



**CITY COUNCIL
MEETING AGENDA
MARCH 11, 2024 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

City Council Meeting

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

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Agenda Amendments
4. Consent Agenda

*All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*
5. Recognitions - Presentations
 - A. MoorHeart Recognition: Jen Troska
 - B. Gate City Bank/City of Moorhead Neighborhood Impact Home Improvement Program
6. Approve Minutes
 - A. February 26, 2024 Meeting Minutes
7. Citizens Addressing the Council (Time Reserved: 15 Minutes)

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

During "Public Hearings", the Mayor will ask for public testimony after staff and/or applicants make their presentations. The following guidelines are in place to ensure an efficient, fair, and respectful hearing; limit your testimony to three minutes and to the matter under consideration; the Mayor may modify times, as deemed necessary; avoid repeating remarks or points of view made by previous speakers. The use of signs, clapping, cheering or booing or any other form of verbal or nonverbal communication is not allowed.

 - A. Public Hearing to Consider Actions Relating to Declaration of a Hazardous Building - 1008 2nd Avenue North, Parcel No. 58.324.0420
 - B. Resolution to Declare 1008 2nd Avenue North structure a hazardous building under Minnesota Statute 463 and order the owner of the hazardous building to correct or remove the hazardous conditions of the building

- C. Resolution to Authorize Agreement(s) necessary to abate the hazardous conditions of 1008 2nd Avenue North by demolition if the owner fails to address hazardous conditions
- 10. Engineering Department
 - A. *Resolution to Award Bid for the North Moorhead Project, Phase 2
 - B. *Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Proposed 2024 Final Wearing Course and Meadows Golf Course Parking Lot Improvements (Eng. No. 24-A2-02)
 - C. *Resolution to Award Bid for Sanitary Lift Station No. 40 Improvements (Eng. No. 24-06-01)
 - D. *Resolution to Award Bid for Storm Lift Station No. 13 Improvements (Eng. No. 24-05-01)
- 11. Community Development Department
 - A. *Resolution to Approve Conditional Use Permit to allow Excavation/fill in the Floodway and Flood Fringe at 5751 Oakport St N
 - B. *Resolution to Approve a Hangar Land Lease - Moorhead Airport
 - C. *Resolution to Approve Minor Subdivision - 2107 40th Avenue S - Parcel 58.900.1758
- 12. Administration
 - A. Request by Council Members Deb White and Heather Nesemeier to vote on the Moorhead Human Rights Commission's Ceasefire Resolution passed on February 29, 2024
 - B. *Resolution to Approve Short Term Extension to Lien Agreement
 - C. *Resolution to Approve Settlement And Release Agreement between City of Moorhead and Benton Hicks
 - D. *Resolution to Authorize Deposit of Appraised Values for FM Area Diversion
- 13. Mayor and Council Reports
- 14. City Manager Reports
- 15. Executive Session
- 16. New Business
- 17. Adjourn



City Council Communication

March 11, 2024

SUBJECT:

MoorHeart Recognition: Jen Troska

RECOMMENDATION:

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

BACKGROUND/KEY POINTS:

The MoorHeart award recognizes individuals and organizations that go above and beyond to demonstrate community within our City by their actions and service. A team of volunteers from City boards and commissions selects award recipients who are recognized at City Council meetings. The MoorHeart selection committee chose to recognize Jen Troska and her outstanding contributions to the Moorhead community especially through her work with the Inclusive playground.

Jen has been an advocate for making the Moorhead community accessible for everyone. Jen serves as the Vice Chair of the Human Rights Commission where her passion and unwavering commitment to human rights is able to shine.

Siham Amedy wrote in the nomination: Jen's tireless efforts have significantly impacted the lives of Moorhead residents, particularly in her work towards establishing an Inclusive Playground—a project that reflects her commitment to creating spaces where everyone, regardless of ability, can thrive. Jen has been instrumental in making the vision of an Inclusive Playground a reality. Through her leadership, she has worked diligently on fundraising initiatives for Inclusive Moorhead, demonstrating not only her dedication to the cause but also her ability to mobilize community support for important projects. Her advocacy extends beyond rhetoric, translating into tangible outcomes that enhance the quality of life for Moorhead residents. In addition to her role on the Human Rights Commission, Jen is a vocal advocate for children with special needs. Her advocacy is not limited to discussions as she takes concrete actions to ensure that the voices of those often marginalized are heard and considered in community development. Jen's inclusive mindset and compassionate approach make her an inspiration to others and a driving force for positive change.

Jen, the City of Moorhead thanks you for your dedication to building a community that values diversity, equality, and inclusivity. Your hard work is valued and makes Moorhead a better place.

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

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



City Council Communication

March 11, 2024

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Not Applicable

Submitted By:

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Tanya Kunza, Community Development Program Administrator

Attachments:



**CITY COUNCIL
MEETING MINUTES
FEBRUARY 26, 2024 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

1. Call to Order and Roll Call

Roll call of the members was made as follows:

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

Absent:

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve Consent Agenda made by Larry Seljevold and seconded by Chuck Hendrickson

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

5. Recognitions - Presentations

A. Presentation: 2023 Longest Table – Nicole Flick

Nicole Flick shared successes of the 2023 Longest Table event and details for the upcoming 2024 community meal.

B. Proclamation: Bleeding Disorders Awareness Month

Mayor Carlson read the Bleeding Disorders Awareness Month proclamation and presented it to Carson Ouellette and family.

6. Approve Minutes

A. February 12, 2024 Meeting Minutes

Motion to Approve February 12, 2024 Meeting Minutes made by Matthew Gilbertson and

seconded by Sebastian McDougall

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

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

Residents of Moorhead and the metro area addressed the City Council in support and opposition to a resolution request calling for a ceasefire in Palestine and Israel.

8. Mayor and Council Appointments

A. Resolution for Appointments to Boards and Committees

Motion to separate the appointments for Boards and Committees made by Deb White and seconded by Heather Nesemeier

Motion Failed

For: 2; Nesemeier, White

Against: 6; Nelson, Gilbertson, Caroon, Seljevold, McDougall, Hendrickson

Abstain/Recuse: 0;

Absent: 0

Council member White expressed concern about local board and committee selection processes and Mayor Carlson's recommendation for appointment to the Moorhead Human Rights Commission.

Motion to Approve Resolution for Appointments to Boards and Committees made by Ryan Nelson and seconded by Chuck Hendrickson

Motion Passed

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

Against: 2; Nesemeier, White

Abstain/Recuse: 0;

Absent: 0

9. Public Hearings (5:45 pm)

10. Parks and Recreation Department

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

11. Community Development Department

A. *Second Reading of Ordinance 2024-02: An Ordinance to Amend and Reenact Title 10, Chapter 18, Section 1, Use Regulations, and Title 10, Chapter 18, Section 2, Provisional and Conditional Use Requirements relating to the New Cannabis Law and Repeal Title 4, Chapter 4, Section 21, Offenses related to Drug Paraphernalia

B. *Resolution to Approve Title & Summary of Ordinance 2024-02

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

12. Moorhead Public Service

- A. *Resolution to Award Bids for 2024 Water Distribution Pipe and Fittings
- B. *Resolution to Award Bid for 2024 Access Improvements for Moorhead Public Service's Lime Sludge Dewatering Facility

13. Administration

- A. Approve Resolutions related to 400 and 524 Center Ave

City Manager Dan Mahli shared actions setting the stage for the east most development site of the Moorhead Center Mall and downtown redevelopment project area. The resolutions include:

- Two minor subdivisions including the legal descriptions and related property splits needed for land transfers. A future plat will be brought forward with designated lots, street right of ways, and easements.
- Two easements to be extinguished for access and sidewalk that are not needed for the overall development and do not impact current bike and pedestrian facilities on Center Avenue.
- Sale of public property which is the parking lot area in the northeast corner of the Moorhead Center Mall site.

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

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- C. Resolution to Approve Minor Subdivision - 524 Center Avenue – Parcel 58.575.1000

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- D. Resolution to Extinguish Access Easement, Document # 79075

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- E. Resolution to Extinguish Sidewalk Easement, Document # 790791

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

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

Motion to Approve Resolution to Approve a Minor Subdivision - 400 Center Avenue – Parcel 58.520.4100 made by Laura Caroon and seconded by Sebastian McDougall

Motion Passed

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

Against: 0

Abstain/Recuse: 1; Gilbertson

Absent: 0

- G. *Resolution for Appointment of Election Judges for the March 5, 2024, Presidential Nomination Primary Election

- H. Used Car Dealership Permit Denial Appeal - Amedy Auto

City Attorney John Shockley shared the process for reviewing and renewing used car dealership licenses in Moorhead. Mr. Amedy presented his appeal to the City Council. Discussion followed about the recommendation to deny renewing the used car dealership license.

Motion to Approve Used Car Dealership Permit Denial Appeal - Amedy Auto made by Matthew Gilbertson and seconded by Ryan Nelson

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

14. Mayor and Council Reports

Council Member Laura Caroon spoke about a Girl Scout troop tour of the Law Enforcement Center in Clay County. She especially thanked Moorhead Police Chief Shannon Monroe and the Moorhead Police Department.

Council Member Heather Nesemeier thanked Nicole Flick from the Longest Table for her good work to keep the event going in 2024, which takes place on June 27 at MState. Council Member Nesemeier also thanked Public Work staff for how they prepare for winter weather.

Council Member Chuck Hendrickson talked about attending the 2024 Midwest Economic Outlook Summit.

Council Member Ryan Nelson spoke about a Board meeting of the Historical and Cultural Society of Clay County.

Mayor Shelly Carlson talked about judging the Minnesota Collegiate Forensics Association (MCFA) State Tournament at Concordia College and attendance at the 2024 Chinese New Year Gala.

15. City Manager Reports

16. Executive Session

17. New Business

18. Adjourn

Meeting adjourned at 7:01pm

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson
Mayor

Christina Rust
City Clerk

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

BEFORE THE CITY COUNCIL OF THE CITY OF MOORHEAD

In the Matter of the Decision of the)
Moorhead City Council)
Regarding the Appeal of the Denial)
Of a Used Car Dealer License)
For Amedy Auto)

FINDINGS OF FACT

(1) Amedy Auto was previously granted a Used Car Dealer License (“License”) by the City of Moorhead (the “City”) in January 2022.

(2) Amedy Auto previously applied for and was initially denied a License by the City Clerk’s office on January 24, 2023 (the “first denial”), due to pending criminal charges related to the collection of sales tax on vehicles sold by Amedy Auto.

(3) Amedy Auto’s owner appealed the first denial and presented his appeal to the City Council of the City of Moorhead (the “City Council”) on February 13, 2023.

(4) At the City Council meeting held on February 13, 2023, the decision to deny the 2023 License was tabled until additional information from the Clay County Attorney’s Office relating to the pending criminal charges was obtained and could be presented to the City Council.

(5) For the remainder of 2023, Amedy Auto was permitted to continue to conduct business as a Used Car Dealer in the City.

(6) The City Clerk’s office contacted Amedy Auto owner Nashwan Amedy on February 16, 2024, due to not receiving renewal paperwork for the 2024 license period, which was required to be submitted by or before December 31, 2023.

(7) On February 16, 2024, the City Clerk’s office received an application for a User Car Dealer License from Amedy Auto.

(8) A background check for Amedy Auto and its owner Nashwan Amedy was completed on February 16, 2024. The background check confirmed that Nashwan Amedy was convicted of Minnesota Statute § 297B.10(b): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G* and Penalty Statute § 297B.10(a): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G*. Upon receiving the completed background check, the City Clerk's office forwarded the findings to City Attorney, John Shockley, for review; Mr. Shockley agreed with the City Clerk’s decision to deny the license based upon Moorhead City Code 2-1-10(A)(2), which allows for denial based on a conviction.

(9) On February 21, 2024, City Clerk, Christina Rust, sent Amedy Auto an email explaining the reasons for denial, along with information on how to appeal the decision, and followed up by sending a certified letter to the owner. A copy of the letter is attached hereto as Exhibit A.

(10) Nashawan Amedy appealed the decision of the City Clerk to the City Council; on February 21, 2024 a formal request to appeal the decision was received from Mr. Amedy via email.

(11) On February 26, 2024, the City Council heard Nashawan Amedy's appeal.

(12) During the appeal hearing it was confirmed that Nashawan Amedy had been convicted of Minnesota Statute § 297B.10(b): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G* and Penalty Statute § 297B.10(a): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G*. Nashawan Amedy did not dispute the conviction.

(13) The hearing was closed.

(14) The misdemeanor conviction is directly related to the business license for which Mr. Nashawan Amedy filed an application with the City Clerk's office. Because the conviction is related to the proposed business for which a license is sought, Moorhead City Code 2-1-10(A)(2) allows the license to be denied.

(15) Because the conviction is an official Minnesota Court Record, the City Council can take "Judicial Notice" of such conviction.

(16) The City Council hereby finds that sufficient evidence exists that supports the City Clerk's decision to deny the license.

(17) The City Council hereby finds that Nashawan Amedy did not meet his burden of proof in this matter.

(18) A motion was made to uphold the denial of the User Car Dealer License renewal by Matthew Gilbertson and seconded by Ryan Nelson, with all members voting in favor of the motion.

(19) Pursuant to Moorhead City Code 2-1-10(B), the action taken by the City Council after the hearing held on February 26, 2024, shall be final.

(20) Effective February 27, 2024, Nashawan Amedy is not permitted to engage in the sale of used cars within the City of Moorhead, Minnesota.

Dated: _____, 2024

Michelle (Shelly) A. Carlson, Mayor

ATTEST:

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Public Hearing to Consider Actions Relating to Declaration of a Hazardous Building - 1008 2nd Avenue North, Parcel No. 58.324.0420

RECOMMENDATION:

The Mayor and Council are asked to consider the following actions relating to property at 1008 2nd Avenue North, Parcel No. 58.324.0420, and legally described as the west 25 feet of the east 175 feet of Lots 14-17 and the west 50 feet of the north 10 feet of Lot 17 - Holes and Whites Addition:

A. Resolution to Declare 1008 2nd Avenue North structure a hazardous building under Minnesota Statute 463 and order the owner of the hazardous building to correct or remove the hazardous conditions of the building

B. Authorize Agreement(s) necessary to abate the hazardous conditions of 1008 2nd Avenue North by demolition if the owner fails to address hazardous conditions

BACKGROUND/KEY POINTS:

1008 2nd Avenue North is owned by T. Arnberg. The primary structure on the site is a 7-unit apartment complex. Following a rental inspection and multiple requests for repairs, the rental registration was suspended starting on April 3, 2023 through October 3, 2023 or until all code violations were addressed.

During a January 26, 2023 rental inspection, significant life safety issues were identified, including but not limited to:

- Electrical work completed by the owner, not a licensed electrician, with no electrical permits
- Multiple electrical wiring areas that constituted an electric shock and/or fire hazard
- Boiler not working and not serviced since 2019
- Tenants utilizing space heaters, some plugged into extension cords from an outlet outside the unit, creating fire hazards
- Inoperable/damaged plumbing resulting in very low water pressure and inoperable plumbing fixtures
- Missing carbon monoxide detectors
- Carbon monoxide detectors and smoke alarms missing batteries
- Multiple non-working appliances
- Broken windows and damaged soffit
- Other violations throughout the building

Although the boiler was repaired, none of the other issues were addressed. In addition, resulting from unpaid utility bills, the water was disconnected and multiple units had electricity disconnected. Throughout 2022 and 2023, there were also times of significant exterior garbage/trash build up and multiple code enforcement notices.



City Council Communication

March 11, 2024

The owner made no efforts to repair the structure to regain the rental registration and on January 2, 2024, the owner was informed that if the issues were not addressed, the City would take action to declare the building a hazardous building and require the complete repair or razing of the structure. The letter included the requirement to hire a contractor by February 15, 2024 and remove, renovate or demolish the hazardous building conditions by April 15, 2024.

It is recommended that the two resolutions relating to the hazardous conditions of the building be approved to assure progress on the building if the owner does not do so. If the owner does abate the hazardous conditions, no abatement action will be necessary.

If approved by the Mayor and City Council, the Hazardous Building Removal Order will be served on the property owner, filed with the District Court Administrator, and published in the official newspaper of the City. Once the compliance period has ended, the City will request the Court's approval to enforce the Order.

FINANCIAL CONSIDERATIONS:

A Request for Proposals will be utilized to find a contractor for the demolition if the property owner does not address the hazardous building conditions. The demolition and abatement costs will be funded through the Special Assessment Debt Service fund and assessed to the property.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Kristie Leshovsky, Community Development Director

Attachments: Draft Resolution – Declaration of Hazardous Building
Draft Resolution – Authorizing Agreement(s) to abate hazardous conditions

RESOLUTION

Resolution Declaring Building at 1008 2nd Avenue North as a Hazardous Building under Minnesota Statute 463 and Ordering the Owner to Correct or Remove the Hazardous Conditions of the Building

ORDER

(Pursuant to Minn. Stat. §§ 463.16 through 463.17)

TO:

Trevor Arnberg
507 E 42nd Avenue
Kennewick, WA 99337

Trevor Arnberg
1016 4th Ave N
Moorhead, MN 56560

Trevor Arnberg
6306 West Umatilla Ave
Kennewick, WA 99336

WHEREAS, pursuant to Sections 463.15 through 463.261 of the Minnesota Statutes, the City Council of the City of Moorhead, Minnesota (the “City Council”), having considered the matter on March 11, 2024, finds the hereinafter described property to be a hazardous building:

FINDINGS OF FACT

I.

Trevor Arnberg (the “Owner”) is the owner of property located at 1008 2nd Avenue North, Moorhead, Minnesota 56560 (the “Property”), identified as parcel number 58.324.0420 and legally described as:

The West 25 feet of the East 175 feet of Lots 14-17 and the West 50 feet of the North 10 feet of Lot 17 - Holes and Whites Addition to the City of Moorhead, Clay County, Minnesota.

II.

The Property contains a seven-unit apartment building (the “Structure”). See photos included in **Exhibit A.**

III.

After a thorough search of the Clay County Recorder's records, it has been determined that the Owner is the sole individual or entity claiming an interest in the Property. See Exhibit B.

IV.

On or about January 26, 2023, the Structure was inspected to determine compliance with the rental registration program and significant life safety issues were identified, including but not limited to:

- Electrical work completed by the owner, not a licensed electrician, with no electrical permits
- Multiple electrical wiring areas that constituted an electric shock and/or fire hazard
- Boiler not working and not serviced since 2019
- Tenants utilizing space heaters, some plugged into extension cords from an outlet outside the unit, creating fire hazards
- Inoperable/damaged plumbing resulting in very low water pressure and inoperable plumbing fixtures
- Missing carbon monoxide detectors
- Carbon monoxide detectors and smoke alarms missing batteries
- Multiple non-working appliances
- Broken windows and damaged soffit
- Other violations throughout the building

V.

On September 7, 2023, the City Assessor reviewed the multiple inspection reports and prepared a Damage Assessment on the Structure. The results of the inspection are attached as **Exhibit A** and are summarized as follows:

This 7-unit building had multiple property maintenance violations beginning in 2022 ranging from trash build up to unlicensed vehicles in the yard. Multiple life safety violations were uncovered during 1/26/2023 rental inspection, and utility fees went unpaid beginning in February 2023. During a February 23, 2023 interior inspection, observations were made of the following: DIY electrical work that is not up to code, multiple electrical wiring areas that constitute an electrical shock and/or a fire hazard, a boiler that was not working and had not been serviced since 2019 leaving tenants with no operating heat source, tenants were using space heaters plugged into extension cords outside the units, damaged and inoperable plumbing resulting in low water pressure and fixtures not working, openings in walls exposing wiring and plumbing, broken water

pipes, broken windows and doors, pieces of soffit in need of repair, improper dryer venting, non-working appliances, and inoperable carbon monoxide detectors and smoke alarms.

MPS water was disconnected on February 13, 2023.

MPS electricity for 5 of the 7 units were disconnected on March 6, 2023.

Rental registration suspended on April 3, 2023.

VI.

The City Assessor, relying upon his knowledge, education, training, and experience, has determined that the replacement value of the Structure as of September 7, 2023, was TWO HUNDRED SEVENTY EIGHT THOUSAND AND ONE HUNDRED DOLLARS (\$278,100.00). See Exhibit A. Further, he found that components of the Structure that would need to be repaired or replaced represent approximately sixty-one percent (61.5%) of the depreciated value if repaired, or \$93,400:

\$278,100	replacement cost
\$83,400	30% of components damaged
<u>\$10,000</u>	cleanup and demolition
\$93,400	total damage estimate
<u>\$151,900</u>	EMV if repaired
61.5%	Damage Estimate

Accordingly, the City Assessor concluded that the Property has been damaged in excess of sixty-one percent (61.5%) of the replacement cost of the Property and estimated that the damage was likely a near total loss.

VII.

On or about April 3, 2023, City Staff sent a letter to the Owner of the Property regarding the suspension of the rental registration for the property. The letter set a rental registration suspension of six months beginning April 3, 2023 through October 3, 2023 or until all code violations were addressed.

VIII.

On or about January 2, 2024, City Staff sent a letter to the Owner noting that the issues had not been addressed nor building or electrical permits secured to address the code and safety issues at the Property. The letter let a February 15, 2024, deadline for the Owner to hire a contractor to remove, renovate, or demolish the hazardous conditions of the building and set an April 15, 2024, deadline for the Owner to remove to renovate the hazardous conditions of the structure.

IX.

On or about January 31, 2024, a removal notice was provided to the Owner which anticipated action by the City Council at their March 11, 2024 meeting to declare the Structure a dangerous/hazardous building. To date, the Owner has neither repaired nor removed the hazardous conditions of the Structure.

X.

The City Council concludes that a reasonable deadline for the Owner to correct, repair, or remove the hazardous condition of the Structure or to raze or move the Structure is on or before April 15, 2024.

XI.

From the foregoing Findings of Fact, the City Council now makes the following:

CONCLUSIONS OF LAW AND ORDER

1. The City Council adopts, as factual findings, all of the above recitals.
2. The City Council concludes that the Structure is unsafe and a hazard to public health under the Moorhead City Code and that the Structure is a hazardous building as that term is defined by Minn. Stat. § 463.15.
3. Pursuant to the foregoing findings and in accordance with Minn. Stat. § 463.15, the City Council orders the Owner to remedy the deficiencies of the Structure set forth in **Exhibit A** on or before April 15, 2024. The repairs must be completed in compliance with all applicable codes and regulations and pursuant to proper permits from the City.
4. If the Owner does not repair the above-described deficiencies of the Structure, the City Council orders that the Structure be razed, the foundations filled, and the Property left free of

debris, in compliance with all applicable codes and regulations and pursuant to proper permits from the City, on or before April 15, 2024.

5. If the Owner does not repair the above-provided deficiencies of the Structure or raze the Structure in accordance with the preceding section on or before April 15, 2024, or if the Owner does not serve an answer upon the City of Moorhead in response to this Order within twenty (20) calendar days from the service of this Order, the City will file a motion for summary enforcement of this Order with the District Court of Clay County, Minnesota.

6. The City Council further orders that the Owner immediately secures the Property and that the Owner completely secures all openings to the buildings and other hazards located upon said Property so no access is available.

7. The City Council further orders that if the City of Moorhead is compelled to raze, remove, repair, or correct the Structure, all necessary costs expended by the City of Moorhead will be specially assessed against the real estate on which said Structure is located and collected as are other taxes.

8. The City Council further orders that the Owner remove all personal property and/or fixtures that will reasonably interfere with the work on or before May 15, 2024. If the personal property and/or fixtures are not removed and the City enforces this Order, the City may sell personal property, fixtures, and/or salvage materials at a public auction after three (3) calendar days posted notice.

9. The City Attorney is authorized to take all necessary legal steps to effectuate service of this Order in the manner required by state and/or local law.

10. The City Attorney and City Staff are further authorized to take all necessary legal steps to secure compliance with the Order and to obtain authority to remove and abate the hazardous conditions on the Property by court order and assess the costs thereof, including all administrative costs, against the Property.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

EXHIBIT A



Damage Assessment
1008 2nd Avenue North
Parcel 58.324.0420

Damage Date: Ongoing
Site inspection: Inspected by Alan Cooper, Moorhead Code Compliance, most recently on 6/6/2023
Date prepared: 9/7/2023
Conducted by: Nathan Aakre, City Assessor

Observations: This 7-unit building had multiple property maintenance violations beginning in 2022 ranging from trash build up to unlicensed vehicles in the yard. Multiple life safety violations were uncovered during 1/26/2023 rental inspection, and utility fees went unpaid beginning in February 2023. During a February 23, 2023 interior inspection, observations were made of the following: DIY electrical work that is not up to code, multiple electrical wiring areas that constitute an electrical shock and/or a fire hazard, a boiler that was not working and had not been serviced since 2019 leaving tenants with no operating heat source, tenants were using space heaters plugged into extension cords outside the units, damaged and inoperable plumbing resulting in low water pressure and fixtures not working, openings in walls exposing wiring and plumbing, broken water pipes, broken windows and doors, pieces of soffit in need of repair, improper dryer venting, non-working appliances, and inoperable carbon monoxide detectors and smoke alarms.

MPS water was disconnected on February 13, 2023.
MPS electricity for 5 of the 7 units were disconnected on March 6, 2023.
Rental registration suspended on April 3, 2023.

Calculation of Damage Valuation: Moorhead's property assessment system calculates the reproduction cost of this structure (new) to be \$278,100. The components listed above that would need to be repaired or replaced represent approximately 30% of that reproduction cost new, which is approximately \$83,400. The cost of cleanup of the damage and demolition of damaged materials would likely add an additional \$10,000.

If repairs were completed, the estimated market value of the improvements would be approximately \$151,900 (depreciated). The total value of the damage is approximately \$93,400, which represents 61.5% of the depreciated value if repaired. The City of Moorhead intends to reduce the value of the house to approximately \$58,500 (not including land value) for the 2024 assessment (tax valuation) due to the issues noted.

\$278,100	reproduction cost new (RCN)
\$151,900	depreciated value if/when repairs completed
(\$83,400)	30% of RCN, components needing repair and/or replacement
<u>(\$10,000)</u>	cleanup and demolition

\$93,400

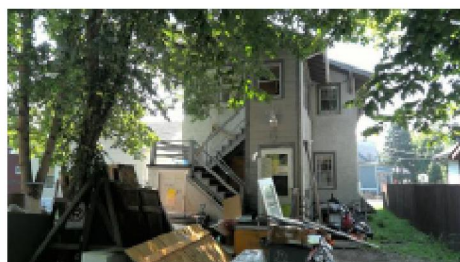
extent of damage 61.5% of depreciated value if repaired

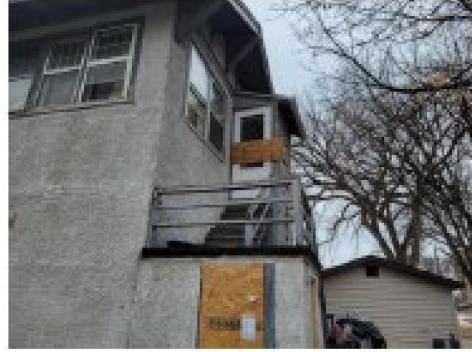
Conclusion: This property may be environmentally hazardous in its present condition. It may be economically feasible to repair the structure, given the building appears to be structurally sound. Demolition could also be considered in order to remove the hazards.

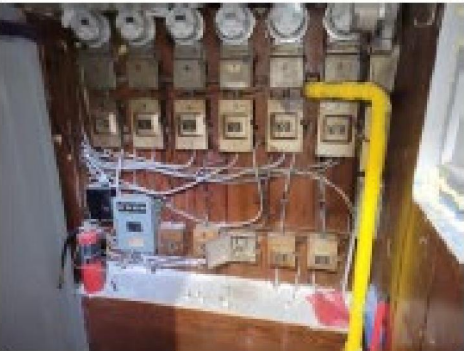
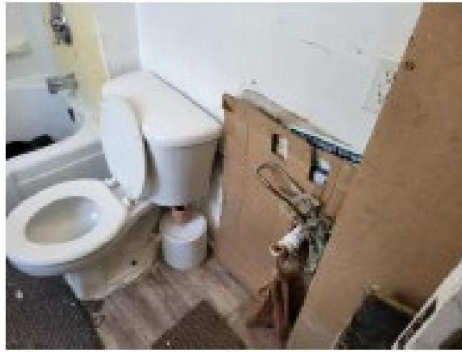
Nathan Aakre
City Assessor

Vanguard Residential Completion Schedule by Components

1%	Partial Exterior
1%	Partial Insulation
4%	Partial Windows and Doors
1%	Partial Interior Studding
3%	Partial Interior Drywall
3%	Partial Interior Finishing
3%	Rough Plumbing
4%	Plumbing Fixtures
3%	Rough Electrical
3%	Electrical Fixtures
4%	Heating Installed
30%	TOTAL







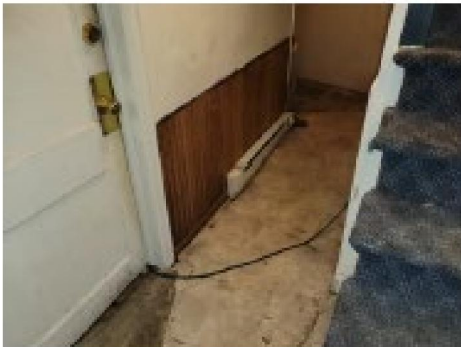
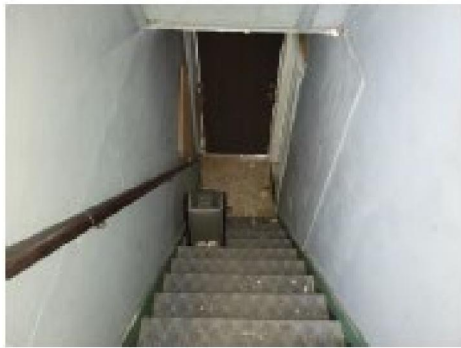
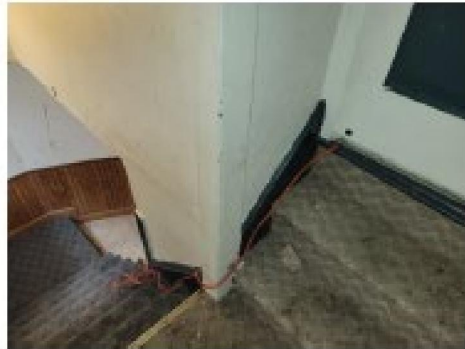


EXHIBIT B

Clay County Auditor
Treasurer

Lori J. Johnson
Clay County Auditor-Treasurer
3510 12th Ave S
Moorhead, MN 56560
(218) 299-5011
octreasurer@co.clay.mn.us

Clay County Parcel Information		
Parcel ID	Status	Last Update
58.324.0420	Active	2/28/2024 12:51:31 AM
Tax Payer: ARNBERG TREVOR E 507 E 42ND AVE KENNEWICK, WA 99337		Property Address: 1008 2ND AVE N MOORHEAD MN 56560
TAG		Lender:
Legal Description		
SubdivisionName HOLES & WHITES ADD Lot 014 Block 007 SubdivisionCd 58324		

Tax Bills						
Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2023	\$2,950.00	\$0.00	\$368.75	\$44.25	5/15/2023	\$3,363.00
2022	\$3,158.00	\$0.00	\$409.75	\$383.34	5/16/2022	\$3,951.09
2021	\$3,162.00	\$3,162.00	\$0.00	\$0.00	5/17/2021	\$0.00
2020	\$3,168.00	\$3,168.00	\$0.00	\$0.00	5/15/2020	\$0.00
2019	\$3,178.00	\$3,178.00	\$0.00	\$0.00	5/15/2019	\$0.00
Total						\$7,314.09

Important Information

To Pay Online:

- Select a **payment option** in the "**Pay Online**" box on the far right hand side of the page (scroll to the right). Click on "**Add to Cart**".
- An **amount** will not appear in the "**Cart**" box on the right hand side of the page until you have selected the form of payment in the "**Cart**" box.
- From the "**Cart**" box you can "**Edit**" your selections **and/or** proceed with the "**Checkout**" process.

Payment amounts exceeding \$99,999.99 must be processed in two separate payments.



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This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

RESOLUTION

Resolution to Authorize Agreement(s) necessary to abate the hazardous conditions of 1008 2nd Avenue North by demolition if the owner fails to address hazardous conditions

WHEREAS, the City Council of the City of Moorhead declared 1008 2nd Avenue North a hazardous building on March 11, 2024; and

WHEREAS, the City Council has ordered the City take actions to raze and abate all hazardous conditions at the property if not addressed by the owner by April 15, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that the Mayor and City Manager are directed and authorized to advertise, award, and execute any agreements necessary and approved by the City Attorney to facilitate the removal of the hazardous building and conditions at 1008 2nd Avenue North.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

February 26, 2024

SUBJECT:

Resolution to Award Bid for the North Moorhead Project, Phase 2 (Eng. No. 18-13-08B)

RECOMMENDATION:

The Mayor and City Council are asked to consider a Resolution to Award Bid for the North Moorhead Project, Phase 2 (Eng. No. 18-13-08B)

BACKGROUND/KEY POINTS:

On August 13, 2018, the City Council adopted a revised flood mitigation plan for work to be completed within City limits including the North Moorhead Flood Mitigation Project and approved a grant agreement with the State of Minnesota through the Department of Natural Resources (DNR) that allowed the City to begin the work. Various property acquisitions and the construction of Phase 1 of the North Moorhead Project were completed under that grant agreement.

On November 13, 2023, the City Council approved another Flood Damage Reduction grant agreement with the DNR which provided \$11M in State funding and required no additional local match. The funding is intended to facilitate the completion of three local projects:

- North Moorhead Project, Phase 2 (final phase),
- Sanitary Lift Station #2 Relocation, and
- 1 Ave N Levee/Floodwall

Since that time, staff has focused work on the final design to complete the North Moorhead Project (#1 priority in the revised flood mitigation plan), and the Sanitary Lift Station #2 Relocation (#2 priority in the Plan, and being coordinated with the Moorhead Center Mall redevelopment).

On Thursday February 15, 2024, the City received bids to construct the North Moorhead Project, Phase 2 from five bidders. Staff recommends awarding the bid to Park Construction Company, Inc. of Minneapolis, MN in the amount of \$5,985,841.70 as the lowest responsive, responsible bidder.

FINANCIAL CONSIDERATIONS:

Five bids for the project were received on February 15, 2024. The bids are detailed in the attached bid tabulation and summarized below:



City Council Communication

February 26, 2024

Bidder	Bid
Park Construction Co.	\$5,985,841.70
Meyer Contracting	\$6,462,388.56
KPH, Inc.	\$6,703,883.75
Sellin Brothers, Inc.	\$6,968,860.00
Border States Paving, Inc.	\$9,317,713.20
Engineer Estimate	\$6,169,992.50

The project will be financed through Flood Damage Reduction grant funds and local funds committed to flood mitigation (to the extent any costs are not eligible for grant reimbursement).

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Tom Trowbridge, City Engineer
Sylvia Lizotte, Office Specialist

Attachments: MCC Exhibit 18-13-08B P2, Bid Tabulation

RESOLUTION

Resolution to Award Bid for the North Moorhead Project, Phase 2

WHEREAS, bids were received, opened and tabulated according to law, and the following bids were received:

<u>Bidder</u>	<u>Bid</u>
Park Construction Co.	\$5,985,841.70
Meyer Contracting	\$6,462,388.56
KPH, Inc.	\$6,703,883.75
Sellin Brothers, Inc	\$6,968,860.00
Border States Paving, Inc	\$9,317,713.20
Engineering Estimate	\$6,169,992.50

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

1. It is found, determined and declared that the lowest responsive, responsible bid with respect to the proposed improvement was received from Park Construction Company , Inc. of Minneapolis, MN in the amount of \$5,985,841.70. Said bid is in all respects in accordance with the plans and specifications heretofore approved by the City Council. Thus, said bid is hereby in all things approved and accepted.
2. The project will be financed through Flood Damage Reduction grant funds and local funds committed to flood mitigation to the extent any costs are not eligible for grant reimbursement.
3. The Mayor and City Manager are hereby authorized and directed to enter into a Contract with Park Construction Company, Inc. of Minneapolis, MN, for North Moorhead Project Phase 2 (Eng. No. 18-13-08B), according to the plans and specifications therefore approved by the City Council and on file in the office of the City Engineer.
4. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bid, except the deposits of the successful bidder and the next lowest bid shall be retained until a contract has been signed.
5. The City Manager is hereby authorized to approve minor extra work orders and change orders as necessary to satisfactorily complete the work up to a cumulative total not-to-exceed 5% (\$299,292.09) of the total contract amount.

PASSED: March 11, 2024, by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Proposed 2024 Final Wearing Course and Meadows Golf Course Parking Lot Improvements (Eng. No. 24-A2-02)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for the above-referenced project.

BACKGROUND/KEY POINTS:

The proposed project represents the last lift of paving in Village Green 6th Addition, Johnson Farms 1st Addition, Johnson Farms 5th Addition and Preserve on Broadway Addition subdivisions. These improvements were previously petitioned by the Developers of the subdivisions and are included in the City Capital Improvement Plan for construction in 2024. The Developer's Agreements for each subdivision states that "the City will establish a date" for the final bituminous overlay construction that is "anticipated to occur within five years of the original street construction". Delaying the placement of the final bituminous surface is a common design practice in the Red River Valley to allow for pavement settlement over excavation trenches associated with utility installation for the subdivision. Due to the relatively high-water table and the properties of the clay soils common throughout the valley, it is generally not cost-effective to compact the utility trenches to sufficiently minimize settlement over time or to replace the soils with granular materials. Since most of the settlement will occur within two to three years of the original utility installation, the scheduled delay of the final bituminous surfacing allows differential pavement settlement to be corrected with the placement of the final overlay. However, delaying the placement of the final overlay can shorten the expected life of the street because the full design structural capacity will not be achieved and the street will not drain properly until the overlay is complete, leaving the street more vulnerable to damage from construction traffic, excess water, and ice buildup. Past experience indicates that construction of the final overlay within two to five years of the original street construction provides the appropriate balance between correction of short-term pavement settlement and risk of long-term cumulative damage. All of these streets were originally paved in 2019 and 2020.

In addition to the final bituminous overlays in the subdivisions, for economy of scale, this project will include rehabilitation of the easterly parking lot of the Meadows golf course, mill and overlay of the entrance road, and minor drainage improvements. A mill & overlay involves removing the upper 2" (approximately) of pavement surface (by milling it off), and placement of a new layer of bituminous surface. This extends the life of the pavement, typically by another 20 to 30 years. A rehabilitation involves the full pavement depth being removed and replaced, typically including the gravel base, but preserves most of the existing curb and gutter.

On December 11, 2023, the City Council ordered the preparation of the Preliminary Engineer's Report (PER), to consider making improvements to these streets. The report was completed



City Council Communication

March 11, 2024

by City staff under the direction of the City Engineer and made recommendations for various street and utility improvements. received by the Council on February 12, 2024. Following receipt of the report, the Council ordered preparation of plans and specifications for the making of the recommended improvements as proposed in the report.

The City Engineering Department has prepared plans and specifications for the proposed improvements under the direction of the City Engineer. The parking lot improvements and the final wear courses in the various subdivisions have been combined into one contract to simplify construction administration and maximize the economy of scale, while keeping the total contract size to a scope that is suitable for most local contractors. City staff recommends that the Council approve the plans and specifications and authorize advertisement for bids.

Below is an outline of the proposed project schedule.

PROJECT SCHEDULE	
Activity	Date
Order Preliminary Engineer's Report	December 11, 2023
Receive Engineer's Report, Order Plans & Specs, and Call for a Public Hearing	February 12, 2024
Approve Plans & Specs and Authorize Ad for Bids	March 11, 2024
Receive Bids	April 17, 2024
Hold Public Hearing, Order Improvements, Declare Intent to Assess & Award Bid	April 22, 2024
Anticipated Construction Schedule	May – Sept., 2024
Hold Assessment Hearing	Fall 2024

FINANCIAL CONSIDERATIONS:

The cost of the above requested actions is negligible at this time, and consists of printing and mailing costs. The total project cost, including contingencies and fees, is preliminarily estimated at approximately \$520,000. This includes approximately \$220,000 for the final wearing course projects, and approximately \$300,000 for the Meadows Golf Course Parking Lot improvements. It is proposed to finance the project through the PIR Fund using a General Obligation Improvement Bond, and to assess the entire cost of the final wear course projects (\$220,000) in the new subdivisions to the benefiting properties in accordance with the City's Special Assessment Policy and respective Developer's Agreements. The remaining \$300,000 for the parking lot improvements will be paid as a City share of the project cost.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Tom Trowbridge, City Engineer
Sylvia Lizotte, Office Specialist

Attachments: Location Map

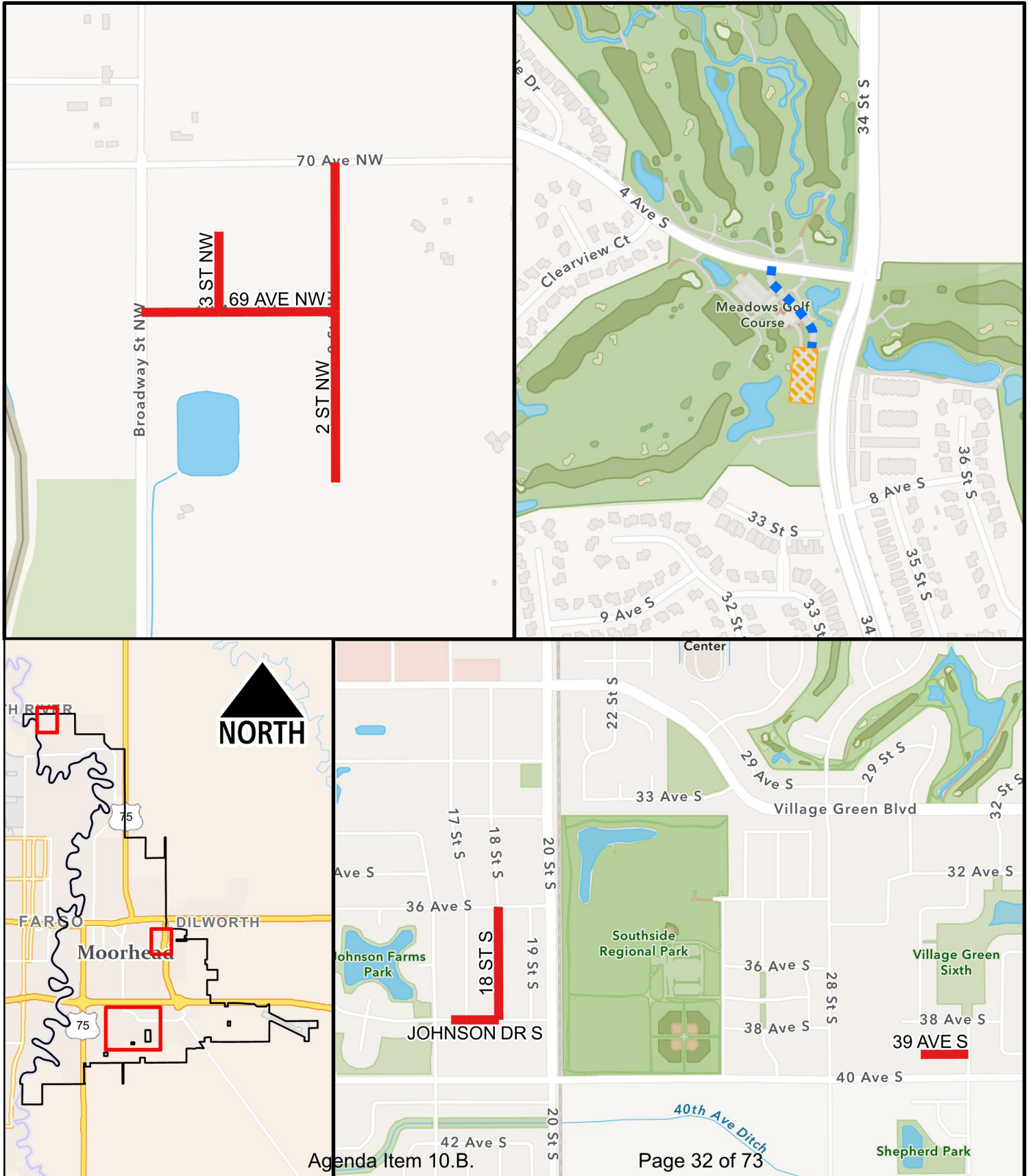


LEGEND

- FINAL OVERLAY
- MILL & OVERLAY
- REHABILITATION

Project 24-A2-02

Final Bituminous Overlay for streets in Preserve on Broadway Addition, 18 St S & Johnson Dr S in Johnson Farms Addn., and 39 Ave S in Village Green 6th Addn., as well as road improvements at the Meadows Golf Course Clubhouse.



RESOLUTION

Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Proposed 2024 Final Wearing Course and Meadows Golf Course Parking Lot Improvements (Eng. No. 24-A2-02)

WHEREAS, pursuant to a resolution passed by the City Council on February 12, 2024, City staff has prepared plans and specifications for 2024 Final Wearing Course and Meadows Golf Course Parking Lot Improvements (Eng. No. 24-A2-02) under the direction of the City Engineer and such plans are presented to the Council for approval.

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

1. Such plans and specifications, a copy of which is on file in the office of the City Engineer, are hereby approved.
2. The City Engineer shall prepare and cause to be published on the official websites an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published a minimum of 21 days before the scheduled bid opening. The advertisement shall specify the work to be done, shall state the time and place that the bids will be opened, and shall state that no bids will be considered unless sealed and filed with the City Engineer and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City of Moorhead for 5 percent of the amount of such bid.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Award Bid for Sanitary Lift Station No. 40, Improvements (Eng. No. 24-06-01)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to award the bid for the Sanitary Lift Station No. 40 Improvements to Tom's Backhoe Service, Inc. of Brainerd, MN in the amount of \$828,095.00.

BACKGROUND/KEY POINTS:

The proposed project is part of the City's asset management program for sanitary lift stations. An assessment of these lift stations was completed in 2010 and updated in 2017 as part of an overall evaluation of all 45 sanitary lift stations. The evaluation report includes a condition assessment (to define the probability of a failure) combined with a consequence assessment (to define the severity of a failure) to establish a risk assessment/ranking for each lift station. As a result of this program and previous projects, the City's sanitary lift stations are in very good condition. The asset management program is a tool that allows staff to prioritize projects and maintain the system in a fiscally responsible manner. Projects are programmed into the City's Capital Improvement Plan and Wastewater Treatment Budget annually.

Sanitary Lift Station No. 40 (see attached location map) was constructed in 1999. The proposed project includes the following improvements at Sanitary Lift Station No. 40:

- Demolish existing station including removal of existing wet well, electrical controls, pumps, piping, etc.
- Construct a new station in the right of way of 4th Ave S.
- Install new submersible pumps.
- Install new exterior electrical controls and all new electrical wiring, conduit, etc.
- Install new precast concrete wet well, meter vault, piping, valves, fittings, meter, etc.
- Install new gravity sewer pipe and forcemain.
- Construct concrete driveway.

FINANCIAL CONSIDERATIONS:

Three bids for the project were received on February 28, 2024, and are summarized below:

Bidder	Bid
Tom's Backhoe Services, Inc.	\$828,095.00
Sellin Brothers, Inc.	\$967,191.00
Meyer Contracting, Inc.	\$1,311,375.64
Engineer's Estimate	\$911,700.00

The total cost of the project including design, construction, inspection, and testing has been programmed into, and will be paid from, the approved 2024 Wastewater Treatment Budget



City Council Communication

March 11, 2024

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Bob Zimmerman, Engineering Director

Tom Trowbridge, City Engineer

Sylvia Lizotte, Office Specialist

Attachments: Location Map, Bid Tabulation

Project Name: **2024 SANITARY LIFT STATION NO. 40 IMPROVEMENTS**I hereby certify that this is an exact
reproduction of bids received.

City Project No.:

Stantec Project No.: 173420117

Bid Opening: Wednesday, February 28, 2024 at 10:00 AM CST

Owner: **City of Moorhead**

Russel Landphere

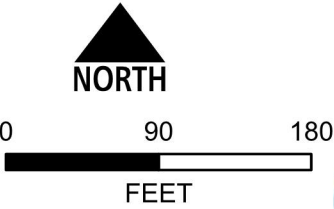
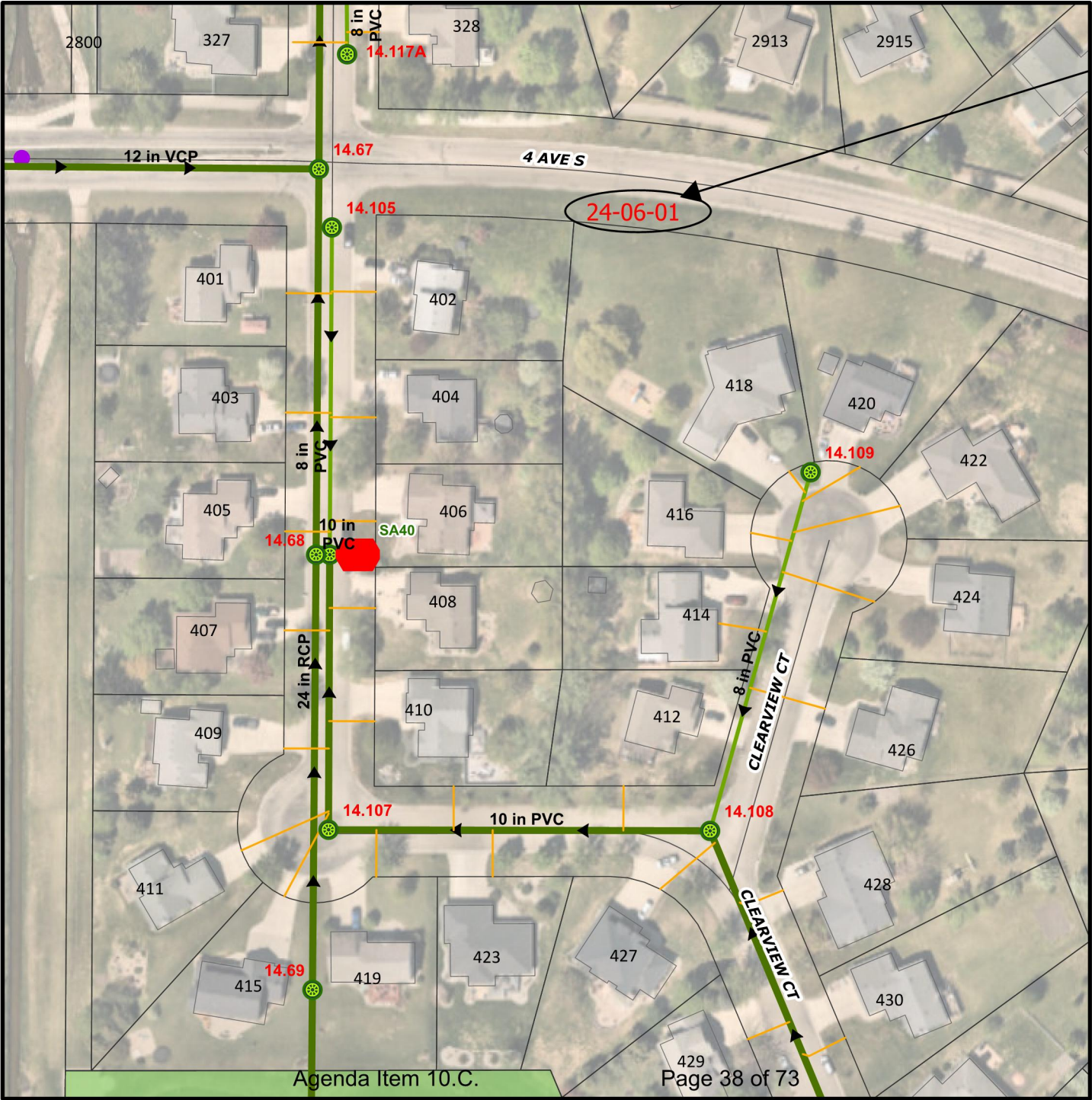
BID TABULATION				Bidder No. 1 Tom's Backhoe Service, Inc.		Bidder No. 2 Sellin Brothers, Inc.		Bidder No. 3 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID:									
GENERAL									
1	MOBILIZATION	LS	1	\$30,000.00	\$30,000.00	\$90,000.00	\$90,000.00	\$65,000.00	\$65,000.00
TOTAL GENERAL					\$30,000.00		\$90,000.00		\$65,000.00
2024 SANITARY LIFT STATION NO. 40 IMPROVEMENTS									
2	TEMPORARY CONVEYANCE OF SANITARY SEWAGE - LIFT STATION NO. 40	LS	1	\$1,000.00	\$1,000.00	\$1.00	\$1.00	\$38,366.82	\$38,366.82
3	TRAFFIC CONTROL	LS	1	\$4,000.00	\$4,000.00	\$15,000.00	\$15,000.00	\$3,200.00	\$3,200.00
4	DEMOLITION OF EXISTING SANITARY LIFT STATION NO. 40 - PER SECTION 02 41 19	LS	1	\$5,000.00	\$5,000.00	\$20,000.00	\$20,000.00	\$15,969.99	\$15,969.99
5	SILT FENCE	LF	320	\$4.00	\$1,280.00	\$6.00	\$1,920.00	\$5.65	\$1,808.00
6	SAWCUT BITUMINOUS PAVEMENT	LF	400	\$6.00	\$2,400.00	\$6.00	\$2,400.00	\$6.68	\$2,672.00
7	REMOVE BITUMINOUS PAVEMENT	SY	1700	\$17.00	\$28,900.00	\$9.00	\$15,300.00	\$17.22	\$29,274.00
8	REMOVE CONCRETE CURB AND GUTTER	LF	300	\$12.00	\$3,600.00	\$8.00	\$2,400.00	\$10.55	\$3,165.00
9	REMOVE EXISTING SANITARY MANHOLE	LS	1	\$500.00	\$500.00	\$925.00	\$925.00	\$2,686.94	\$2,686.94
10	REMOVE SERVICE PIPE	LF	60	\$10.00	\$600.00	\$17.00	\$1,020.00	\$114.57	\$6,874.20
11	REMOVE 8" PVC GRAVITY SEWER PIPE	LF	250	\$10.00	\$2,500.00	\$9.50	\$2,375.00	\$25.07	\$6,267.50
12	SALVAGE AND REINSTALL 12" RCP STORM SEWER	LF	32	\$100.00	\$3,200.00	\$95.00	\$3,040.00	\$214.06	\$6,849.92
13	REMOVE WATERMAIN	LF	110	\$10.00	\$1,100.00	\$11.00	\$1,210.00	\$62.49	\$6,873.90
14	CLEAR AND GRUB TREE	EA	1	\$300.00	\$300.00	\$990.00	\$990.00	\$971.25	\$971.25
15	STORM DRAIN INLET PROTECTION	EA	4	\$250.00	\$1,000.00	\$160.00	\$640.00	\$150.00	\$600.00
16	SUBGRADE PREPARATION	SY	1840	\$3.50	\$6,440.00	\$12.00	\$22,080.00	\$4.73	\$8,703.20
17	AGGREGATE BASE, CLASS 5 MODIFIED	TN	1000	\$35.00	\$35,000.00	\$35.00	\$35,000.00	\$48.41	\$48,410.00
18	GEOTEXTILE FABRIC, MNDOT TYPE 5 NON WOVEN MODIFIED	SY	1840	\$4.00	\$7,360.00	\$4.00	\$7,360.00	\$4.63	\$8,519.20
19	SPWEB340B WEAR COURSE HOT MX ASPHALT	TON	225	\$85.00	\$19,125.00	\$85.00	\$19,125.00	\$85.05	\$19,136.25
20	SPNWB340B BASE COURSE HOT MIX ASPHALT	TON	525	\$85.00	\$44,625.00	\$85.00	\$44,625.00	\$85.05	\$44,651.25
21	4"PERFORATED CORRUGATED POLY DRAINAGE TUBING	LF	560	\$12.00	\$6,720.00	\$6.50	\$3,640.00	\$23.08	\$12,924.80
22	CONNECT TO EXISTING CATCH BASIN	EA	2	\$700.00	\$1,400.00	\$600.00	\$1,200.00	\$3,946.64	\$7,893.28
23	6" THICK CONCRETE DRIVEWAY PAVEMENT	SY	155	\$135.00	\$20,925.00	\$158.00	\$24,490.00	\$118.07	\$18,300.85
24	6" THICK CONCRETE LIFT STATION PAD	SY	55	\$160.00	\$8,800.00	\$190.00	\$10,450.00	\$117.25	\$6,448.75
25	CONCRETE CURB AND GUTTER, B624	LF	150	\$62.00	\$9,300.00	\$60.00	\$9,000.00	\$63.83	\$9,574.50
26	MOUNTABLE CURB AND GUTTER	LF	150	\$62.00	\$9,300.00	\$60.00	\$9,000.00	\$63.83	\$9,574.50
27	SODDING WITH 4" OF TOPSOIL	SY	500	\$20.00	\$10,000.00	\$26.00	\$13,000.00	\$25.97	\$12,985.00
28	LANDSCAPING	LS	1	\$2,000.00	\$2,000.00	\$4,225.00	\$4,225.00	\$3,200.00	\$3,200.00
29	SANITARY SEWER MANHOLE	VF	34	\$850.00	\$28,900.00	\$1,600.00	\$54,400.00	\$1,154.03	\$39,237.02

Agenda Item 10.C.

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BID TABULATION				Bidder No. 1 Tom's Backhoe Service, Inc.		Bidder No. 2 Sellin Brothers, Inc.		Bidder No. 3 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
30	CONNECT TO EXISTING MANHOLE	EA	2	\$1,000.00	\$2,000.00	\$2,700.00	\$5,400.00	\$2,375.03	\$4,750.06
31	CONNECT TO EXISTING SANITARY SEWER SERVICE	EA	6	\$200.00	\$1,200.00	\$1,900.00	\$11,400.00	\$607.38	\$3,644.28
32	10" PVC GRAVITY SEWER	LF	440	\$135.00	\$59,400.00	\$110.00	\$48,400.00	\$145.90	\$64,196.00
33	10" DIP GRAVITY SEWER	LF	70	\$200.00	\$14,000.00	\$200.00	\$14,000.00	\$300.66	\$21,046.20
34	4" INTERNAL DROP STRUCTURE	EA	1	\$1,600.00	\$1,600.00	\$3,500.00	\$3,500.00	\$4,968.36	\$4,968.36
35	12" GATE VALVE AND BOX	EA	2	\$2,000.00	\$4,000.00	\$6,820.00	\$13,640.00	\$10,339.17	\$20,678.34
36	12" C900 WATER MAIN	LF	150	\$150.00	\$22,500.00	\$130.00	\$19,500.00	\$185.40	\$27,810.00
37	12" 45 DEGREE BEND WITH RESTRAINED JOINT	EA	4	\$1,280.00	\$5,120.00	\$1,900.00	\$7,600.00	\$3,142.55	\$12,570.20
38	4" PVC C900 FORCEMAIN	LF	320	\$70.00	\$22,400.00	\$59.00	\$18,880.00	\$99.72	\$31,910.40
39	SALVAGE AND REINSTALL HYDRANT	EA	1	\$2,500.00	\$2,500.00	\$2,900.00	\$2,900.00	\$4,109.98	\$4,109.98
40	HYDRANT	EA	1	\$9,500.00	\$9,500.00	\$12,000.00	\$12,000.00	\$15,032.15	\$15,032.15
41	4" 45 DEGREE MJ BEND WITH RESTRAINED JOINTS	EA	1	\$600.00	\$600.00	\$730.00	\$730.00	\$3,091.83	\$3,091.83
42	4" 22-1/2 DEGREE MJ BEND WITH RESTRAINED JOINTS	EA	2	\$600.00	\$1,200.00	\$725.00	\$1,450.00	\$3,256.54	\$6,513.08
43	12" X 6" MJ TEE WITH RESTRAINED JOINTS	EA	1	\$1,900.00	\$1,900.00	\$2,500.00	\$2,500.00	\$3,178.03	\$3,178.03
44	PIPE BOLLARD WITH PLASTIC SLEEVE	EA	2	\$1,300.00	\$2,600.00	\$1,315.00	\$2,630.00	\$700.00	\$1,400.00
45	3" POLYSTYRENE PIPE INSULATION	SY	13	\$100.00	\$1,300.00	\$65.00	\$845.00	\$602.97	\$7,838.61
46	SANITARY LIFT STATION NO. 40 IMPROVEMENTS INCLUDING NEW WEATHERPROOF ELECTIRCAL CONTROLS, DUPLEX 3.0 HP SUBMERSIBLE PUMPS, PROCESS PIPING, FITTINGS, VALVES, PRECAST CONCRETE WET WELL STRUCTURE, PRECAST CONCRETE METER VAULT STRUCTURE, FLOW METER, HATCH, EXCAVATION, BACKFILLING, COMPACTION AND ALL OTHER APPURTANANCES AS SHOWN ON DRAWINGS AND AS SPECIFIED.	LS	1	\$381,000.00	\$381,000.00	\$387,000.00	\$387,000.00	\$638,500.00	\$638,500.00
TOTAL 2024 SANITARY LIFT STATION NO. 40 IMPROVEMENTS:					\$798,095.00		\$877,191.00		\$1,246,375.64
BASE BID SUMMARY:									
TOTAL GENERAL					\$30,000.00		\$90,000.00		\$65,000.00
TOTAL 2024 SANITARY LIFT STATION NO. 40 IMPROVEMENTS:					\$798,095.00		\$877,191.00		\$1,246,375.64
TOTAL BASE BID					\$828,095.00		\$967,191.00		\$1,311,375.64
Contractor Name and Address:				Tom's Backhoe Service, Inc. 323 Woodland Hills Ln. Brainerd, MN 56401		Sellin Brothers, Inc. 1204 Hobart St. Hawley, MN 56549		Meyer Contracting, Inc. 11000 93rd Ave. Maple Grove, MN 55369	
Phone:				(218) 828-4232		(218) 483-3522		(763) 391-5959	
Email:				kathy@tomsbackhoe.net		info@sellinbrothers.com		estimating@meyererci.com	
Signed By:				Thomas L. Thompson		Joel Sellin		Verlyn Schoep	
Title:				President		Vice President		President	
Bid Security:				Bid Bond		Bid Bond		Bid Bond	
Responsible Contractor Certification:				Yes		Yes		Yes	
Addenda Acknowledged:				None		None		None	

24-06-01 New Project Location: 418
Clearview Court



PLOTTED: 3/5/2024



RESOLUTION

Resolution to Award Bid for Sanitary Lift Station No. 40, Improvements (Eng. No. 24-06-01)

WHEREAS, bids were received, opened, and tabulated according to law, and the following bids were received:

Bidder	Bid
Tom's Backhoe Service, Inc.	\$828,095.00
Sellin Brothers, Inc.	\$967,191.00
Meyer Contracting, Inc.	\$1,311,375.64
Engineers Estimate	\$911,700.00

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

1. It is found, determined, and declared that the lowest responsible bid with respect to the proposed improvement was received from Tom's Backhoe Services, Inc., said bid is in all respects in accordance with the plans and specifications heretofore approved by the City Council. Thus, said bid is hereby in all things approved and accepted.
2. The project will be financed through the approved 2024 Wastewater Treatment Budget.
3. The Mayor and City Manager are hereby authorized and directed to enter into a Contract with Tom's Backhoe Services, Inc., 323 Woodland Hills Lane, Brainerd, MN for 2024 Sanitary Lift Station No. 40 Improvements (Eng. No. 24-06-01), according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.
4. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bid, except the deposits of the successful bidder and the next lowest bid shall be retained until a contract has been signed.
5. The City Manager is hereby authorized to approve minor extra work orders and change orders as necessary to satisfactorily complete the work up to a cumulative total not-to-exceed 5% (\$41,405) of the total contract amount.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Award Bid for Storm Lift Station No. 13 Improvements (Eng. No. 24-05-01)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to award the bid for the Storm Lift Station No.13 Improvements to Tom's Backhoe Service, Inc. of Brainerd, MN in the amount of \$260,570.00.

BACKGROUND/KEY POINTS:

The proposed project is part of the City's asset management program for stormwater lift stations. An assessment of the lift stations was completed in 2009 as part of an overall evaluation of all 23 stormwater lift stations. The evaluation report includes a condition assessment (to define the probability of a failure) combined with a consequence assessment (to define the severity of a failure) to establish a risk assessment/ranking for each lift station. The asset management program is a tool that allows staff to prioritize projects and maintain the system in a fiscally responsible manner. Projects are programmed into the approved Stormwater Utility budget annually.

Storm Lift Station No.13 (see attached location map) was constructed in 2009 and is due for the following anticipated improvements:

- Remove existing electrical controls and one of two pumps.
- Install one new axial flow pump.
- Install new exterior electrical controls, wiring, conduit, etc.
- Construct concrete driveway

FINANCIAL CONSIDERATIONS:

Three bids for the project were received on February 28, 2024, and are summarized below:

Bidder	Bid
Tom's Backhoe Services, Inc.	\$260,570.00
CCS Contracting, Inc	\$269,015.00
Sellin Brothers, Inc.	\$297,191.00
Meyer Contracting, Inc.	\$520,334.51
Engineers Estimate	\$287,280.00

Voting Requirements: 3/4 of Council (6)



City Council Communication

March 11, 2024

Submitted By:

Dan Mahli, City Manager

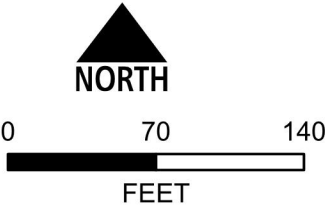
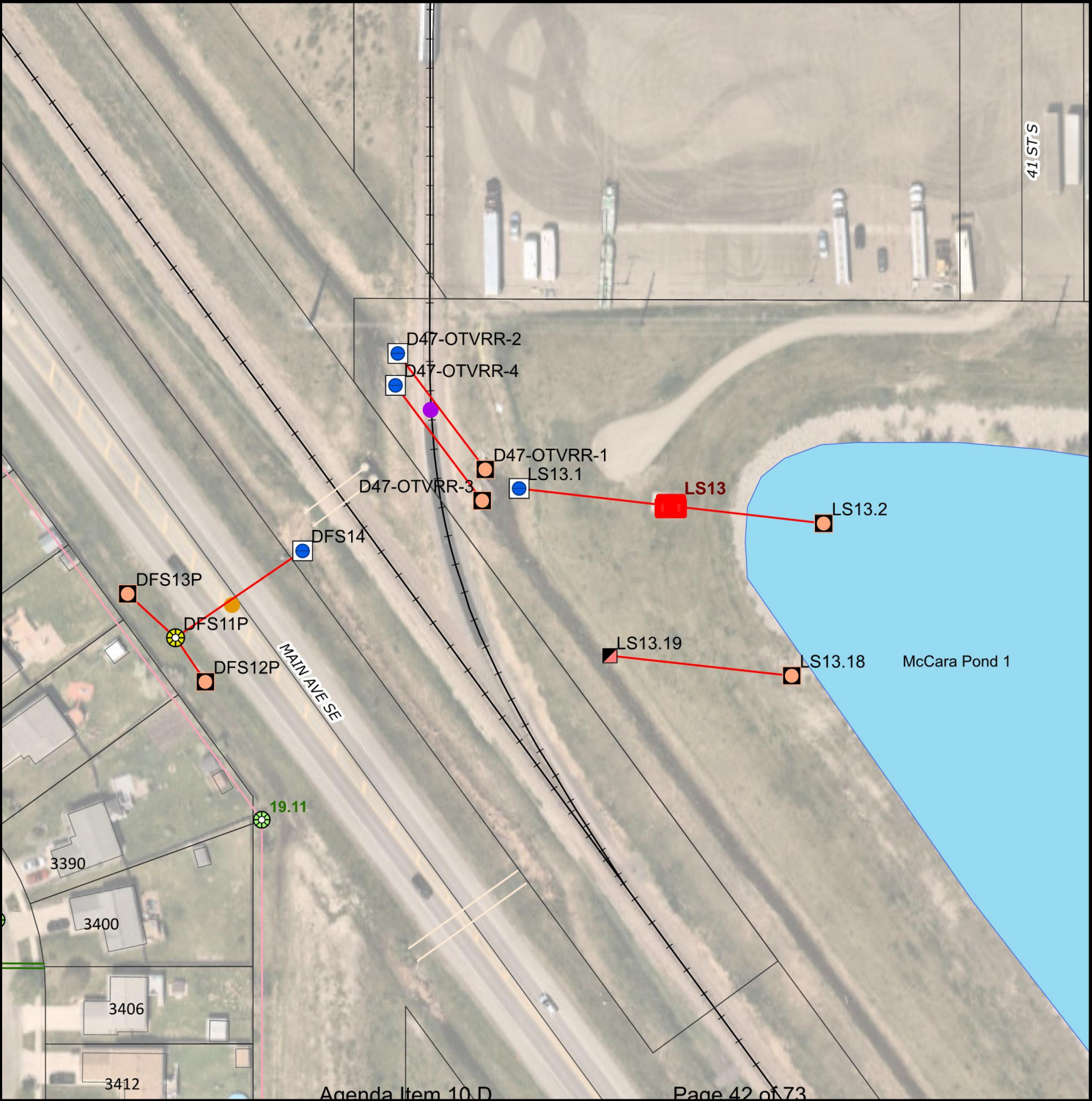
Bob Zimmerman, Engineering Director

Tom Trowbridge, City Engineer

Sylvia Lizotte, Office Specialist

Attachments: Location Map, Bid Tabulation

Storm Lift Station #13
McCara's Industrial
4100 32nd Ave S



PLOTTED: 2/7/2024





Project Name: **2024 STORM LIFT STATION NO. 13 IMPROVEMENTS**

Engineering No. 24-05-01,

City Project No.: Legal No. 05-01-2024

Stantec Project No.: 173420166

I hereby certify that this is an exact reproduction of bids received.

Bid Opening: Wednesday, February 28, 2024 at 1:00 PM CST

Owner: **City of Moorhead**

Russel Landphers, PE

License No.

BID TABULATION				Bidder No. 1 Tom's Backhoe Service, Inc.		Bidder No. 2 CCS Contracting, Inc.		Bidder No. 3 Sellin Brothers, Inc.		Bidder No. 4 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID:											
GENERAL											
1	MOBILIZATION	LS	1	\$20,000.00	\$20,000.00	\$12,000.00	\$12,000.00	\$24,000.00	\$24,000.00	\$31,500.00	\$31,500.00
TOTAL GENERAL					\$20,000.00		\$12,000.00		\$24,000.00		\$31,500.00
2024 STORM LIFT STATION NO. 13 IMPROVEMENTS											
2	DEMOLITION OF EXISTING STORM LIFT STATION NO. 13 - PER SECTION 02 41 19	LS	1	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$23,500.00	\$23,500.00	\$50,000.00	\$50,000.00
3	SILT FENCE	LF	860	\$4.00	\$3,440.00	\$5.00	\$4,300.00	\$4.00	\$3,440.00	\$3.50	\$3,010.00
4	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EA	1	\$2,000.00	\$2,000.00	\$1,000.00	\$1,000.00	\$1.00	\$1.00	\$8,755.18	\$8,755.18
5	SAWCUT BITUMINOUS PAVEMENT	LF	13	\$10.00	\$130.00	\$25.00	\$325.00	\$10.00	\$130.00	\$5.00	\$65.00
6	REMOVE BITUMINOUS PAVEMENT	SY	260	\$20.00	\$5,200.00	\$9.00	\$2,340.00	\$12.00	\$3,120.00	\$10.78	\$2,802.80
7	CLEARING AND GRUBBING	LS	1	\$3,000.00	\$3,000.00	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$6,500.00	\$6,500.00
8	SUBGRADE PREPARATION	SY	350	\$5.00	\$1,750.00	\$10.00	\$3,500.00	\$4.00	\$1,400.00	\$8.78	\$3,073.00
9	AGGREGATE BASE, CLASS 5 MODIFIED	TN	250	\$35.00	\$8,750.00	\$40.00	\$10,000.00	\$38.00	\$9,500.00	\$101.13	\$25,282.50
10	GEOTEXTILE FABRIC, MNDOT TYPE 4	SY	350	\$4.00	\$1,400.00	\$6.00	\$2,100.00	\$2.00	\$700.00	\$5.91	\$2,068.50
11	6" THICK CONCRETE DRIVEWAY PAVEMENT	SY	350	\$130.00	\$45,500.00	\$77.00	\$26,950.00	\$139.00	\$48,650.00	\$127.68	\$44,688.00
12	SEED, HYDROMULCH & FERTILIZER WITH 6" TOPSOIL, MNDOT 35-241	AC	0.1	\$25,000.00	\$2,500.00	\$25,000.00	\$2,500.00	\$40,000.00	\$4,000.00	\$1,341,108.00	\$134,110.80
13	10" HYMAX LONG BODY COUPLING	EA	1	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$7,590.08	\$7,590.08
14	PIPE BOLLARD WITH PLASTIC SLEEVE	EA	3	\$1,300.00	\$3,900.00	\$1,000.00	\$3,000.00	\$1,250.00	\$3,750.00	\$700.00	\$2,100.00
15	STORM LIFT STATION NO. 13 IMPROVEMENTS INCLUDING NEW WEATHERPROOF ELECTRICAL CONTROLS, REPLACEMENT OF BOTH 15-HP ELECTRIC MOTORS, REPLACEMENT OF SINGLE PROPELLER PUMP AND ALL OTHER APPURTANANCES AS SHOWN ON DRAWINGS AND AS SPECIFIED.	LS	1	\$160,000.00	\$160,000.00	\$185,000.00	\$185,000.00	\$157,500.00	\$157,500.00	\$198,788.65	\$198,788.65
TOTAL 2024 STORM LIFT STATION NO. 13 IMPROVEMENTS					\$240,570.00		\$257,015.00		\$273,191.00		\$488,834.51

BID TABULATION				Bidder No. 1 Tom's Backhoe Service, Inc.		Bidder No. 2 CCS Contracting, Inc.		Bidder No. 3 Sellin Brothers, Inc.		Bidder No. 4 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
BASE BID SUMMARY:											
	TOTAL GENERAL				\$20,000.00		\$12,000.00		\$24,000.00		\$31,500.00
	TOTAL 2024 STORM LIFT STATION NO. 13 IMPROVEMENTS				\$240,570.00		\$257,015.00		\$273,191.00		\$488,834.51
	TOTAL BASE BID				\$260,570.00		\$269,015.00		\$297,191.00		\$520,334.51
Contractor Name and Address:				Tom's Backhoe Service, Inc. 323 Woodland Hills Ln. Brainerd, MN 56401		CCS Contracting, Inc. P. O. Box 120781 New Brighton, MN 55112		Sellin Brothers, Inc. 1204 Hobart St. Hawley, MN 56549		Meyer Contracting, Inc. 11000 93rd Ave. Maple Grove, MN 55369	
Phone:				(218) 828-4232		(612) 701-6544		(218) 483-3522		(763) 391-5959	
Email:				kathy@tomsbackhoe.net		Paulccs34@gmail.com		info@sellinbrothers.com		estimating@meyererci.com	
Signed By				Thomas L. Thompson		Paul Johnson		Joel Sellin		Verlyn Schoep	
Title:				President		President		Vice President		President	
Bid Security:				Bid Bond		Bid Bond		Bid Bond		Bid Bond	
Responsible Contractor Certification:				Yes		Yes		Yes		Yes	
Addenda Acknowledged:				None		None		None		None	

RESOLUTION

Resolution to Award Bid for Storm Lift Station No. 13 Improvements (Eng. No. 24-05-01)

WHEREAS, bids were received, opened and tabulated according to law, and the following bids were received:

Bidder	Bid
Tom's Backhoe Service, Inc.	\$260,570.00
CCS Contracting, Inc.	\$269,015.00
Sellin Brothers, Inc.	\$297,191.00
Meyer Contracting	\$520,334.51
Engineer's Estimate	\$287,280.00

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

1. It is found, determined, and declared that the lowest responsible bid with respect to the proposed improvement was received from Tom's Backhoe Services, Inc., said bid is in all respects in accordance with the plans and specifications heretofore approved by the City Council. Thus, said bid is hereby in all things approved and accepted.
2. The project will be financed through the approved 2024 Stormwater Utility budget.
3. The Mayor and City Manager are hereby authorized and directed to enter into a Contract with Tom's Backhoe Services, Inc., 323 Woodland Hills Lane, Brainerd, MN for 2024 Storm Lift Station No. 13 Improvements (Eng. No. 24-05-01), according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.
4. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bid, except the deposits of the successful bidder and the next lowest bid shall be retained until a contract has been signed.
5. The City Manager is hereby authorized to approve minor extra work orders and change orders as necessary to satisfactorily complete the work up to a cumulative total not-to-exceed 5% (\$14,364) of the total contract amount.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Approve Conditional Use Permit to allow Excavation/fill in the Floodway and Flood Fringe at 5751 Oakport St N

RECOMMENDATION:

The Mayor and City Council are asked to consider a Conditional Use Permit for Excavation and/or Fill in the Floodway and Flood Fringe at 5751 Oakport St N.

BACKGROUND/KEY POINTS:

The Conditional Use Permit is required for work as part of the North Moorhead Flood Mitigation Project.

The Moorhead Planning Commission considered the request at their March 4, 2024 meeting and unanimously recommended approval of the Conditional Use Permit with no public comments. The Planning Commission packet is available at:

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

FINANCIAL CONSIDERATIONS:

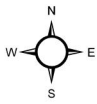
Not Applicable

Voting Requirements: Majority of Council

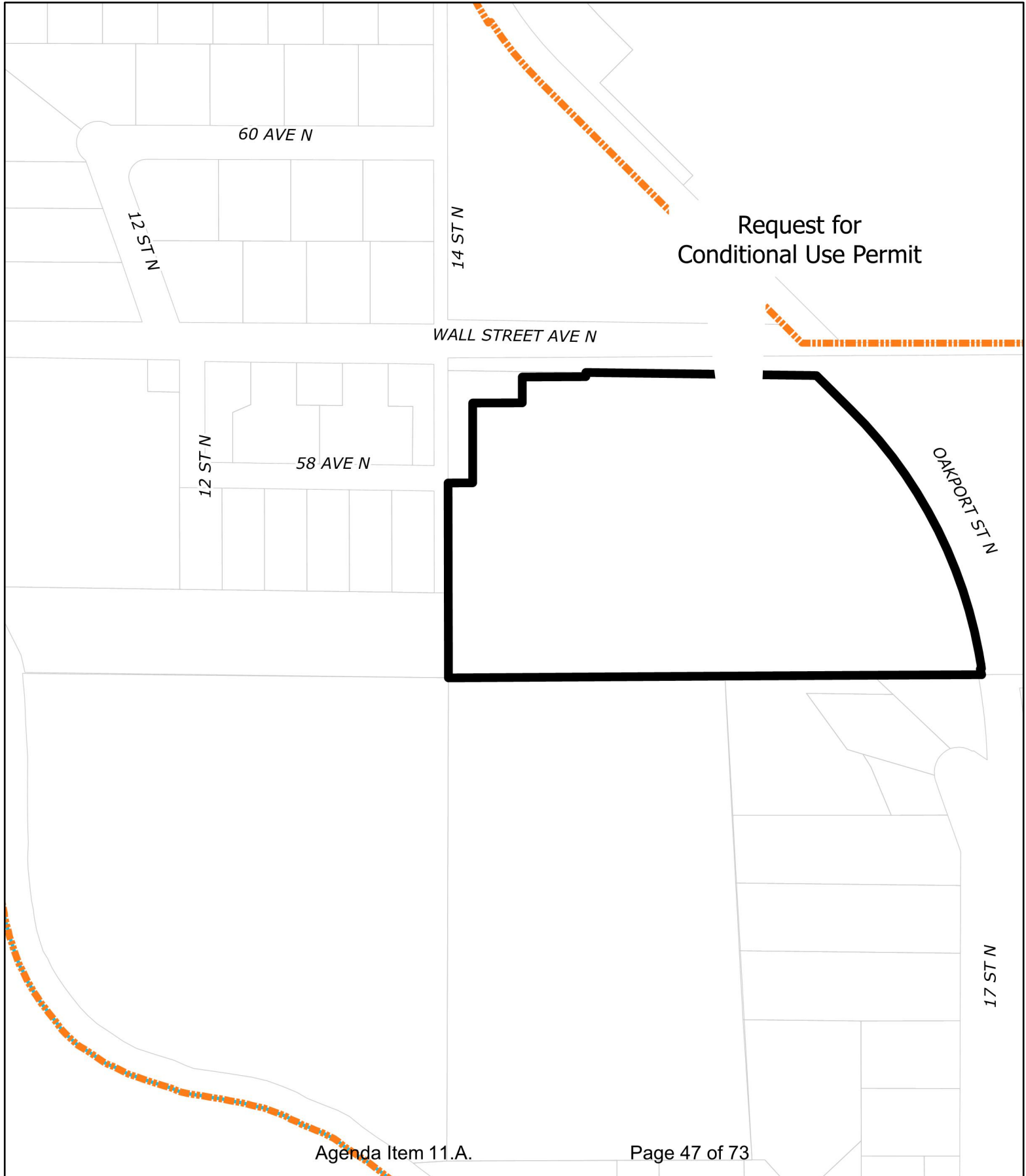
Submitted By:

Dan Mahli, City Manager
Robin Huston, City Planner / Zoning Administrator
Brittany Cameron, Assistant City Planner

Attachments: General Location Map
Draft Resolution
Exhibit A - Findings of Fact



General Location Map
5751 Oakport St N
58.881.3005



RESOLUTION

Resolution to Approve Conditional Use Permit to allow excavation/fill in the Floodway and Flood Fringe at 5751 Oakport St N (Parcel 58.881.3005)

WHEREAS, City of Moorhead, has requested a Conditional Use Permit for excavation and/or fill in the Floodway and Flood Fringe at 5751 Oakport St N (Parcel 58.881.3005), legally described as:

That part of the S½SW¼, Section 16, Township 140 North, Range 48 West of the 5th P.M., City of Moorhead, Clay County, Minnesota, described as follows:

Beginning at the Southwest Corner of said SW¼; thence North 00°05'39" West, along the Westerly line of said SW¼, for a distance of 724.08 feet to a point of intersection with the Southerly right-of-way line of County State Aid Highway No. 22; thence South 89°10'13" East, along the southerly right-of-way line of said County State Aid Highway No. 22, for a distance of 869.35 feet to a point of intersection with the Westerly right-of-way line of County Highway No. 3; thence South 45°10'31" East, along the Westerly right-of-way line of said County Highway No. 3, for a distance of 111.38 feet to the beginning of a tangential curve, concave to the Southwest having a radius of 1080.92 feet; thence Southeasterly along the Westerly right-of-way line of said County Highway No. 3 and along said curve, for a distance of 711.61 feet, central angle 37°43'13", chord bearing South 26°18'54" East to a point of intersection with the Southerly line of said SW¼; thence South 89°42'04" West, along the Southerly line of said SW¼, for a distance of 1256.89 feet to the Point of Beginning.

Excepting therefrom,

The West 58.00 feet of said Southwest Quarter, lying Southerly of the Southerly Right-of-Way line of County Road 22 and lying North of the South 459.32 feet of said Southwest Quarter;

And, The East 117.00 feet of the West 175.00 feet of said Southwest Quarter, lying Southerly of the Southerly Right-of-Way line of County Road 22 and lying North of the South 647.39 feet of said Southwest Quarter;

And, The East 150.00 feet of the West 325.00 feet of said Southwest Quarter, lying Southerly of the Southerly Right-of-Way line of County Road 22 and lying North of the South 708.00 feet of said Southwest Quarter.

Said tract contains 17.747 acres, more or less; and

WHEREAS, the Moorhead Planning Commission held a public hearing on March 4, 2024 and approved findings of fact (Exhibit A) and voted unanimously to recommend approval of the Conditional Use Permit contingent upon the conditions noted below; and

WHEREAS, the City Council finds the requested Conditional Use Permit consistent with the 2022 Comprehensive Plan and Moorhead City Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Conditional Use Permit for excavation and/or fill in the Floodway and Flood Fringe at 5751 Oakport St N (Parcel 58.881.3005), is hereby approved contingent upon the following conditions, which were developed based on criteria within the Moorhead City Code for Conditional Uses and to address general welfare, health and safety of the area:

1. All excavated material must be removed/not be permanently stored in the Floodway or Flood Fringe.
2. No Rise Certification relating to excavation and/or fill in the FEMA Floodway required prior to the issuance of the Floodplain Development Permit.
3. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit .

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

EXHIBIT A

Conditional Use Permit Moorhead Planning Commission Findings of Fact

REQUEST: Conditional Use Permit for excavation and/or fill in the Floodway and Flood Fringe

LOCATION: 5751 Oakport Street N, Parcel 58.881.3005

APPLICANT/OWNER: City of Moorhead

FILE NO: 24P008

WHEREAS, the Moorhead Planning Commission received a full and complete application for:

Conditional Use Permit for excavation and/or fill in the Floodway and Flood Fringe

WHEREAS, the Moorhead Planning Commission held a public hearing on the aforementioned request on March 4, 2024; and

WHEREAS, upon considering the Conditional Use Permit 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

1. A full and complete application was filed by City of Moorhead and received February 8, 2024 (herein referred to as "Application") seeking a Conditional Use Permit for excavation and/or fill in the Floodway and Flood Fringe at 5751 Oakport Street N, Parcel #58.881.3005, legally described as:

PT S1/2 SW1/4 BEG SW1/4 COR; N724.08', E869.35', SE'LY 822.99' AND W1256.89' TO POB EX TRACTS 16-140-48
2. The Conditional Use Permit is requested to facilitate development of flood infrastructure as part of the North Moorhead Flood Mitigation project.
3. The property is zoned RLD0a: Residential Low Density – 0a, which allows for utility structure uses but requires a conditional use permit when work is occurring within the Floodway and Flood Fringe.
4. A public hearing was held by the Planning Commission on March 4, 2024 on the Application allowing all interested persons an opportunity to speak, a full and complete record of which is detailed in the minutes of the Moorhead Planning Commission.
5. The request is consistent with the general intent of the RLD0a: Residential Low Density – 0a zoning district.
6. The request has been found consistent with the following considerations regarding the possible adverse effects of the requested Conditional Use Permits (Section 10-4-3E):
 - 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 purposes of the zoning district in which the applicant intends to locate the proposed use.
 - The property will continue to be used for flood mitigation and is guided towards Parks/Open Space use in the 2022 Comprehensive Land Use Plan.
 - B. The proposed use is or will be compatible with the present and future uses of the area.
 - The proposed excavation and/or fill in the Floodway and Flood Fringe is compatible with the present and future uses of the area.
 - C. The proposed use conforms with all performance standards contained herein (i.e. parking, loading,

noise, etc.).

- During plan review, all performance standards will be reviewed to meet Moorhead City Code.
- D. The proposed use will not tend to or actually have an adverse effect on the area in which it is proposed.
- The proposed use will not tend to or actually have an adverse effect on the area in which it is proposed. The project will help protect the area during future flood events.
- E. Traffic generated by the proposed use is within the capabilities of streets serving the property.
- No additional traffic will be generated by the proposed use.
- F. The proposed use can be accommodated by public services and facilities including parks, schools, streets and utilities, and will not overburden the City's service capacity.
- The proposed use can be accommodated by the existing public services and facilities and will not overburden the City's service capacity.
7. The Planning Commission also reviewed the following factors in relation to the proposed excavation and/or fill in the Floodway and Flood Fringe Overlay Districts and based their recommendations on:
- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- B. The danger that materials may be swept onto other lands or downstream to the injury of others or that may block bridges, culverts, or other hydraulic structures.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of the alternative locations not subject to flooding for the proposed uses.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program of the area.
- J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
8. After review of the criteria for consideration noted above, staff recommended approval of the Conditional Use Permits with the conditions noted below. The conditions were developed based upon the above noted criteria and to address the general welfare, health and safety of the neighborhood:
1. All excavated material must be removed/not be permanently stored in the Floodway or Flood Fringe.
 2. No Rise Certification relating to excavation and/or fill in the FEMA Floodway required prior to the issuance of the Floodplain Development Permit.
 3. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.

NOW, THEREFORE, BE IT RESOLVED by the Moorhead Planning Commission that based upon the above Findings of Fact, the request of the City of Moorhead, for a Conditional Use Permit to excavate and/or fill in the Floodway and Flood Fringe at 5751 Oakport Street N, Parcel 58.881.3005, legally described as:

PT S1/2 SW1/4 BEG SW1/4 COR; N724.08', E869.35', SE'LY 822.99' AND W1256.89' TO POB EX TRACTS 16-140-48

is hereby approved contingent upon:

1. All excavated material must be removed/not be permanently stored in the Floodway or Flood Fringe.
2. No Rise Certification relating to excavation and/or fill in the FEMA Floodway required prior to the issuance of the Floodplain Development Permit.

3. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.

PASSED by the Moorhead Planning Commission this 4th day of March 2024.



Nicole Mattson, Chair
Moorhead Planning Commission



Attest: Robin Huston,
City Planner/Zoning Administrator



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Approve a Hangar Land Lease - Moorhead Airport

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve a Land Lease for construction of a private hangar at the Moorhead Municipal Airport.

BACKGROUND/KEY POINTS:

Dean Solum has requested a commercial lease land to construct a private hangar for anticipated operation of Airborne Equipment, inc., a Minnesota Aircraft Dealer, storage of aircraft, and a helicopter for aerial tours of the FM area at the location shown below on the newly constructed taxiway. Construction of this new hangar would bring the total private hangars at the Airport to 12.



The land lease would include:

- 70' x 68' hangar; 31' in height
- Hangar will match the exterior design/color of other hangars at the Airport
- 25 year lease term with option for 25 year extension
- Lease rate of 10 cents per square foot with annual 3% increase

The required FAA Airspace Review is underway. The applicant noted proposed construction in 2024. The Airport Committee reviewed the request at their February 28 meeting and unanimously recommended approval.



City Council Communication

March 11, 2024

FINANCIAL CONSIDERATIONS:

The annual land lease payment is 10 cents per square foot with an annual 3% increase.

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 a Hangar Land Lease - Moorhead Airport

WHEREAS, Dean Solum desires to construct a private hangar at the Moorhead Municipal Airport – Florence Klingensmith Field; and

WHEREAS, the Moorhead Airport Committee and Moorhead City Council support the construction of hangars as outlined within the Airport Layout Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council authorizes the Mayor and City Manager to enter into a land lease agreement with Dean Solum for construction of a private hangar at the Moorhead Municipal Airport – Florence Klingensmith Field and execute all necessary documents associated with said agreement.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Approve Minor Subdivision - 2107 40th Avenue S - Parcel 58.900.1758

RECOMMENDATION:

The Mayor and City Council are asked to consider a Resolution to Approve Minor Subdivision - 2107 40th Avenue S - Parcel 58.900.1758

BACKGROUND/KEY POINTS:

The City of Moorhead entered into a purchase agreement with J. Berg for City Parcel 58.900.1758 in 2020. The purchase agreement included closing in two phases. At this time, Mr. Berg would like to move forward with the Phase I closing, which is the purchase of 30 acres for a mixed-housing development and this requires a minor subdivision of the 77 acres. The remaining 47 acres would continue to be held by the purchase agreement until expiration or extension of agreement.

The proposal is consistent with Title 11, Chapter 3 of the Moorhead City Code.

FINANCIAL CONSIDERATIONS:

The purchase price for the entire parcel is \$1,000,000 and will be prorated based on the Phase I acreage purchased.

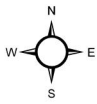
Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Kristie Leshovsky, Community Development Director

Attachments: General Location Map
Minor Subdivision Plan
Draft Resolution - Minor Subdivision

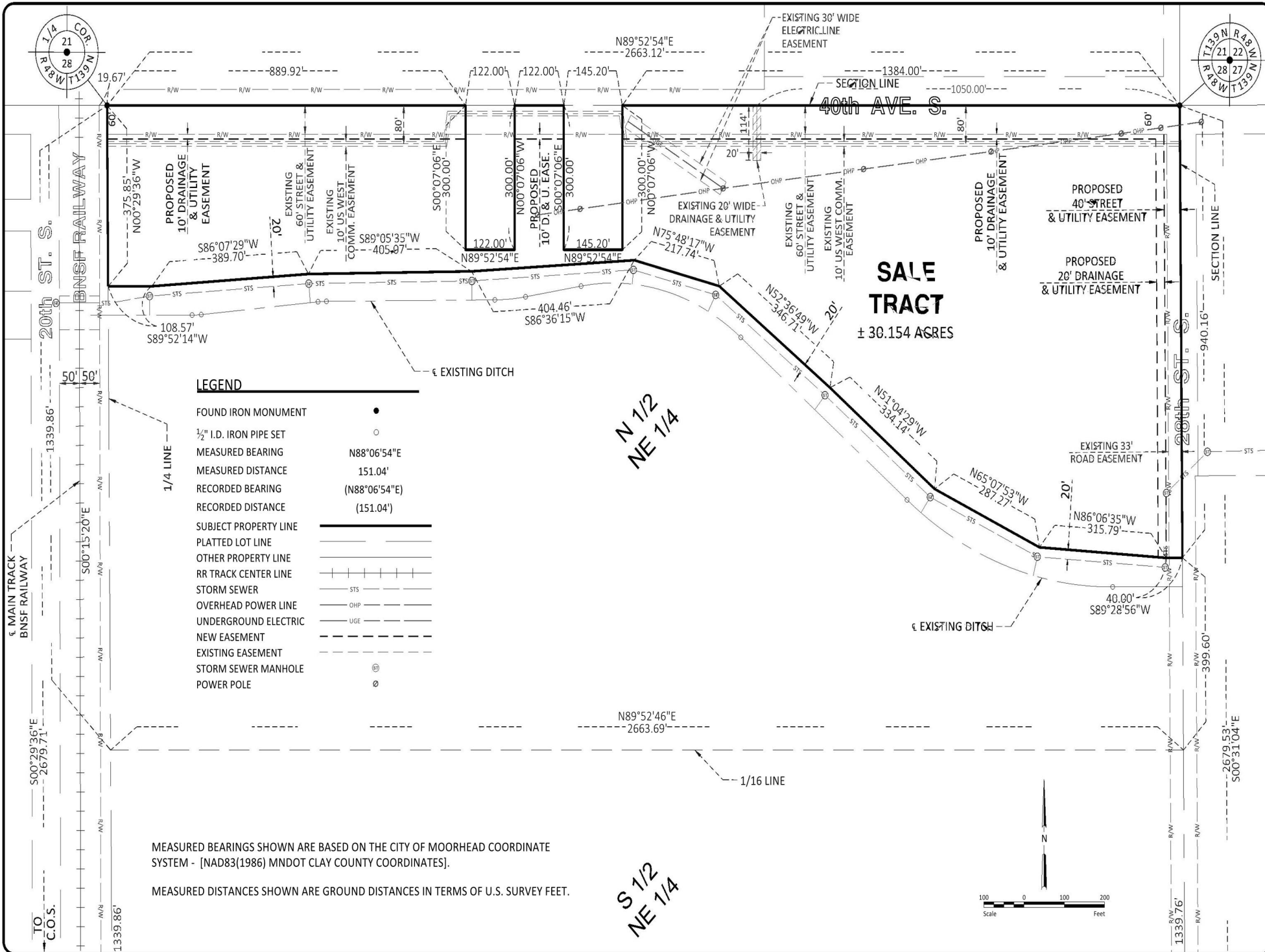


General Location Map
2107 40th Ave S
58.900.1758



-  Existing Parcel
-  New Parcel

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MEASURED BEARINGS SHOWN ARE BASED ON THE CITY OF MOORHEAD COORDINATE SYSTEM - [NAD83(1986) MNDOT CLAY COUNTY COORDINATES].

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

No.		Revision	Date	By	I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer in the State of Minnesota.	
1			2-27-2024	Curtis A. Skarphol	2-27-2024	
2						

HOUSTON
engineering, inc.

Drawn by	Date
CAS	2-27-24
Checked by	Scale
CAS	AS SHOWN

CITY OF MOORHEAD
PART OF THE N. 1/2 OF THE NE 1/4 OF SECTION 28, T. 139 N., R. 48 W.
CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA

CERTIFICATE OF SURVEY
PROJECT NO. 6019-0156

SHEET
1 OF 2

H:\JBN\6000\6019_0156\CAD\6019-0156_Cert_Survey.dwg

Said tract of land contains 30.154 acres, more or less, and is subject to easements as may be of record.

BEGINNING at the northeast corner of said Section 28; thence South 00°31'04" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 28, for a distance of 940.16 feet; thence South 89°28'56" West for a distance of 40.00 feet; thence North 86°06'35" West for a distance of 315.79 feet; thence North 65°07'53" West for a distance of 287.27 feet; thence North 51°04'29" West for a distance of 334.14 feet; thence North 52°36'49" West for a distance of 346.71 feet; thence North 75°48'17" West for a distance of 217.74 feet; thence South 86°36'15" West for a distance of 404.46 feet; thence South 89°05'35" West for a distance of 405.07 feet; thence South 86°07'29" West for a distance of 389.70 feet; thence South 89°52'14" West for a distance of 108.57 feet to a point of intersection with the westerly line of the Northeast Quarter of said Section 28; thence North 00°29'36" West, along the westerly line of the Northeast Quarter of said Section 28, for a distance of 375.85 feet to the northwest corner of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 889.92 feet; thence South 00°07'06" East for a distance of 300.00 feet; thence North 89°52'54" East, parallel with the northerly line of the Northeast Quarter of said Section 28, for a distance of 122.00 feet; thence North 00°07'06" West for a distance of 300.00 feet to a point of intersection with the northerly line of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 122.00 feet; thence South 00°07'06" East for a distance of 300.00 feet; thence North 89°52'54" East, parallel with the northerly line of the Northeast Quarter of said Section 28, for a distance of 145.20 feet; thence North 00°07'06" West for a distance of 300.00 feet to a point of intersection with the northerly line of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 1,384.00 feet to the POINT OF BEGINNING.

LESS the east 40.00 feet thereof.

That part of the east 40.00 feet of the North Half of the Northeast Quarter of Section 28, Township 139 North, Range 48 West of the Fifth Principal Meridian, City of Moorhead, Clay County, Minnesota, lying northerly of the following described line:

COMMENCING at the northeast corner of said Section 28; thence South 00°31'04" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 28, for a distance of 940.16 feet to the TRUE POINT OF BEGINNING of said line; thence South 89°28'56" West for a distance of 40.00 feet, and there terminating said line.

LESS the north 60.00 feet thereof.

That part of the west 20.00 feet of the east 60.00 feet of the North Half of the Northeast Quarter of Section 28, Township 139 North, Range 48 West of the Fifth Principal Meridian, City of Moorhead, Clay County, Minnesota, lying northerly of the following described line:

COMMENCING at the northeast corner of said Section 28; thence South 00°31'04" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 28, for a distance of 940.16 feet to the TRUE POINT OF BEGINNING of said line; thence South 89°28'56" West for a distance of 40.00 feet; thence North 86°06'35" West for a distance of 315.79 feet, and there terminating said line.

LESS the north 70.00 feet thereof.

				Agenda Item 1.C		I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  Curtis A. Skarphol MN LS No. 42303		Date 2-27-2024		 HOUSTON engineering, inc.		Drawn by Date 2-27-24		CITY OF MOORHEAD PART OF THE N. 1/2 OF THE NE 1/4 OF SECTION 28, T. 139 N., R. 48 W. CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA		CERTIFICATE OF SURVEY PROJECT NO. 6019-0156		SHEET 2 OF 2	
No.		Revision		Date		By						Checked by CAS		Scale AS SHOWN					

RESOLUTION

Resolution to Approve Minor Subdivision - 2107 40th Avenue S - Parcel 58.900.1758

WHEREAS, the City of Moorhead has requested a minor subdivision of property at 2107 40th Avenue S, Parcel 58.900.1758, legally described as:

SALE TRACT

That part of the North Half of the Northeast Quarter of Section 28, Township 139 North, Range 48 West of the Fifth Principal Meridian, City of Moorhead, Clay County, Minnesota, described as follows:

BEGINNING at the northeast corner of said Section 28; thence South 00°31'04" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 28, for a distance of 940.16 feet; thence South 89°28'56" West for a distance of 40.00 feet; thence North 86°06'35" West for a distance of 315.79 feet; thence North 65°07'53" West for a distance of 287.27 feet; thence North 51°04'29" West for a distance of 334.14 feet; thence North 52°36'49" West for a distance of 346.71 feet; thence North 75°48'17" West for a distance of 217.74 feet; thence South 86°36'15" West for a distance of 404.46 feet; thence South 89°05'35" West for a distance of 405.07 feet; thence South 86°07'29" West for a distance of 389.70 feet; thence South 89°52'14" West for a distance of 108.57 feet to a point of intersection with the westerly line of the Northeast Quarter of said Section 28; thence North 00°29'36" West, along the westerly line of the Northeast Quarter of said Section 28, for a distance of 375.85 feet to the northwest corner of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 889.92 feet; thence South 00°07'06" East for a distance of 300.00 feet; thence North 89°52'54" East, parallel with the northerly line of the Northeast Quarter of said Section 28, for a distance of 122.00 feet; thence North 00°07'06" West for a distance of 300.00 feet to a point of intersection with the northerly line of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 122.00 feet; thence South 00°07'06" East for a distance of 300.00 feet; thence North 89°52'54" East, parallel with the northerly line of the Northeast Quarter of said Section 28, for a distance of 145.20 feet; thence North 00°07'06" West for a distance of 300.00 feet to a point of intersection with the northerly line of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 1,384.00 feet to the POINT OF BEGINNING. Said tract of land contains 30.154 acres, more or less, and is subject to easements as may be of record; and

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

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

1. Applicant and its successors shall be party to future platting of the above-described Sale Tract.
2. Applicant and its successors shall provide right of way and easements for utility and drainage purposes, as requested by the City of Moorhead.
3. Applicant and its successors to receive all federal, state and local permits.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Approve Minor Subdivision - 2107 40th Avenue S - Parcel 58.900.1758

WHEREAS, the City of Moorhead has requested a minor subdivision of property at 2107 40th Avenue S, Parcel 58.900.1758, legally described as:

SALE TRACT

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BEGINNING at the northeast corner of said Section 28; thence South 00°31'04" East (assumed bearing), along the easterly line of the Northeast Quarter of said Section 28, for a distance of 940.16 feet; thence South 89°28'56" West for a distance of 40.00 feet; thence North 86°06'35" West for a distance of 315.79 feet; thence North 65°07'53" West for a distance of 287.27 feet; thence North 51°04'29" West for a distance of 334.14 feet; thence North 52°36'49" West for a distance of 346.71 feet; thence North 75°48'17" West for a distance of 217.74 feet; thence South 86°36'15" West for a distance of 404.46 feet; thence South 89°05'35" West for a distance of 405.07 feet; thence South 86°07'29" West for a distance of 389.70 feet; thence South 89°52'14" West for a distance of 108.57 feet to a point of intersection with the westerly line of the Northeast Quarter of said Section 28; thence North 00°29'36" West, along the westerly line of the Northeast Quarter of said Section 28, for a distance of 375.85 feet to the northwest corner of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 889.92 feet; thence South 00°07'06" East for a distance of 300.00 feet; thence North 89°52'54" East, parallel with the northerly line of the Northeast Quarter of said Section 28, for a distance of 122.00 feet; thence North 00°07'06" West for a distance of 300.00 feet to a point of intersection with the northerly line of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 122.00 feet; thence South 00°07'06" East for a distance of 300.00 feet; thence North 89°52'54" East, parallel with the northerly line of the Northeast Quarter of said Section 28, for a distance of 145.20 feet; thence North 00°07'06" West for a distance of 300.00 feet to a point of intersection with the northerly line of the Northeast Quarter of said Section 28; thence North 89°52'54" East, along the northerly line of the Northeast Quarter of said Section 28, for a distance of 1,384.00 feet to the POINT OF BEGINNING. Said tract of land contains 30.154 acres, more or less, and is subject to easements as may be of record; and

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

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

1. Applicant and its successors shall be party to future platting of the above-described Sale Tract.
2. Applicant and its successors shall provide right of way and easements for utility and drainage purposes, as requested by the City of Moorhead.
3. Applicant and its successors to receive all federal, state and local permits.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Request by Council Members Deb White and Heather Nesemeier to vote on the Moorhead Human Rights Commission's Ceasefire Resolution passed on February 29, 2024

RECOMMENDATION:

Council members Deb White and Heather Nesemeier are requesting the Mayor and City Council to vote on the Moorhead Human Rights Commission's Ceasefire Resolution passed on February 29, 2024

BACKGROUND/KEY POINTS:

At the February 29, 2024 Moorhead Human Rights Commission (HRC) meeting, members of the public requested the HRC act on a resolution supporting a permanent ceasefire in the Middle East. Approximately 100 people were in attendance and a number of them spoke on this agenda item. The HRC voted unanimously in favor of adopting the ceasefire resolution which states; Be it further resolved that the Moorhead Human Rights Commission is hereby directed to provide a copy of this resolution to Moorhead's elected representatives of the Moorhead City Council, Minnesota State Legislature, Governor Walz, Minnesota's elected representatives to the United States House of Representatives and Senate, and the Office of President Biden.

The Moorhead Human Rights Commission then made a second motion to recommend the resolution to the Moorhead City Council. This motion passed unanimously.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager

Tanya Kunza, Community Development Program Administrator

Attachments:

Resolution Supporting a Permanent Ceasefire and Preventing Loss of Human Life in the Middle East.

WHEREAS, we the Moorhead Human Rights Commission work to ensure the safety, health, dignity, and freedom of people every day. We follow the lead of more than 48 other cities in calling for a ceasefire because what happens internationally impacts our constituents locally. We believe in the shared humanity of all people and affirm it as a common value held by Moorhead residents and leaders; and

WHEREAS, the ongoing bombardment in the Gaza Strip comes in the context of the 75-year displacement of Palestinians, a 56-year military and settler occupation in Gaza and the West Bank, and the 17-year blockade of Gaza. In 2016, the United Nations Security Council found Israel's settlement activity constituted a "flagrant violation" of international law; and

WHEREAS, the Gaza Strip, one of the most densely populated places on Earth, has been repeatedly referred to by human rights groups, including Amnesty International and Human Rights Watch, as "the world's largest open-air prison" even prior to this conflict; and

WHEREAS, the Palestinian people are now facing a humanitarian crisis. Human rights organizations such as Amnesty International and Human Rights Watch have reported that Israel has been engaging in collective punishment. This collective punishment includes shutting off all access to electricity, drinking water, food, medical supplies, and humanitarian aid. The UN warns 2 million Gazans will soon run out of drinking water and all medical care.

WHEREAS, the World Health Organization warns that amid increasingly dysfunctional healthcare and sanitation systems, disease could kill more people than bombs; and

WHEREAS, Palestinians in Gaza now face severe hunger and famine due to besiegement, bombings, and hostilities. According to the UN, the entire population in the Gaza Strip (about 2.2 million people) is classified in IPC Phase 3 or above (Crisis or worse). This is the highest share of people facing high levels of acute food insecurity that the IPC initiative has ever classified for any given area or country. At least one in four households (more than half a million people) are facing catastrophic conditions (IPC Phase 5, Catastrophe/Famine), comprising 80% of all people globally at IPC Phase 5; and

WHEREAS, according to a November 2023 United Nations Human Rights Office of the High Commissioner press release, UN experts stated, "Many of us already raised the alarm about the risk of genocide in Gaza." "We are deeply disturbed by the failure of governments to heed our call and to achieve an immediate ceasefire. We are also profoundly concerned about the support of certain governments for Israel's strategy of warfare against the besieged population of Gaza, and the failure of the international system to mobilize to prevent genocide."; and

WHEREAS, Palestinians living in Gaza are being killed at an unprecedented rate. Over 30,000 Gazans – including at least 12,500 children – have been killed in 144 days, meaning 1 child in Gaza is killed every 17 minutes. Over 337 medical workers and over 122 journalists have been killed. Proportional to population, the death toll in Gaza is the equivalent of about 4.5 million American deaths. In addition, over 70,000 Gazans are wounded, and over 8,000 are missing under the rubble; and

WHEREAS, the Government of The State of Israel has bombed civilian entities indiscriminately, destroying or damaging at least two-thirds of all homes in northern Gaza; 23 hospitals and 141 medical

facilities; 70% of schools; over 100 places of worship; bakeries; refugee camps; roads; and other essential infrastructure. This has destroyed access to food, clean water, healthcare, shelter, and sanitation essential to human life and caused mass displacement of as many as 90% of Gazans; and

WHEREAS, the World Health Organization, United Nations, Save the Children, Amnesty International, Human Rights Watch, the European Union, His Holiness Pope Francis, more than 120 countries have called for a ceasefire to end the violence and suffering in the Gaza Strip. Doctors Without Borders has advocated for, “a total ceasefire and the unconditional supply of humanitarian aid, including access to food, fuel, and water. The survival of people in Gaza depends on this”; and

WHEREAS, on Thursday, January 11, 2024, and Friday, January 12, 2024, the International Court of Justice (ICJ) at the Hague held public hearings in the case brought forward by South Africa against Israel for alleged violations of the Genocide Convention on the Prevention and Punishment of the Crime of Genocide during its operations in Gaza. South Africa’s application alleges that, “acts and omissions by Israel... are genocidal in character, as they are committed with the requisite specific intent... to destroy Palestinians in Gaza as a part of the broader Palestinian national, racial and ethnic group.” South Africa’s actions to receive provisional protections of the people of Gaza are supported by several countries and over 1,000 organizations worldwide. The ICJ’s preliminary ruling issued on Friday January 26, 2024, found it plausible Israel was committing genocide and orders Israel to "take all measures within its power to prevent the commission of all acts within the scope of Article II of the Genocide Convention."

Now, Therefore, Be It Resolved by The Moorhead Human Rights Commission:

The Moorhead Human Rights Commission affirms:

1. Condemnation towards all acts of violence committed against civilians of any kind. The Moorhead Human Rights Commission expresses sympathy for the civilian victims and all those affected by the horrific violence, including victims of the Oct. 7 attack and all subsequent Palestinian civilian deaths.
2. Moorhead’s status as a welcoming community for those of Jewish and Islamic faiths and any other religions.
3. Standing firmly against the rise of and all acts of racially motivated violence and hate crimes perpetrated against our Jewish, Muslim, Palestinian, and Arab constituents here in Moorhead and around the United States; and
4. The right of self-determination of all peoples, recognizing the legitimate desire and need for Palestinian self-determination, as well as the legitimate desire and need for Israelis and Palestinians to live in safety and security.

That the Moorhead Human Rights Commission supports our State and Federal delegations and the Biden Administration using their authority to:

1. Advance a full, immediate, and permanent ceasefire, along with urgently needed humanitarian aid as a necessary step towards lasting peace.

2. Support conditioning U.S. military funding to the State of Israel on the basis that Israel fully complies with international law to prevent contributing to the humanitarian catastrophe, loss of life, and illegal occupation.
3. Ensure the release of civilians being held illegally or imprisoned on both sides of the conflict, including the approximately 130 Israeli hostages taken by Hamas and the thousands of Palestinians held indefinitely without cause and trial in Israeli prisons.

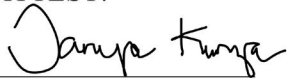
BE IT FURTHER RESOLVED, that the Moorhead Human Rights Commission is hereby directed to provide a copy of this Resolution to Moorhead's elected representatives to the Moorhead City Council, Minnesota State Legislature, Governor Walz, Minnesota's elected representatives to the United States House of Representatives and United States Senate, and the Office of President Biden.

PASSED: February 29, 2024 by the Moorhead Human Rights Commission.

APPROVED BY:

 3/4/2024
SIHAM AMEDY,
Chair

ATTEST:


TANYA KUNZA, Staff Liaison



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Approve Short Term Extension to Lien Agreement

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of Amendment 4 to the Lien Agreement with Roers Development/MCM Development

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 options for development of a Tax Increment Financing (TIF) District. A Lien Agreement was approved by the City Council on September 27, 2021 which provided assurance to the bank that the redevelopment will proceed and the City intends to create a TIF district. Three Amendments to the Lien Agreement have been approved and the current Amendment 3 expires on March 15, 2024. The proposed resolution authorizes Amendment 4 which extends the Lien Agreement to June 14, 2024.

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)

Submitted By:

Dan Mahli, City Manager

Attachments:

RESOLUTION

Resolution to Approve Short Term Extension to Lien Agreement

WHEREAS, Roers Development and the City continue to work on development of the potential project area 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 related Agreements; and

WHEREAS, Roers Development and the City wish to extend the Lien Agreement.

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 an Amendment to the Lien Agreement with Roers Development/MCM Development to extend the timeline to June 14, 2024.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Authorize the City Manager and Mayor to Execute the Settlement and Release Agreement Between the City of Moorhead and Benton Hicks

WHEREAS, Benton Hicks was employed with the City of Moorhead (hereinafter "City") from March 7, 2001 through September 20, 2023 – his last date of employment with the City;

WHEREAS, the City and Benton Hicks have mutually agreed on the terms and conditions specified in the Settlement and Release Agreement Between the City of Moorhead and Benton Hicks;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council approves and directs the Mayor and City Manager to execute the Settlement and Release Agreement Between the City of Moorhead and Benton Hicks.

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

March 11, 2024

SUBJECT:

Resolution to Authorize Deposit of Appraised Values for FM Area Diversion

RECOMMENDATION:

The Mayor and City Council are asked to consider authorizing the deposit of Appraised Values with the District Court.

BACKGROUND/KEY POINTS:

The United States Army Corps of Engineers (USACE) entered into a Project Partnership Agreement with the City of Fargo, North Dakota, the City of Moorhead, Minnesota, and the Metro Flood Diversion Authority (Authority) to construct, operate, and maintain the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (Project) to provide flood risk management, 100-year certifiable flood protection, and the ability to fight larger, less-frequent floods. The Project includes approximately 7.5 miles of Southern Embankment and Associated Infrastructure (SEAI) in Minnesota that will be constructed by the USACE starting in 2024. In addition, the Project includes an upstream mitigation area (UMA) encompassing 6,700 acres of necessary flowage easements in Minnesota.

On July 1, 2019, the City of Moorhead and Clay County entered into the Minnesota Land Acquisition Joint Powers Agreement, creating the Moorhead Clay County Joint Powers Authority (MCCJPA). The Minnesota Land Acquisition Joint Powers Agreement authorizes the City of Moorhead and Clay County to work collaboratively to maximize efficiencies with respect to property acquisition in Minnesota for the Project.

In 2020, the MCCJPA retained professional right-of-way agents to work and communicate directly with property owners, present appraisals, purchase offers and negotiate settlements for board approval for necessary property rights. The last appraisals for Minnesota property rights were approved in August 2023. Purchase offers were made to the property owners based on the appraised values. Communications and negotiations with property owners have been occurring for several months and in many cases the communications began well over a year ago.

To maintain the Project construction schedule, the MCCJPA, along with the City of Moorhead and Clay County, will need to complete the acquisition of necessary property rights for the Southern Embankment by March 2024. As such, on September 28, 2023, the MCCJPA unanimously passed a resolution requesting the City of Moorhead engage in the property acquisition process by sending Last Written Offer letters and authorizing the use of eminent domain. On October 23, 2023, the City of Moorhead passed a resolution authorizing the use of eminent domain. Subsequently, Last Written Offers were sent to all affected property owners with an acceptance deadline of November 20, 2023. Legal counsel then filed the necessary eminent domain actions for property rights necessary for the Southern Embankment in Minnesota, along with flowage easements encumbering any other land owned by the same



City Council Communication

March 11, 2024

owners as the southern embankment property.

The next step in the eminent domain process is a necessity hearing. Necessity hearings are scheduled for late March 2024. Following a ruling on necessity, the next step is depositing the amount of the appraised value of the property rights being acquired with the court. In anticipation of the need to certify real estate to USACE to allow for bidding and construction of the Southern Embankment by April 1, 2024, it is necessary to obtain authorization from the City Council now to deposit the appraised values with the court immediately after the ruling on necessity is made. The table below outlines the deposit amounts (appraised values) for the property rights associated with the first round of necessity hearings in Wilkin County, for which the City of Moorhead is the condemning authority.

Wilkin County Deposit Amounts Civ. No. 84-CV-23-500

OIN	Property Owner	PIN	Appraised Value
1261	LUTHER & SHELLY BLILIE ETAL	22-005-0310	\$73,000
1269	LUTHER & SHELLY BLILIE ETAL	22-005-0205	see 1261
1270	MARK J & BARBARA ASKEGAARD	22-005-0200	\$201,172
9152	MARK J & BARBARA ASKEGAARD	22-005-0305	\$5,828
1250	PAUL & JAMES QUINNILD	22-006-0300	\$90,000
1257	DANIEL J & JAYNE M OLSGAARD	22-006-0200	\$108,000
1276	GARY & NANCY ISRAELSON	22-008-0200	\$11,530
1277	GARY & NANCY ISRAELSON	22-008-0100	\$12,544
8356	GARY & NANCY ISRAELSON	22-003-0100	\$500
		TOTAL	\$609,970



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Wilkin County Deposit Amounts Civ. No. 84-CV-23-505

OIN	Property Owner	PIN	Appraised Value
1272	MATTHEW L & RACHEL NESS	22-005-0100	\$500
1315	JAMES A NESS	22-017-0700	\$93,880
1317	JAMES A NESS	22-017-0800	\$7,576
1316	JAMES A NESS	22-018-0300	\$5,940
TOTAL			\$107,896

FINANCIAL CONSIDERATIONS:

The above described deposits will be reimbursed by the MCCJPA as eligible project expenses

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
John Shockley, City Attorney

Attachments:

RESOLUTION

Resolution to Authorize Deposit of Appraised Values for FM Area Diversion

WHEREAS, the City of the Moorhead is one of the non-federal sponsors for the Fargo Moorhead Metropolitan Area Flood Risk Management Project (the "Project") and is a member of the Moorhead Clay County Joint Powers Authority; and

WHEREAS, the City of Moorhead has been requested to acquire property necessary for the Project; and

WHEREAS, the City of Moorhead has previously authorized the exercise of its eminent domain authority to acquire property necessary for the Project; and

WHEREAS, it is necessary for the City of Moorhead to deposit the amounts set forth below which are equal to the appraised values with the Court immediately after the court makes a ruling on necessity is made.

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

The City of Moorhead is hereby authorized to make the following deposits with the District Court associated with hearings in Wilkin County:

Wilkin County Deposit Amounts Civ. No. 84-CV-23-500

OIN	Property Owner	PIN	Appraised Value
1261	LUTHER & SHELLY BLILIE ETAL	22-005-0310	\$73,000
1269	LUTHER & SHELLY BLILIE ETAL	22-005-0205	see 1261
1270	MARK J & BARBARA ASKEGAARD	22-005-0200	\$201,172
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Wilkin County Deposit Amounts Civ. No. 84-CV-23-505

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		TOTAL	\$107,896

PASSED: March 11, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk