Improvements, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

23. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bonds, and (3) the rebate of excess investment earnings to the United States if the Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceeding the small-issuer exception amount of \$5,000,000.

24. Compliance with Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than 60 days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed 20% of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or 5% of the proceeds of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds and in all events within the period ending on the date which is the later

of three years after payment of the Reimbursement Expenditure or one year after the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph 24 upon receipt of an opinion of its Bond Counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

25. Continuing Disclosure.

(a) The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described to:

(1) Provide or cause to be provided, in a timely manner, to (i) each nationally recognized municipal securities information repository ("NRMSIR") or to the Municipal Securities Rulemaking Board ("MSRB") and (ii) the state information depository (the "SID"), if any, notice of the occurrence of certain material events with respect to the Bonds in accordance with the Undertaking.

(2) The City agrees that its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking are intended to be for the benefit of the holders and any other beneficial owners of the Bonds and shall be enforceable on behalf of such holders and beneficial owners; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

(b) The Mayor and Clerk of the City, or any other officer of the City authorized to act in their place, (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the Council, subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the purchaser of the Bonds and (iii) acceptable to the Officers.

26. NOT Designated as Qualified Tax-Exempt Obligations. The Bonds have **not** been designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

27. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

28. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

29. Minnesota Law Applies. This resolution will be controlled by the laws of the State of Minnesota.

30. Official Statement. The Official Statement relating to the Bonds, substantially in the form presented at this meeting, is hereby approved. The officers of the Issuer are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

31. Electronic Signatures. In the event that any signature required to execute this Resolution, the Bond documents, or other closing documents is delivered by facsimile transaction or by e-mail delivery of a “pdf” format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or “pdf” signature page were an original thereof. The Moorhead Mayor, Moorhead City Manager, and Moorhead Finance Director are authorized to execute documents with electronic signatures as permitted by law or regulation.

Passed by the Moorhead City Council this 11th day of September, 2023.

APPROVED BY:

Mayor

ATTEST:

City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: _____

_____, and the following voted against the same: _____.

The following were absent and not voting: _____, whereupon said resolution was declared duly passed and adopted.

ATTACHMENT A

SCHEDULE OF TAX LEVIES

| <u>Year of Tax Levy</u> | <u>Year of Tax Collection</u> | <u>Amount</u> |
|-----------------------------|-----------------------------------|---------------|
| 2024 | 2025 | \$ |
| 2025 | 2026 | |
| 2026 | 2027 | |
| 2027 | 2028 | |
| 2028 | 2029 | |
| 2029 | 2030 | |
| 2030 | 2031 | |
| 2031 | 2032 | |
| 2032 | 2033 | |
| 2033 | 2034 | |
| 2034 | 2035 | |
| 2035 | 2036 | |
| 2036 | 2037 | |
| 2037 | 2038 | |
| 2038 | 2039 | |
| 2039 | 2040 | |
| 2040 | 2041 | |
| 2041 | 2042 | |
| 2042 | 2043 | |
| 2043 | 2044 | |



City Council Communication

September 11, 2023

SUBJECT:

Resolution to Approve New Liquor License to Onyx Bar & Grill LLC DBA Onyx Bar & Grill

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve the issuance of an On-Sale liquor license to Onyx Bar & Grill LLC (DBA Onyx Bar & Grill).

BACKGROUND/KEY POINTS:

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

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

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk

Attachments:

RESOLUTION

**Resolution to Approve New Liquor License to Onyx Bar & Grill LLC
(DBA Onyx Bar & Grill).**

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

On-Sale Liquor \$6,000
Sunday Liquor..... \$200

Name: Onyx Bar & Grill LLC
DBA: Onyx Bar & Grill
Location: 1001 30th Ave. S
License Period: September 11, 2023 to June 30, 2024

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

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

PASSED: September 11, 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

September 11, 2023

SUBJECT:

Resolution to Approve Application for the Edward Byrne Memorial Justice Assistance Grant

RECOMMENDATION:

Authorize the City Manager to apply for the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant in the amount of \$19,525 and to enter into the grant agreement and a memorandum of understanding with Clay County for a share of the funding.

BACKGROUND/KEY POINTS:

This is an annual grant allocation where the City is the lead applicant for the allocation with 25% of the funding typically being shared with Clay County. We have inquired with the County about their interest in this round of funding. We plan to use our share of the grant funding to help support the cost of creating a second Victims/Witness Coordinator position in the City Prosecution Department.

FINANCIAL CONSIDERATIONS:

This grant requires no matching funds.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

Attachments:

RESOLUTION

Resolution to Approve Application for the Edward Byrne Memorial Justice Assistance Grant

WHEREAS, the City of Moorhead has the opportunity to apply for the United States Department of Justice Edward Byrne Memorial Justice Assistance Grant in the amount of \$19,535; and

WHEREAS, the City of Moorhead will apply for funds to help create a second Victim/Witness Coordinator in the City Prosecution Department; and

WHEREAS, a Memorandum of Understanding to share a portion of the grant funds will need to be developed with Clay County;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby authorize the City Manager to enter into a Memorandum of Understanding with Clay County for the Justice Assistance Grant and to enter into a grant agreement with the United States Department of Justice.

PASSED: September 11, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk