



**CITY COUNCIL  
MEETING AGENDA  
JUNE 10, 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 Statues, 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: Heather Ranck and FM Rotary

B. Presentation: Transit Reorganization Study, Wade Kline (KLJ Engineering)

C. Clean Up Weeks Update – Paul Fiechtner

D. Proclamation: Juneteenth

E. Proclamation: World Refugee Day

**6. Approve Minutes**

A. May 28, 2024 Meeting Minutes

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

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

**8. \*Mayor and Council Appointments**

A. \*Resolution for Appointments to Boards and Committees

**9. Public Hearings (5:45 pm)**

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

- A. Public Hearing Related to Proposals that the City adopt the Redevelopment Plan for the Moorhead Prairie Parkway Redevelopment Project Area

10. Engineering Department

- A. \*Resolution to Approve MnDOT Agreement No.1057018 for Federal Participation in an LED Lighting Project
- B. \*Resolution to Receive Report, Order Preparation of Plans & Specifications and Call for a Public Hearing for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)

11. Parks and Recreation Department

- A. \*First Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations
- B. \*Resolution to Accept a Donation and Transfer Ownership from the Fargo Moorhead Rotary Foundation of the Rotary Natural Play Hill & Bike Park at 600 1st Ave North

12. Community Development Department

- A. \*Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks.
- B. \*Resolution to Approve Agreements for Primary Fixed Based Operator and Airport Manager

13. Administration

- A. \*Resolution to Approve Easement Agreement with Wal-Mart for Dilworth Transit Hub Improvements
- B. \*Resolution to Approve Short Term Extension to Lien Agreement
- C. \*Resolution to Approve Amendment to the Employment Agreement between the City of Moorhead and City Manager

14. Mayor and Council Reports

15. City Manager Reports

16. Executive Session

17. New Business

18. Adjourn



## City Council Communication

June 10, 2024

**SUBJECT:**

MoorHeart Recognition: Heather Ranck and FM Rotary

**RECOMMENDATION:**

The Mayor and City Council are asked to recognize and honor Heather Ranck and the FM Rotary 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 Heather Ranck and the FM Rotary Foundation especially for their efforts to finance the construction of the Rotary Natural Play Hill and Bike Park at Riverfront Park.

Heather Rank and the FM Rotary Foundation led the development of the Rotary Natural Play Hill and Bike Park at Riverfront Park. This park, which will encourage children to play outside year long in an enriching, natural environment, is an impactful new addition to our community.

Lisa Bode wrote in the nomination: "Heather Ranck has been the champion of the Rotary Natural Play Hill and Bike Park at Riverfront Park. The project, in planning since 2018, will soon provide the community an inspiring hilltop play area overlooking the Red River, with opportunities for unstructured play, interactive learning and year-round outdoor physical activity. The project, led by Heather with participation by all five Fargo-Moorhead Rotary Clubs and FM Rotary Foundation, raised \$1.15 million with the generous support of over 300 donors, including major donors including the Fargo-Moorhead Convention and Visitors Bureau, Scheels Foundation, and Sanford Health Foundation. Over 100 Rotary members contributed personally to the project. Because of this generosity, the City of Moorhead had to make only a very nominal investment of \$60,000 in this \$1.2 million project that will be a long-lasting amenity for our community.

There are other amazing, generous service clubs that do wonderful deeds for our community year after year. This nomination is not intended to overlook other contributions; however, the size, scope, and especially the leadership by Heather Ranck and the FM Rotary Foundation in this project makes this an opportune time to recognize this amazing gift to the community of Moorhead.

The Play Hill and Bike Park will be free and open to the public and this amenity is being donated to the City of Moorhead, who will be responsible for regular maintenance and upkeep. The Natural Play Hill and Bike Park will be a unique destination for kids throughout the region."

Thank you, Heather and the FM Rotary Foundation, for your continued support of impactful projects within our community. We appreciate your work!



## City Council Communication

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June 10, 2024

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](http://cityofmoorhead.com).

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Not Applicable

**Submitted By:**

Dan Mahli, City Manager

Kelly Kuntz, Communications Coordinator

**Attachments:**

**OFFICIAL PROCLAMATION**  
**CITY OF MOORHEAD, STATE OF MINNESOTA**

**WHEREAS**, President Abraham Lincoln issued the Emancipation Proclamation ending slavery in the United States on January 1, 1863;

**WHEREAS**, news of the Emancipation Proclamation did not reach the frontier areas of the United States, including Texas and other southwestern states, until June 19, 1865, when Union soldiers led by Major General Gordon Granger, arrived in Galveston, Texas, and shared the news that the Civil War had ended and enslaved people were free;

**WHEREAS**, African Americans who had been slaves celebrated June 19, 1865, commonly known as "Juneteenth Independence Day," as inspiration and encouragement for future generations;

**WHEREAS**, African Americans have continued the tradition of observing Juneteenth Independence Day for more than 150 years;

**WHEREAS**, Juneteenth Independence Day began as a holiday in the State of Texas and is now celebrated in 46 States and the District of Columbia as a day of observance recognizing the emancipation of all slaves in the United States;

**WHEREAS**, Juneteenth Independence Day celebrations are held to honor African-American freedom while encouraging self-development and respect for all cultures;

**NOW, THEREFORE, I**, Shelly Carlson, Mayor of the City of Moorhead, do hereby proclaim June 19<sup>th</sup> as:

**JUNETEENTH INDEPENDENCE DAY**

**IN WITNESS WHEREOF**, I have set my hand and caused the Official Seal of the City of Moorhead to be affixed this 10<sup>th</sup> day of June, 2024.



A handwritten signature in black ink, appearing to read "Shelly Carlson".

Michelle (Shelly) Carlson, Mayor  
City of Moorhead



OFFICIAL PROCLAMATION  
CITY OF MOORHEAD, STATE OF MINNESOTA  
World Refugee Day 2024

**WHEREAS**, World Refugee Day is an annual commemoration adopted by the United Nations in 2000 to honor and raise awareness of refugees; and

**WHEREAS**, more than 79 million displaced people have been forced from their homes worldwide, more than any time in recorded history, including over 26 million refugees; and

**WHEREAS**, refugees are people who have fled their country because they have a well-founded fear of persecution because of their race, religion, nationality, political opinion, or membership in a particular social group; and

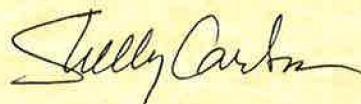
**WHEREAS**, resettlement provides safe haven when refugees cannot return home and cannot rebuild their lives in the country they fled due to lack of access to safety, shelter, health care, education, or protection; and

**WHEREAS**, the City of Moorhead is home to a diverse population of refugees and immigrants, adding to the economic strength and cultural richness of our community.

**NOW, THEREFORE**, I, Shelly Carlson, Mayor of the City of Moorhead, do hereby proclaim Thursday June 20, 2024 as :

**WORLD REFUGEE DAY IN MOORHEAD**

**IN WITNESS WHEREOF**, I have set my hand and caused the Official Seal of the City of Moorhead to be affixed this day of June 10, 2024.



Michelle (Shelly) Carlson, Mayor  
City of Moorhead





**CITY COUNCIL  
MEETING MINUTES  
MAY 28, 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 Heather Nesemeier**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0;

5. Recognitions - Presentations

A. Proclamation: National Emergency Medical Services Week

Council member Ryan Nelson read a proclamation for National Emergency Medical Services Week.

6. Approve Minutes

A. May 13, 2024 Meeting Minutes

**Motion to Approve May 13, 2024 Meeting Minutes made by Matthew Gilbertson and seconded by Laura Caroon**

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)

Moorhead resident and AFSCME member addressed the council regarding the upcoming budget.

8. \*Mayor and Council Appointments

9. Public Hearings (5:45 pm)

10. Engineering Department

A. \*Resolution to Enter into a Memorandum of Understanding to Study a Regional Traffic Management Center

11. Parks and Recreation Department

A. Resolution to Approve Grant Submission to the Minnesota Historical Society for a Camera Surveillance System at the Hjemkomst Center

Parks & Recreation Director Holly Heitkamp outlined a grant opportunity with the Historical and Cultural Society of Clay County for a camera surveillance system at the Hjemkomst Center.

**Motion to Approve Resolution to Approve Grant Submission to the Minnesota Historical Society for a Camera Surveillance System at the Hjemkomst Center made by Deb White and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0;

B. \*Resolution to Approve Agreement with Gast Construction Company, Inc. for Construction Manager At Risk Services on the Reimagine Romkey Park – Pool Replacement and Park Renovations Project

12. Community Development Department

A. Resolution to Approve Agreements Relating to Community Garden Grants

Assistant Planner Ethan Johnk presented information on three \$500 Community Garden Grant recipients in Moorhead.

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

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0;

13. Mayor and Council Reports

Council member Nesemeier thanked the local AFSCME group. She also shared information on budget meetings she attended with the Clay County Collaborative and Moorhead Public Housing Agency. The

Fargo National Cemetery hosted a Memorial Day commemoration that Council member Nesemeier attended. She thanked past and current service members.

Council member White shared information on a Metropolitan Council of Governments (MetroCOG) study regarding the Heartland Trail. Council member White stated a Conversation with Ward 3 Council Members is taking place on June 13 at 6:30 pm at River Oaks Park. Council member White wished the best to upcoming Fargo Marathon participants.

Council member Hendrickson attended Churches United's Silver Linings Apartment groundbreaking event. The Solid Waste Advisory Council shared statistics on Clean Up Weeks and requested Public Works Director Paul Fiecher provide an update to the City Council. Council member Hendrickson thanked Moorhead's Public Works staff for their great work.

Council member McDougall shared that Juneteenth events will be held on June 17 from 4:00-8:00 pm at the Hjemkomst Center.

Council member Caroon invited community members to the groundbreaking of the Moorhead Community Center Library on June 5 at 3:00 pm on the southwest corner of Center Avenue and 5 Street in the US Bank parking lot.

Mayor Carlson shared information about a community conversation in Moorhead with staff from the Star Tribune. Mayor Carlson welcomed a new nonprofit organization Addie's Sunshine & Treats to Moorhead and congratulated Glass Doctors on their new location in Moorhead's Industrial Park. Mayor Carlson shared a summary of City Manager Dan Mahli's performance conversation. Mayor Carlson also spoke about the privilege of attending the local Honor Flight to Washington DC and thanked all service members. Mayor Carlson stated work on the FM Flood Diversion project continues in addition to the search for an executive director.

14. City Manager Reports

City Manager Dan Mahli recognized the local AFSCME group in attendance and updated the City Council on upcoming budget meetings. Mr. Mahli stated the Inclusive Playground ribbon cutting is rescheduled on June 7 at 1:30 pm at Southside Regional Park and the Natural Play Hill & Bike Park grand opening is scheduled with the FM Rotary on June 20 10:00 am at Riverfront Park. City Manager Mahli stated Moorhead's Dive into Summer event is on Tuesday, June 4 from 6:00-8:30 pm at the Moorhead Municipal Pool. All are welcome.

15. Executive Session

16. New Business

17. Adjourn

Meeting adjourned at 6:01pm.

APPROVED BY:

ATTEST:

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Michelle (Shelly) A. Carlson  
Mayor

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Christina Rust  
City Clerk

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

## **RESOLUTION**

### **Resolution for Appointments to Boards and Committees**

BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City council does hereby approve the following committee appointments:

#### **Park Advisory Board**

- Brian Haugen, Moorhead resident, is appointed to a term commencing June 11, 2024 and ending January 31, 2025. (Ward 4)

#### **Charter Commission**

- Mary Fischer, Moorhead resident, is appointed to a term commencing June 11, 2024 and ending January 31, 2028. (Ward 4)

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

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June 10, 2024

**SUBJECT:**

Public Hearing Related to Proposals that the City adopt the Redevelopment Plan for the Moorhead Prairie Parkway Redevelopment Project Area

**RECOMMENDATION:**

The Mayor and City Council are asked to open a public hearing. The parties have requested additional time before proceeding. As a result, the City Council is also asked to consider a motion to continue the public hearing until a future meeting.

**BACKGROUND/KEY POINTS:**

Not Applicable

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Quorum

**Submitted By:**

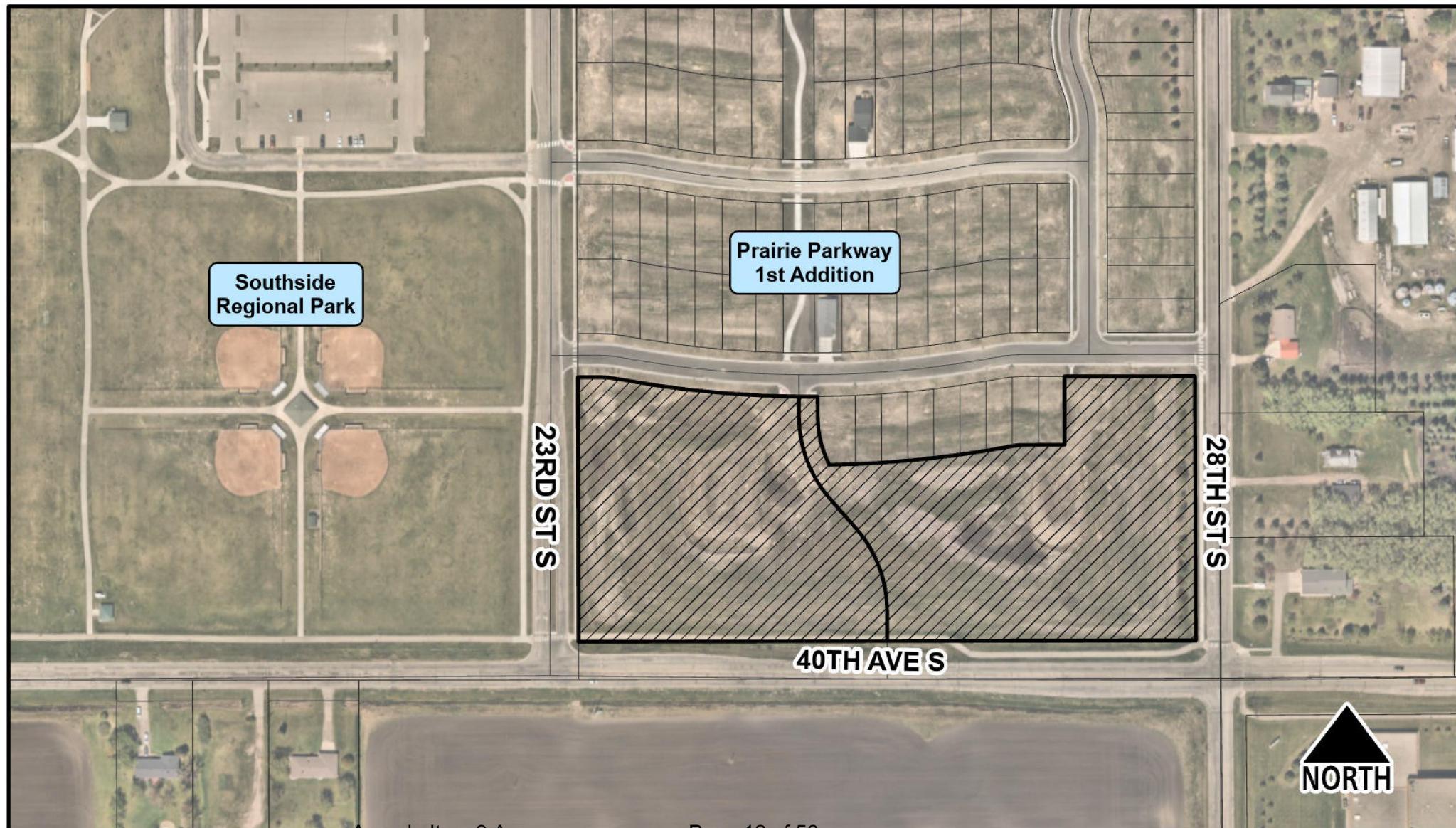
Dan Mahli, City Manager  
Derrick LaPoint, DMI/Economic Development

**Attachments:** General Location Map



# GENERAL LOCATION MAP

PRAIRIE PARKWAY HOUSING PROJECT  
Tax Increment Financing (Housing) District No. 32  
Proposed TIF District Boundary





## City Council Communication

June 10, 2024

**SUBJECT:**

Resolution to Approve MnDOT Agreement No.1057018 for Federal Participation in an LED Lighting Project

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve MnDOT Agreement #1057018 to purchase LED street lighting equipment on a Force Account basis using Federal funds.

**BACKGROUND/KEY POINTS:**

The City of Moorhead and the Minnesota Department of Transportation (MnDOT) have an agreement (#1052209) that enables the use of Federal funds on the local transportation system. This agreement establishes a Delegated Contract Process (DCP) where MnDOT is authorized to receive and disburse the Federal funding on behalf of the City, and the City is responsible for letting, payment, and other procedures for a federally funded contract. In this case, the Federal funding is Carbon Reduction Program (CRP) funding that will be used to replace non-LED street light bulbs with more energy-efficient LED street light bulbs. A map of the project area is attached. Approximately 100 lights are proposed to be converted to LED. Rather than letting a construction contract, the City has proposed to use the CRP funds only for the purchase of the light bulbs. The installation of the bulbs will be completed by Moorhead Public Service. Since this is not a typical construction contract, under the terms of the existing DCP agreement the City and MnDOT must enter into a Force Account agreement for the City to be reimbursed for the purchase of the LED lights.

MnDOT has prepared Agreement #1057018 which authorizes the City to use the Force Account process for the proposed LED project. Staff and the City Attorney have reviewed the agreement and recommend that it be approved.

**FINANCIAL CONSIDERATIONS:**

The estimated total cost of the Force Account is \$98,500.00. This will be paid using up to \$78,800 in CRP funds. The remaining \$19,700 is the minimum required local cost-share and will be paid from Street Light Utility funds included in the City's 2024 budget.

**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

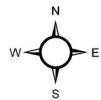


## City Council Communication

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June 10, 2024

**Attachments:** Map of Project Area

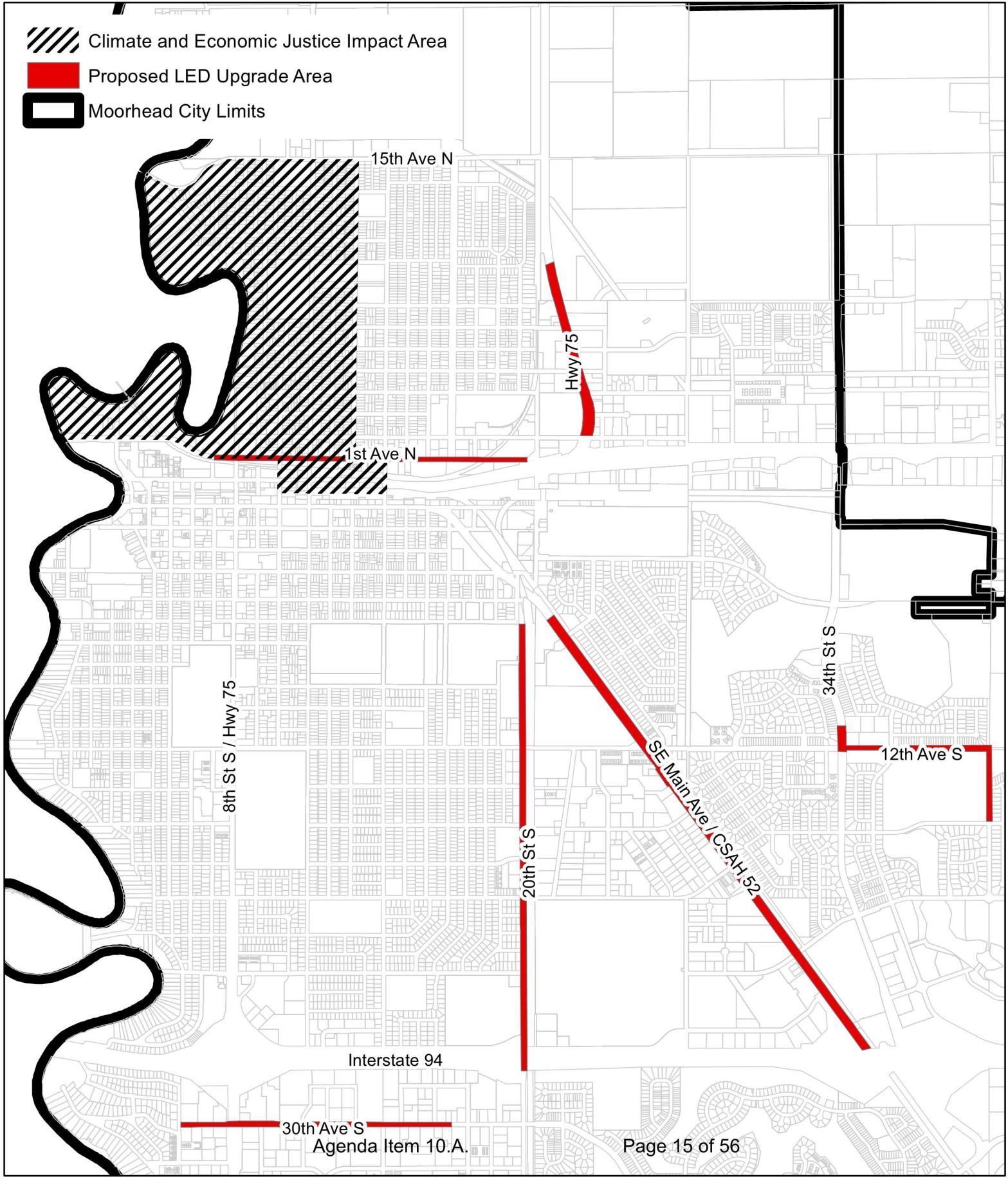


## Carbon Reduction Program Proposed LED Upgrade Locations

Climate and Economic Justice Impact Area

Proposed LED Upgrade Area

Moorhead City Limits



## **RESOLUTION**

### **Resolution to Approve MnDOT Agreement No.1057018 for Federal Participation in an LED Lighting Project**

WHEREAS, the City of Moorhead has been authorized to use up to \$78,800 in Federal Carbon Reduction Program (CRP) funds in Fiscal Year 2024 to replace existing non-LED street light bulbs with more energy-efficient LED light bulbs; and

WHEREAS, it is proposed to use a Force Account agreement for the City to purchase the LED bulbs and to have Moorhead Public Service install them.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Moorhead to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Mayor and the City Manager are hereby authorized and directed for and on behalf of the City of Moorhead to execute and enter into an agreement, and any amendments to the agreement, with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1057018", a copy of which said agreement was before the City Council/County Board and which is made a part hereof by reference.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

June 10, 2024

**SUBJECT:**

Resolution to Receive Report, Order Preparation of Plans & Specifications and Call for a Public Hearing for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to Receive Report, Order Preparation of Plans & Specifications and Call for a Public Hearing for the above referenced project.

**BACKGROUND/KEY POINTS:**

It is proposed to construct a new grid system of public streets in the Center Mall Redevelopment project area that will serve City Hall, the MCCPL, and numerous private developments. The improvements will include new pavement, curb & gutter, sidewalk, sanitary sewer, storm sewer and water, lighting, utility accommodations and landscaping. It is further proposed to finance the improvements using Special Assessments to the benefitting property in accordance with Minnesota Statutes Annotated, Chapter 429 (MS § 429).

In order to use the MS §429 process, it is necessary to follow several steps. One of these is to prepare a preliminary engineering report to evaluate the proposed improvements and make various technical recommendations. The City Council ordered the preparation of a preliminary engineering report for the proposed improvements on April 22, 2024. The report has been prepared by City staff under the direction of the City Engineer. The report finds that the improvements are necessary, cost-effective and feasible to facilitate the development, that the improvements would best be completed in connection with the proposed Flood Damage Reduction (FDR) grant project to relocate Sanitary Lift Station #2, and that 100% of the cost of the Moorhead Center Mall Redevelopment Street & Utility Improvements should be assessed to the Moorhead Center Mall Redevelopment Area. Staff recommends that the Council receive the Engineer's Report, and order the preparation of plans and specifications for the proposed improvements for the making of Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02). Staff anticipates that the project will be constructed over a period of 2-3 years and in multiple phases.

The proposed project(s) benefit properties whose owners have not petitioned for the improvements. Therefore, in accordance with Minnesota Statutes Annotated, Chapter 429 governing the use of special assessments to finance public improvement projects, a Public Hearing will be required prior to Council action to order the improvements. The Public Hearing is proposed to be held on July 22, 2024.

Below is an outline of the proposed project schedule.



## City Council Communication

June 10, 2024

PROJECT SCHEDULE	
Activity	Date
Order Preliminary Engineer's Report	April 22, 2024
Receive Engineer's Report, Order Plans & Specs, and Call for a Public Hearing	June 10, 2024
Approve Plans & Specs and Authorize Ad for Bids for Phase 1	June 24, 2024
Receive Bids for Phase 1	July 17, 2024
Hold Public Hearing, Order Improvements, Declare Intent to Assess & Award Phase 1 Bid	July 22, 2024
Approve Plans & Specs and Award Bids for future phases	2025-2026
Anticipated Construction Schedule –	2024-2026
Hold Assessment Hearing	Fall 2026

### **FINANCIAL CONSIDERATIONS:**

The cost of the above requested actions is negligible at this time. The total project cost, including contingencies and fees, is preliminarily estimated at approximately \$15,000,000. This includes approximately \$13,000,000 for street & utility improvements and approximately \$2,000,000 for the sanitary lift station relocation improvements. The sanitary lift station relocation will be funded with Flood Damage Reduction Funds (\$2,000,000). It is proposed to finance the remainder of the project through the PIR Fund using a General Obligation Improvement Bond, and to assess the remaining cost of the street & utility project (\$13,000,000) to the benefiting properties in accordance with the City's Special Assessment Policy.

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager  
Bob Zimmerman, Engineering Director  
Tom Trowbridge, City Engineer  
Sylvia Lizotte, Office Specialist

**Attachments:** Draft Plat, Phasing Plan

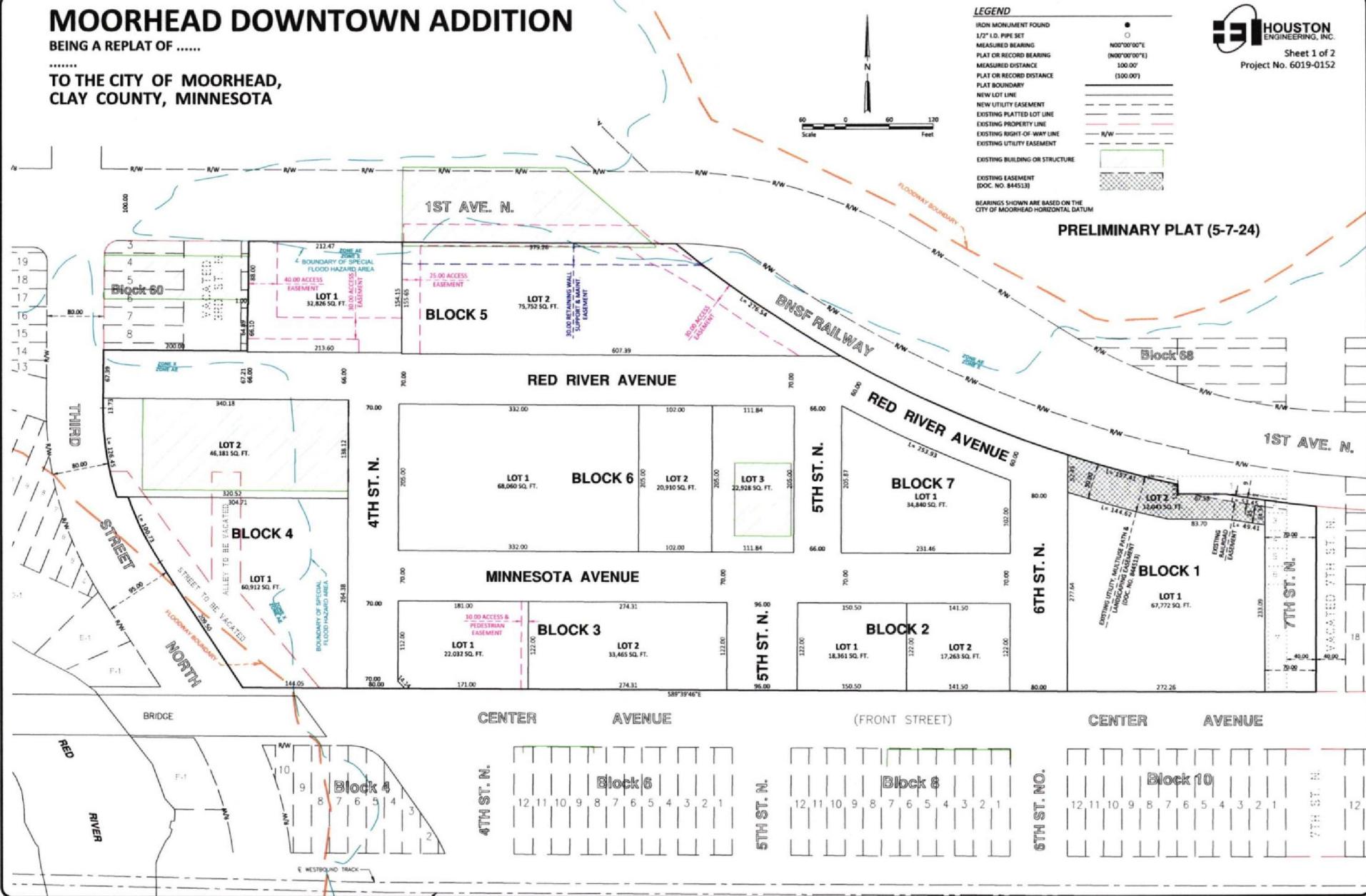
## MOORHEAD DOWNTOWN ADDITION

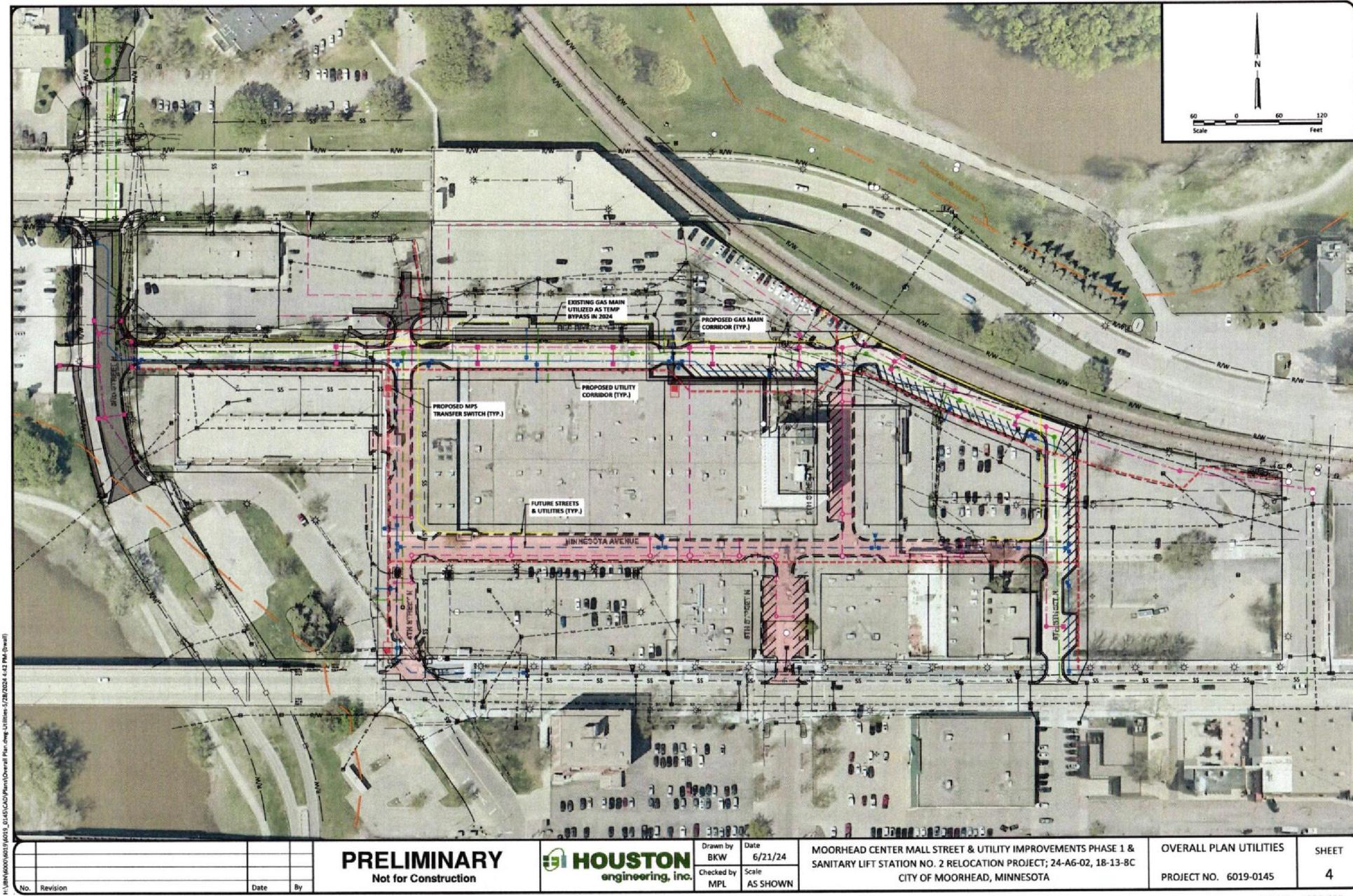
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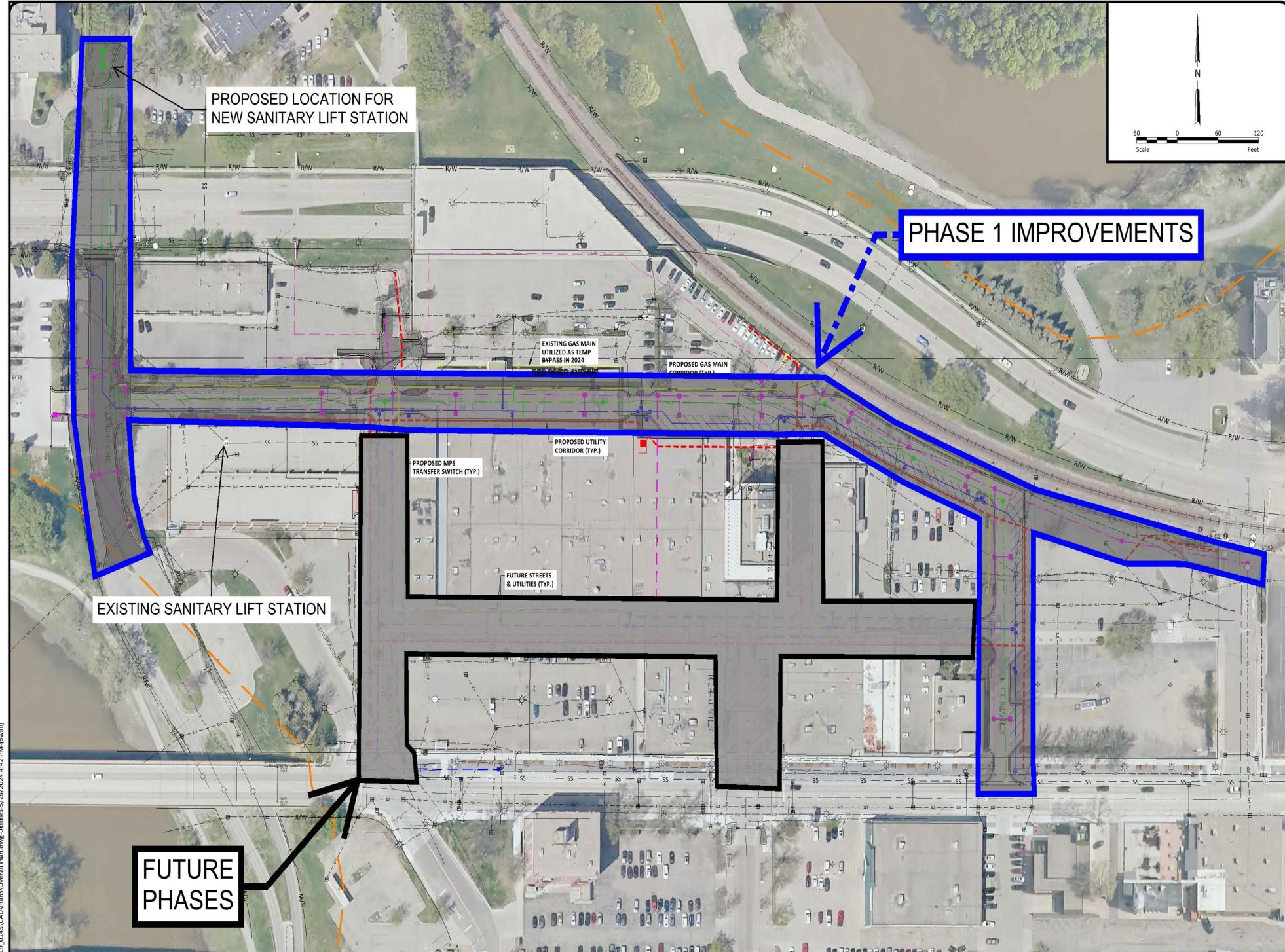
.....  
**TO THE CITY OF MOORHEAD,  
CLAY COUNTY, MINNESOTA**



Sheet 1 of 2  
Project No. 6019-0152







## **RESOLUTION**

### **Resolution to Receive Report, Order Preparation of Plans & Specifications and Call for a Public Hearing for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02)**

WHEREAS, pursuant to a resolution of the City Council dated April 22, 2024, staff has prepared a preliminary engineering report to consider the making of the Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02); and

WHEREAS, the preliminary engineering report finds that the proposed improvements are necessary, cost-effective and feasible, that they would best be completed by combining the improvements with the proposed flood mitigation project that will relocate Sanitary Lift Station #2 away from the development area into a single contract, and includes information on the estimated cost of the improvement as recommended, and a description of the methodology used to calculate individual assessments for affected parcels; and

WHEREAS, it has been determined that the proposed infrastructure improvements benefit the abutting properties who have not petitioned for the proposed improvements, and therefore a Public Hearing is recommended to be held before ordering the improvements; and

WHEREAS, the Council hereby determines that the preparation of plans and specifications and the receipt of bids will provide helpful information in determining the desirability and feasibility of the improvement in advance of the required Public Hearing.

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

1. The Council hereby receives the Preliminary Engineering Report for Moorhead Center Mall Redevelopment – Street & Utility Improvements (Eng. No. 24-A6-02). Such improvements are necessary, cost-effective, and feasible as detailed in the Preliminary Engineering Report, and would best be completed in connection with the proposed flood mitigation project to relocate Sanitary Lift Station #2.
2. The City Engineer is hereby designated as the engineer for this improvement, and plans and specifications for the making of such improvements shall be made under the supervision of the City Engineer.
3. A public hearing shall be held on such proposed improvement on the 22<sup>nd</sup> day of July, 2024, during the regularly scheduled Council Meeting in the auditorium of the Hjemkomst at 5:45 p.m., and the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

June 10, 2024

**SUBJECT:**

First Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a First Reading of Ordinance 2024-05: An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations.

**BACKGROUND/KEY POINTS:**

The Moorhead Park Advisory Board has been reviewing ordinances and procedures within the Parks Department and is recommending that we make updated language in various ordinances that need clarification and changes or additions to address the current situations within the Parks Department.

Proposed Ordinance Updates Include.

- Amend Section 3-9-2 & 3 Pools:
  - o This Ordinance currently identifies the responsibility of permitting, inspections, and suspension or revocation of permits as the responsibility of the City. In 2011 this responsibility transitioned to Clay County Public Health Environmental Services Division. Changes to this ordinance clean up that language.
    - o City-owned pools need to follow all County requirements and obtain an operator license.
    - o These changes have been reviewed with no corrections noted by the Clay County Health Inspector responsible for licensing the pools in Moorhead.
- Amend Section 5-5-2 Roller Skates, Roller Blades:
  - o Recommendation to amend the existing Ordinance to clean up outdated language on locations that are prohibited. This would remove references to being inside the Moorhead Center Mall or Mall entrances, and on tennis courts while adding language to reference a prohibition on private property without permission of the owner.
- Add Title 5, Chapter 6 regarding Bicycles, which would address Electric-Assisted Bicycles and Motorized Foot Scooters:
  - o This ordinance would outline rules for the operation of Bicycles, Electric-Assisted Bicycles, and Motorized Foot Scooters within the City.
  - o This ordinance follows Minnesota Stat. Section 169.011 that defines the use and identifies rules and regulations for the operation of Electric Assisted Bicycles and Motorized Foot Scooters. Included in this Statute is the ability for local control to set the operational



## City Council Communication

June 10, 2024

guidelines for use.

o The Park Advisory Board is recommending that use be allowed on the bicycle/pedestrian trails and should stay in the bike lanes when on the roadway. The Ordinance prohibits them on sidewalks unless parking them. Of note is that the Ordinance would allow a maximum speed of 15 mph while on the trails.

- Amend Section 6-1-3: Park Hours:

o Current language indicates the parks are open from 10 a.m. – 10 p.m. The request is to change this language to 6 a.m. to 10 p.m. to better reflect the use of the Parks.

o This will take a signage change in every park which will have a fiscal impact of \$1,500 with approximately \$800 for the signs and \$700 of staff time to change these out.

o Many cities in Minnesota state 6 a.m.–10 p.m. and others say dawn to 10 p.m. 10 p.m. seems to be the most common end time.

- Amend Section 6-1-4: Parks Rules and Regulations - Dog Park Rules:

o Current language indicates that Dangerous Dogs are not allowed to be in the Dog Park. This change would add clarifying language to the reference in the current Ordinance identifying how a dog is determined to be a “dangerous dog”. There is currently a process for a dog to be officially labeled as dangerous in City code section 3-7-13 Potentially Dangerous and Dangerous Dogs Designation.

o The cost to change the signs at the two dog parks is estimated to be \$500.

### **FINANCIAL CONSIDERATIONS:**

Anticipated cost to change signage for Park Hours is \$1,500 and to update the signs at the Dog Park would be \$500 cost for two new signs at the dog parks. Other costs include the cost to publish the ordinance changes in the official City Newspaper – The Extra as per process for public notification of ordinance changes.

**Voting Requirements:** Majority of Council

**Submitted By:**

Dan Mahli, City Manager

Holly Heitkamp, Parks and Recreation Director

Victoria Baas, Office Specialist

**Attachments:** Draft Ordinance 2004-05

## ORDINANCE 2024-05

### An Ordinance to Amend and Reenact City Codes Related to Updated Parks and Recreation Rules and Regulations.

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

SECTION 1: Title 3, Public Health and Sanitation, Chapter 9, Pools of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions have been omitted from the text below):

#### 3-9-2: PERMITS REQUIRED:

- B. No persons shall operate or maintain a public pool unless they have obtained a permit to operate such pool from the County. Only persons who comply with this chapter shall be entitled to receive and retain such a permit. Such permits are not transferable.
- C. All persons required by this chapter to obtain an annual permit to conduct, operate and maintain a public pool shall make application to the County in writing and shall pay the required permit fee.

#### 3-9-3: INSPECTIONS:

The County is authorized to conduct such inspections as it deems necessary to ensure compliance with all provisions of this chapter and any and all applicable Minnesota department of health regulations, as such regulations may be from time to time amended, supplemented or replaced, and shall have right of entry at any reasonable hour to the swimming pool for this purpose.

#### 3-9-4: DENIAL, SUSPENSION OR REVOCATION OF PERMITS:

The County may deny, suspend or revoke any permit defined in this chapter for failure to comply with the regulations or in the event the permit has been obtained through nondisclosure, misrepresentation or misstatement of a material fact in accordance with the provisions of section 2-1-10 of this code.

SECTION 2: Title 5, Motor Vehicles and Traffic, Chapter 5, Skateboards, Roller Skates, Roller Blades and In-Line Skates of the Moorhead Municipal Code is hereby amended and reenacted to read as follows:

#### 5-5-2: PROHIBITED ACTS:

It shall be unlawful for any person to ride or propel oneself upon a skateboard, roller skates, roller blades or in-line skates in any of the following circumstances:

- A. On any public or private parking ramp without the express written permission of the owner.
- B. On private property without permission of the owner.
- C. In any area within the city while being pushed, pulled or in any way propelled by any motorized vehicle or by a person on a bicycle.

SECTION 3: Title 5, Motor Vehicles and Traffic, Chapter 6, Bicycles, Electric-Assisted Bicycles and Motorized Foot Scooters of the Moorhead Municipal Code is hereby amended to read as follows:

## CHAPTER 6. BICYCLES, ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS.

#### 5-6-1 Scope

**5-6-2 Definitions**

5-6-3 Riding restrictions

5-6-4 Parking

5-6-5 Establishment of bicycle lanes and paths

5-6-6 Operation of bicycles, electric-assist bicycles and motorized foot scooters on bicycle lanes and paths.

**5-6-1. Scope**

State laws and the provisions of this chapter will govern the operation of bicycles, electric-assisted bicycles and motorized foot scooters upon any street, roadway, sidewalk, trail or public path.

**5-6-2 Definitions**

For the purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to by this Section:

**Bicycle.** A bicycle shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 4, as amended

**Bicycle lane.** A bicycle lane shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 5, as amended.

**Bicycle path.** A bicycle path shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 6, as amended.

**Electric-assisted bicycle** shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 27, as amended.

**Motorized foot scooter.** Motorized foot scooter shall have the same definition as provided in Minn. Stat. Section 169.011 Subd. 46, as amended.

**5-6-3 Riding Restrictions**

- A. No person shall ride a motorized foot scooter on any sidewalk, except when necessary to enter or leave adjacent property.
- B. No person shall ride a bicycle, electric-assisted bicycle or motorized foot scooter on any street, sidewalk, roadway, public path or public property where signs have been erected prohibiting bicycle, electric-assisted bicycle or motorized foot scooter riding.
- C. No person shall operate a bicycle, electric-assist bicycle, motorized foot scooter or wheeled recreational device at a speed greater than 15 miles per hour on any multi-use trail within the City.
- D. Except as prohibited by this section or state law, a person may ride a bicycle, electric assisted bicycle, or motorized foot scooter on any street, sidewalk, roadway, public path, or trail.

**5-6-4 Parking**

- A. No person shall park a bicycle, electric-assisted bicycle or motorized foot scooter upon a street, highway or alley other than at the edge of the developed portion of such street, highway or alley;
- B. No person shall park a bicycle, electric-assisted bicycle, or motorized foot scooter on a sidewalk other than in a bicycle rack or as near to the edge of the sidewalk as practicable so as to create the least possible obstruction to pedestrian traffic.

**5-5-5 Establishment of bicycle lanes and paths**

The council may, by resolution, establish bicycle lanes or bicycle paths in the city. Bicycle lanes shall be distinguished from the portion of the roadway to be used by motor vehicles by appropriate paint striping or other pavement markings, barriers or indicators and may, in addition, be designated by appropriate signing. Bicycle paths shall be designated by either appropriate signing or paint striping or other pavement markings or indicators.

**5-6-6 Operation of bicycles, electric-assist bicycles and motorized foot scooters on bicycle lanes and paths.**

- A. Where a combination bicycle-pedestrian path has been established, people riding bicycles, electric-assist bicycles and motorized foot scooters shall yield to the right-of-way to pedestrians;
- B. When a person is operating a bicycle, electric-assisted bicycle or motorized foot scooter within a bicycle lane he may overtake and pass motor vehicles operating on the traffic lane to the person's left;
- C. Whenever a bicycle lane or bicycle path is designated as one way only, no person shall operate a bicycle, electric-assisted bicycle or motorized foot scooter within such lane or path in other than the designated direction.

**SECTION 4: Title 6, Chapter 1, Public Parks of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions have been omitted from the text below):**

**6-1-3: PARK HOURS:**

The council will, by resolution, establish the hours of operation of city parks and will post the hours of use at the entrance to said parks in a conspicuous area. In the absence of such regulation, city parks will be open from six o'clock (6) A.M. to ten o'clock (10:00) P.M.

**6-1-4: PARK RULES AND REGULATIONS:**

E. Pets: Leashed pets are permitted in all city parks with the exception of Matson, and Centennial athletic complexes. Leashed pets are permitted at Southside Regional Park on the walking paths and areas not designated as athletic fields. Leashed pets, other than service animals, are not allowed on any athletic field at Southside Regional Park, including the Miracle Field.

In addition, no person shall allow any dog, cat or other pet animal to enter any building or shelter, unless under emergency circumstances, or permit any dog, cat or other such pet to be unrestrained. Dogs may be allowed to be off a leash, unrestrained, if in a city park designated specifically as a "dog park" with the following restrictions:

1. Dog owners assume all risk when using the park. Dog owners are liable for the actions of their dogs;
2. Dogs should have a collar, carry ID tags, be properly licensed, inoculated and in healthy condition;
3. Dogs shall be in the sight of their owners or handlers at all times;
4. No children under twelve (12) years of age are permitted in the fenced area. Children must be strictly supervised at all times;
5. Owners shall clean up after their dogs and repair any holes left by their dogs on park property;
6. Dogs shall be leashed before entering and prior to leaving the dog park;
7. Dogs shall be removed from the park at the first sign of aggressive behavior;
8. Each owner or handler shall be limited to a total of three (3) dogs per visit;
9. Smoking and eating is prohibited in the dog park;
10. Female dogs in heat, puppies less than four (4) months of age, and dogs with known aggressive behaviors are strictly prohibited from the park;

11. Violators will be subject to removal from the park and suspension of park privileges.
12. No dogs officially designated as dangerous or potentially dangerous as outlined in Title 3-7-13 are allowed in the dog park.
13. Dogs left unattended are subject to impound.

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

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk

First Reading: 06/10/2024

E-Post:

Second Reading:

Publication:



## City Council Communication

June 10, 2024

**SUBJECT:**

Resolution to Accept a Donation and Transfer Ownership from the Fargo Moorhead Rotary Foundation of the Rotary Natural Play Hill & Bike Park at 600 1st Ave North

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to accept a donation and transfer the ownership of the Rotary Natural Play Hill & Bike Park at 600 1st Ave North to the City of Moorhead.

**BACKGROUND/KEY POINTS:**

The FM Rotary Foundation approached the City of Moorhead in September of 2019 wanting to construct a natural playground near the downtown area of Moorhead. Several locations were discussed and Riverfront Park was determined to be best option.

Project History:

- October 16, 2019 Heather Ranck, Project Lead with the Rotary, submitted a letter of intent to the City Manager.
- November of 2019: The Park Advisory Board was briefed on the project and made a unanimous recommendation for approval to the Moorhead City Council.
- January of 2020: The City Council approved this project for inclusion into the Community Improvement Capital Projects with a location of Riverfront Park.
- 2020 – 2024: The Rotary worked to raise the necessary funds, project design, and execution with consultation from City staff. Professional architects and engineers were secured by the Rotary to assist in this process.
- July 2022: The Planning Commission and Council approved a Conditional Use Permit to build this playground within the FEMA Floodplain.
- July 2022: The Rotary enters into an agreement for a “bridge loan” with the city to cover the multi-year pledges over five years if needed. There has been no draw on this loan currently.
- June 10, 2024: The Rotary has submitted a letter to City Officials stating their desire to donate the equipment and turn over ownership of the project to the city. Council being asked to approve accepting the donation and transferring ownership to the City of Moorhead as of June 20, 2024.
- June 20, 2024: There will be a ribbon cutting event opening the playground for use.

This project is an example of a successful public/private partnership. Now that the playground is constructed, it is being gifted to the City of Moorhead. This type of partnership with the FM Rotary Foundation was also successful in building the Miracle Field at Southside Regional Park.

The City will take over ownership and insure the property on June 20, 2024. There is still minor work to be completed.



## City Council Communication

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June 10, 2024

**FINANCIAL CONSIDERATIONS:**

As the City takes ownership, it will provide insurance for the playground and take responsibility for future maintenance.

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

**Submitted By:**

Dan Mahli, City Manager

Holly Heitkamp, Parks and Recreation Director

Victoria Baas, Office Specialist

**Attachments:** Letter from FM Rotary Foundation



**FM Rotary Foundation  
P.O. Box 684  
Fargo, ND 58107-0684**

June 10, 2024

City of Moorhead  
Attn: City Manager Dan Mahli  
500 Center Ave  
Moorhead, MN 56560

Dear City Manager Mahli, Moorhead City Council and Park Board Members,

The FM Rotary Foundation supported by the 5 Fargo Moorhead Rotary Clubs is pleased to announce that the Rotary Natural Play Hill & Bike Park is substantially complete, and the equipment is ready to be donated to the City of Moorhead.

With this donation, the City will take over the ownership and maintenance of the site as of June 20<sup>th</sup>, 2024 at the Ribbon Cutting Event.

To complete this project, approximately \$1.2 million dollars was raised by the Rotary Clubs to bring this unique play area to the Fargo Moorhead Region.

Sincerely,

  
Jean Hannig  
President, FM Rotary Foundation

## RESOLUTION

### **Resolution to Accept a Donation and Transfer Ownership from the Fargo Moorhead Rotary Foundation of the Rotary Natural Play Hill & Bike Park at 600 1st Ave North**

WHEREAS, In 2019 representatives from the Fargo Moorhead Rotary Foundation approached the City wanting to fundraise and build a Natural Playground & Bike Park in the downtown area; and

WHEREAS, the FM Rotary continues to fundraise, plan and build the Natural Playground from 2020 – 2024 with completion expected by June 20, 2024; and

WHEREAS, with the completion of the project, the FM Rotary desires to donate the Natural Playground valued at \$1.2 million dollars to the City of Moorhead for ownership and ongoing operations and maintenance; and

WHEREAS, under Minnesota Statute, a resolution accepting the donation must be approved by members of the City Council; and

WHEREAS, the City will retain the name as the Rotary Natural Playground & Bike Park; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby accept the donation from the FM Rotary Foundation of the Rotary Natural Play Hill & Bike Park and will take over the ownership operation and maintenance as of June 20, 2024.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

May 13, 2024

**SUBJECT:**

First Reading of Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a First Reading of Ordinance 2024-04: An Ordinance to Amend and Reenact Title 10, Chapter 2: Definitions, Title 10, Chapter 18, Section 3: Accessory Buildings, Uses And Equipment, Title 10, Chapter 18, Section 4: Nonconforming Lots, Buildings, Structures And Uses, Title 10, Chapter 19, Section 8: Outside Storage, Residential, Commercial and Industrial Uses and Title 10, Chapter 19, Section 12: Allowed Extensions Into Required Setbacks.

**BACKGROUND/KEY POINTS:**

As with the recent changes made to the Residential Zoning Districts, the next step in the Onward Moorhead Comprehensive Plan implementation process is to make additional complimentary zoning code updates to Accessory Buildings, Equipment and Uses. These changes will modernize and clarify code language and make corresponding changes to recent Residential Zoning District changes (current and proposed tables attached).

The main proposed changes are:

1. In the new RLD-1 district (Oakport and Americana Estates annexation areas), adjustments were made to shed/garage size limits in relation to lot sizes. The new code will still permit extra allowances for lots over  $\frac{1}{2}$  acre, but lots less than a  $\frac{1}{2}$  acre will be treated the same as other Moorhead residential lots where the accessory size is limited to house footprint.
2. Simplification of how we measure structure heights. In the old code, we required grade to peak measurements for accessory structures and grade to average roof line measurements for principal structures, which can be difficult for homeowners to ascertain. Due to the volume of requests, we will simplify this process by requiring sidewall height measurements instead of roof height measurements.
3. Clarification of new setbacks for attached and detached structures based on new residential setbacks.

The Planning Commission reviewed the proposed amendments at their May 5, 2024 meeting and unanimously recommend approval of the proposed zoning changes with no public comment. The complete Planning Commission packet is available at:

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



## City Council Communication

May 13, 2024

Since the Planning Commission meeting, staff added the following change:

1. Under the old code, all properties, despite the size of the house footprint or parcel size, could have at least 800 sf of accessory space. Typically, this area is taken up by 2-3 car garages with no accessory area leftover for a storage shed. We have received many complaints as to why residents cannot have sheds.

The proposed code would allow every property to have at least one garage (800 sf or less) and at least one shed (200 sf or less) as long as other zoning requirements could be met (e.g., impervious surface maximums). Larger homes would still be permitted to have more garage-shed area based on their house footprint and parcel size but this change would serve the smaller homes on smaller lots in older neighborhoods.

Councilmember Seljevold had previously inquired about the addition of permitting Accessory Dwelling Units (ADUs). We are currently studying how the addition of 1-person ADUs would impact our sanitary sewer service district. Once we have those results, we will bring back to City Council for further discussion.

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Council

**Submitted By:**

Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

**Attachments:** Current & Proposed Zoning – Accessory Buildings, Structures, Equipment and Uses  
Draft Ordinance 2024-04





Proposed Accessory Structure Code	RLD-1 (Oakport & Americana Estates Annexation areas)			All 1F, 2F, 3F on indiv lots in other Residential	All 1F, 2F, 3F on indiv lots in MU	All Apartments or Cluster Developments in Residential & MU	Commercial Uses in Mixed Use; Institutional, Commercial & Industrial								
	less than 21,780 sf (1/2 acre)	21,780 sf (1/2 acre) - 2 acres	over 2 acres												
<b>Accessory Floor Area Limit</b>	Up to principal structure total footprint or 800 sf, whichever is greater					no more than 50% of gross floor area of PS									
<b>Accessory Floor Area Limit Exceptions</b>	at least (1)shed - 200 sf or less	500 sf	1000 sf or more by CUP	at least (1)shed - 200 sf or less		no exception									
<b>Number of Accessories permitted</b>	2	3	4 or more by CUP	2		no more than 50% of gross floor area of PS									
<b>Maximum Accessory Height<sup>1</sup></b>	side walls no higher than 12 ft or height of principal structure side wall, whichever is greater <sup>2</sup>		side walls no higher than 12 ft or height of principal structure side wall, whichever is greater <sup>3</sup> except by CUP	1F & 2F: side walls limited to 12 ft or height of principal structure side wall, whichever is greater <sup>3</sup> TH/RH/stacked duplex/triplex: sidewalls limited to 15 ft or height of principal structure side wall, whichever is less		sidewalls limited to 15 ft or height of principal structure side wall, whichever is less	no higher than PS								
<b>Maximum Impervious Coverage</b>	35%		35-60%	70%	35-60-70%	70% (MU2) - 85%(RC&CC) - 100% (LI & HI)									
<b>Architectural detailing and fenestration required.</b> <b>Architectural design and orientation review by Zoning Administrator required</b>	over 1000 sf footprint and/or wall length in excess of 30 ft														
<b>Accessory Setbacks<sup>4</sup></b>	<b>Attached</b>														
Front Yard	Not permitted unless attached garage then 30			Not permitted unless attached garage then 20 or 25 <sup>5</sup>		Same as PS or 25 if OH door faces street; zero setback entry permitted for at-grade or underground parking OH doors									
Rear Yard	30			20 or 25 <sup>5</sup>	0-5-10-20 or 25 <sup>5</sup>										
Interior Side Yard	10			5	0-5	Same as PS									
Street Side Yard	15 or 25 <sup>5</sup>			12 or 25 <sup>5</sup>	0-5-10-20 or 25 <sup>5</sup>	Same as PS or 25 if OH door faces street; zero setback entry permitted for underground parking OH door									
<b>Detached</b>															
Front Yard	Not permitted in front of principal structure façade except for guard, dispatch, security or gate houses, which require at least 10 ft Front & Side setback.														
Rear Yard	3-5-15-25 <sup>6</sup>					3-10-15-25 <sup>6</sup>									
Interior Side Yard	3-15-25 <sup>6</sup>					3-10-15	10								
Street Side Yard - 200 sf or less						3									
Street Side Yard - over than 200 sf	15 or 25 <sup>5</sup>			12 or 25 <sup>5</sup>		10 or 25 <sup>5</sup>	10 or 25 <sup>5</sup>								
<b>Permitted Accessory Appendage Extension into Setbacks</b>	Chimneys, sills, eaves, gutters, balconies, decks, open porches/stoops/entryways, open fire balconies/fire escapes, window wells and stairs/steps														
Front Yard	15				Per Building Code										
Rear Yard	at least 2														
Interior Side Yard	7														
<b>Solar &amp; Wind Energy Systems (ground-mounted) including battery storage</b>															
Front Yard	Not permitted in front of principal structure façade														
Rear Yard	10					Per Building Code									
Interior Side Yard															
Street Side Yard															
<b>Walks, utilities (other than heating &amp; cooling equipment), landscaping and garden structures, fences, private recreation structures (except swimming pools, hot tubs &amp; ice rinks) and accessibility ramps</b>															
Front Yard	0				Per Building Code										
Rear Yard															
Interior Side Yard															
<b>Heating &amp; cooling equipment including wood boilers &amp; geothermal above-ground equipment and satellite dishes less than 40 in wide</b>															
Front Yard	Not permitted in front of principal structure façade. If HVAC equipment can only be placed in front yard, zoning administrator may allow if screening can be provided.					Per Building Code									
Rear Yard	0 (product specifications for clearance should be verified by property owner)														
Interior Side Yard															
Street Side Yard															
<b>Swimming pools, hot tubs and ice rinks</b>															
Front Yard	Not permitted in front of principal structure façade				Per Building Code										
Rear Yard															
Interior Side Yard															
Street Side Yard															
<b>Notes</b>															
<sup>1</sup> WHERE OVERHEAD DOORS FACE STREETS: For attached or detached garages and other buildings with OH doors, if a garage overhead door faces a street, the front, rear or street side yard setback is 25 ft to provide adequate driveway depth to prevent vehicles overhanging onto sidewalk or boulevard.															
<sup>2</sup> ACCESSORY SETBACKS: 3 ft - zoning/alley setback; 5 ft - non-fire-rated structures over 200 sf; 15 ft - structures over 576 sf in floodplain; additional 1 ft setback for every 2 ft over 10 ft in structure height; MU, Mixed Use, Institutional, Commercial & Industrial setbacks must also provide room for screening to residential properties (see 10-19-18, Screening & Buffering for residential properties).															
<sup>3</sup> ACCESSORY STRUCTURE HEIGHT - the vertical distance measured from the grade plane to the base of a primary sidewall roof truss (i.e., dormers and other additions cannot be used in height determination). The accessory roof pitch shall be similar to that of the principal structure or Zoning Administrator approval required.															
ACCESSORY DEFINITION: Accessory Building, Structure, Equipment or Use = A subordinate building, structure or use which is located on the same lot as the principal building or use and which is incidental to the conduct of the principal use. Includes attached & detached garages, sheds, etc															
ACCESSORY EXEMPTIONS: Accessory Structures that do not count toward accessory number limits but may be subject to maximum impervious coverage = gazebos, outdoor living room, pool & pool enclosure, green houses, chicken coops, kennels/runs, hot tubs.															
ACCESSORY BUILDING PERMIT: Accessory Structures in excess of 200 sf require a building permit, permanent foundation and shall be constructed of durable like materials as the principal structure.															
EASEMENTS: Accessory buildings or structures, other than fencing, may not be placed in easements.															
ACCESSORY MATERIALS: Accessory buildings or structures shall be comprised of materials and colors customarily used on dwellings. Temporary accessory structures utilizing non-durable materials (e.g. cloth, nylon, tarps, etc) are prohibited.															
CARPENTS: Only permanent carports, with 2 or more sides open and made of durable materials, are permitted if they meet Building Code (e.g. must be anchored).															
ANCHORING: All accessory structures must be anchored to the ground to prevent movement during wind storms															
ACCESSORY BUILDINGS, STRUCTURES, EQUIPMENT OR USES ON THEIR OWN PARCELS - Not permitted on a parcel without Principal Building or Use															
TEMPORARY STORAGE: containers like moving pods or shipping containers are not subject to 10-18-3 but are subject to 10-19-8.															
PERMANENT STORAGE: Shipping containers are subject to 10-18-3 and may only be used as permanent storage if:															
1. May not be visible from public streets.															
2. Not permitted in Mixed Use Districts 1 or 2 or Gateway Overlay area (i.e., I-94, Hwy 10, Hwy 75, Main Avenue SE, 34th St S).															
3. Installation must meet Building Code (e.g., must be placed on paved surface)															
4. Must be camouflaged by either painting the same color as principal structure or by adding similar materials of principal structure (e.g., siding).															

## ORDINANCE 2024-04

### AN ORDINANCE TO AMEND AND REENACT TITLE 10, CHAPTER 2: DEFINITIONS, TITLE 10, CHAPTER 18, SECTION 3: ACCESSORY BUILDINGS, USES AND EQUIPMENT, TITLE 10, CHAPTER 18, SECTION 4: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES, TITLE 10, CHAPTER 19, SECTION 8: OUTSIDE STORAGE, RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES AND TITLE 10, CHAPTER 19, SECTION 12: ALLOWED EXTENSIONS INTO REQUIRED SETBACKS

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

NEW      DELETE

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

#### 10-2-2: DEFINITIONS:

...  
HEIGHT, ACCESSORY BUILDING OR STRUCTURE: The vertical distance measured from the grade plane to the base of a primary side wall roof truss.

...  
CARPORT: A permanent roofed accessory structure designed for housing passenger vehicles open on at least one two sides and anchored into pavement.

...

SECTION 2. Title 10, Chapter 18, Section 3 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows:

#### 10-18-3: ACCESSORY BUILDINGS, STRUCTURES, EQUIPMENT AND USES AND EQUIPMENT:

A. Farm Operations: Farm operations are exempt from the requirements of this section. (Ord. 2012-2, 2-27-2012)

B. Single Family, Two Family Uses And Townhomes:

1. Location: No accessory use, building, structure or equipment will be allowed within a required front yard, except as allowed in subsection 10-19-12A2 of this title. With the exception of an attached garage or driveway, no accessory building, structure, use or equipment may be placed in a front yard.

2. Floor Area: Total square footage of all garages, detached and attached, and other accessory buildings shall not exceed the ground coverage of the dwelling, except that any dwelling may have up to eight hundred (800) square feet. Accessory buildings over one thousand three hundred (1,300) square feet require approval of the zoning administrator for architectural design and orientation.

3. Exception: In the residential low density-0 district:

(1) For lots which are less than forty three thousand five hundred sixty (43,560) square feet, the maximum building area of the sum of all accessory structures shall be limited to the sum of the ground cover of the dwelling plus an additional six hundred eighty (680) square feet.

(2) For lots which are forty three thousand five hundred sixty (43,560) square feet or greater in size, the maximum building area of the sum of all accessory structures shall be limited to the sum of the ground cover of the dwelling plus an additional one thousand five hundred (1,500) square feet. Accessory structures with wall in excess of thirty feet (30') in length must contain fenestration and/or architectural detailing to create visual interest.

(3) Lots within the RLD-0 district may exceed the standards noted above by obtaining a conditional use permit.

3. Number: Lots may have up to two (2) accessory buildings, including attached garages, detached garages and storage sheds. (Ord. 2014-15, 8-25-2014)

a. Exception: In the residential low density-0 district, lots less than five (5) acres in area may have up to three (3) accessory buildings and lots with five (5) acres in area or more may have up to four (4) accessory

~~buildings, including attached garages, detached garages and storage sheds. Lots five (5) acres in area or more may exceed the standards noted above by obtaining a conditional use permit. (Ord. 2015-18, 8-24-2015)~~

~~4. Exemptions: Buildings such as gazebos, outdoor living rooms and pool enclosures may be constructed in addition to garages, storage sheds, tool and hobby sheds, but subject to the lot coverage requirements for the district in which they are located. (Ord. 2014-15, 8-25-2014)~~

~~5. Permit Required: All accessory buildings in excess of two hundred (200) square feet require a building permit, shall be placed upon a permanent foundation and shall be constructed of like materials as the primary structure. (Ord. 2016-13, 7-25-2016)~~

~~6. Required Setbacks: Accessory uses shall be set back from property lines as required within the zoning districts and according to the following:~~

~~a. Any accessory building or structure, with the exception of fences, must be a minimum of three feet (3') from any property line and a minimum of twelve feet (12') from any property line when abutting a street right of way. For private garages adjacent to an alley, accessory buildings may encroach into the required rear yard setbacks to be within three feet (3') from any property line, except that no such encroachment may occur in a required side yard setback abutting a street.~~

~~b. Accessory buildings and structures shall be set back an additional one foot (1') for every two feet (2') the wall height exceeds ten feet (10').~~

~~7. Temporary Storage: Temporary, portable outside storage containers and roll-off dumpsters regulated by section 10-19-8 of this title are exempt from the requirements of this section. (Ord. 2014-15, 8-25-2014)~~

~~C. Uses Other Than Single-Family, Two-Family And Townhomes:~~

~~1. Location: No accessory use, building, structure or equipment will be allowed within a required front yard.~~

~~2. Floor Area: For uses other than single-family and two-family dwellings, garages, storage or similar buildings may not exceed fifty percent (50%) of the gross floor area of the principal buildings.~~

~~3. Setback Requirements: Accessory uses shall be set back from property lines as required within the zoning districts and according to the following:~~

~~a. Any accessory building or structure, with the exception of fences, must be a minimum of three feet (3') from any property line and a minimum of twelve feet (12') from any property line when abutting a street right of way. For private garages adjacent to an alley, accessory buildings may encroach into the required side and rear yard setbacks to be within three feet (3') from any property line, except that no such encroachment may occur in a required side yard setback abutting a street.~~

~~b. Setbacks shall be of sufficient size to accommodate buffering as required by section 10-19-18 of this title.~~

~~4. Temporary Storage: Temporary, portable outside storage containers and roll-off dumpsters regulated by section 10-19-8 of this title are exempt from the requirements of this section.~~

~~D. Height Limitations: Except as otherwise noted herein, "building height" for purposes of this section shall mean the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building.~~

~~1. Accessory building of one hundred twenty (120) square feet or more in total area shall not exceed the height of any principal structure on the same lot. Required setbacks shall increase by one foot (1') for every two feet (2') of wall height over ten feet (10').~~

~~2. On residential district lots, accessory buildings that are less than one hundred twenty (120) square feet in total area shall be limited to twelve feet (12') in height. (Ord. 2012-2, 2-27-2012)~~

A. Residential

1. Single-Family on Individual Lots in RLD-1

Accessory Structures, Equipment	Buildings, Equipment	RLD-1			
		Parcels less than 21,780 sf (1/2 acre)	Parcels over 21,780 sf (1/2 acre) to 87,120 sf (2 acres)	Parcels over 87,120 sf (2 acres)	
<b>Floor Area Limit</b>		Up to principal structure total footprint or 800 sf, whichever is greater			
		At least (1) shed - 200 sf or less	Additional 500 sf total floor area	Additional 1,000 sf total floor area - Additional area may be requested by CUP	

<b>Number Permitted<sup>3</sup></b>	2	3	4 – Additional structures may be requested by CUP
<b>Maximum Height</b>	Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater	Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater	Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater. Additional height may be requested by CUP.
<b>Architectural Detailing &amp; Fenestration Required. Design &amp; Orientation reviewed and approved by Zoning Administrator</b>	Structures over 1,000 sf and/or wall length over 30 ft		
<b>Attached Setbacks<sup>1</sup></b>			
<b>Front Yard</b>	30 ft		
<b>Rear Yard</b>	30 ft		
<b>Interior Side Yard</b>	10 ft		
<b>Street Side Yard</b>	15 ft 25 ft - if overhead garage door faces street		
<b>Detached Setbacks<sup>2</sup> – 200 sf or less</b>			
<b>Front Yard</b>	Not permitted beyond front façade of principal structure		
<b>Rear Yard</b>	3 ft 3 ft - adjacent to alley 25 ft – if overhead garage door faces street		
<b>Interior Side Yard</b>	3 ft		
<b>Street Side Yard</b>	15 ft		
<b>Detached Setbacks<sup>2</sup> – over 200 sf (Building Permit required)</b>			
<b>Front Yard</b>	Not permitted beyond front façade of principal structure		
<b>Rear Yard</b>	3 ft – if fire-rated walls face property line 3 ft – adjacent to alley 5 ft – if non-fire-rated walls face property line 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street		
<b>Interior Side Yard</b>	3 ft 15 ft – structures over 576 sf in Flood Fringe		
<b>Street Side Yard</b>	15 ft 25 ft – if overhead garage door faces street		

## 2. Single-Family, Two-Family and Three-Family on Individual Lots in RLD-2 and RLD-3

<b>Accessory Buildings, Structures, Equipment and Uses</b>	<b>RLD-2 &amp; RLD-3</b>
<b>Floor Area Limit</b>	Up to principal structure total footprint or 800 sf, whichever is greater
<b>Floor Area Exceptions</b>	At least (1) shed – 200 sf or less
<b>Number Permitted<sup>3</sup></b>	2
<b>Maximum Height</b>	Single & Two-Family - Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater Townhome/Rowhome/stacked Duplex or Triplex - Side walls no higher than 15 ft or height of principal structure side walls, whichever is less
<b>Architectural Detailing &amp; Fenestration Required. Design &amp; Orientation reviewed and approved by Zoning Administrator</b>	Structures over 1,000 sf and/or wall length over 30 ft
<b>Attached Setbacks<sup>1</sup></b>	
<b>Front Yard</b>	20 ft 25 ft – if overhead garage door faces street

<b>Rear Yard</b>	20 ft 25 ft – if overhead garage door faces street
<b>Interior Side Yard</b>	5 ft
<b>Street Side Yard</b>	12 ft 25 ft – if overhead garage door faces street
<b>Detached Setbacks<sup>2</sup> – 200 sf or less</b>	
<b>Front Yard</b>	Not permitted beyond front façade of principal structure
<b>Rear Yard</b>	3 ft 3 ft – adjacent to alley 25 ft – if overhead garage door faces street
<b>Interior Side Yard</b>	3 ft
<b>Street Side Yard</b>	3 ft
<b>Detached Setbacks<sup>2</sup> – over 200 sf (Building Permit required)</b>	
<b>Front Yard</b>	Not permitted beyond front façade of principal structure
<b>Rear Yard</b>	3 ft – if fire-rated walls face property line 3 ft – adjacent to alley 5 ft – if non-fire-rated walls face property line 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street
<b>Interior Side Yard</b>	3 ft 15 ft – structures over 576 sf in Flood Fringe
<b>Street Side Yard</b>	12 ft 25 ft – if overhead garage door faces street

### 3. Single-Family, Two-Family and Three-Family on Individual Lots in Mixed Use Districts

<b>Accessory Structures, Equipment and Uses</b>	<b>Buildings, Equipment</b>	<b>Mixed Use</b>
<b>Floor Area Limit</b>	Up to principal structure total footprint or 800 sf, whichever is greater	
<b>Floor Area Exceptions</b>	At least (1) shed – 200 sf or less	
<b>Number Permitted<sup>3</sup></b>	2	
<b>Maximum Height</b>	Single & Two- Family - Side walls no higher than 12 ft or height of principal structure side walls, whichever is greater Townhome/Rowhome/stacked Duplex or Triplex - Side walls no higher than 15 ft or height of principal structure side walls, whichever is less	
<b>Architectural Detailing &amp; Fenestration Required. Design &amp; Orientation reviewed and approved by Zoning Administrator</b>	Structures over 1,000 sf and/or wall length over 30 ft	
<b>Attached Setbacks<sup>1</sup></b>		
<b>Front Yard</b>	0 ft – MU-1 5 ft – MU-3 10 ft – MU-2 25 ft – if overhead garage door faces street	
<b>Rear Yard</b>	0 ft – MU-1 0 ft – MU-3 – adjacent to Commercial, Industrial, Mixed Use, public street 3 ft – MU-1, MU-2, MU-3 – adjacent to alley 10 ft – MU-3 – adjacent to residential zoning district 10 ft – MU-2 25 ft – if overhead garage door faces street	
<b>Interior Side Yard</b>	0 ft – MU-1 0 ft – MU-2, MU-3 – adjacent to Commercial, Industrial, Mixed Use 3 ft – MU-1, MU-2, MU-3 – adjacent to alley 5 ft – MU-2, MU-3 – adjacent to residential zoning district 5 ft – MU-2 – adjacent to public street	
<b>Street Side Yard</b>	0 ft – MU-1	

	5 ft – MU-2, MU-3 25 ft – if overhead garage door faces street
<b>Detached Setbacks<sup>2</sup> – 200 sf or less</b>	
<b>Front Yard</b>	Not permitted beyond front façade of principal structure
<b>Rear Yard</b>	3 ft 3 ft - adjacent to alley 25 ft – if overhead garage door faces street
<b>Interior Side Yard</b>	3 ft
<b>Street Side Yard</b>	3 ft
<b>Detached Setbacks<sup>2</sup> – over 200 sf (Building Permit required)</b>	
<b>Front Yard</b>	Not permitted beyond front façade of principal structure
<b>Rear Yard</b>	3 ft – if fire-rated walls face property line 3 ft – adjacent to alley 5 ft – if non-fire-rated walls face property line 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street
<b>Interior Side Yard</b>	3 ft 15 ft – structures over 576 sf in Flood Fringe
<b>Street Side Yard</b>	12 ft 25 ft – if overhead garage door faces street

#### 4. Multi-Family and Cluster Developments in Residential and Mixed Use Districts

<b>Accessory Structures, Equipment and Uses</b>	<b>Buildings, Equipment</b>	<b>Mixed Use</b>
<b>Floor Area Limit</b>		No more than 50% of gross floor area of principal structure
<b>Floor Area Exceptions</b>		None
<b>Number Permitted</b>		No more than 50% of gross floor area of principal structure
<b>Maximum Height</b>		Side walls no higher than 15 ft or height of principal structure side walls, whichever is less
<b>Architectural Detailing &amp; Fenestration Required. Design &amp; Orientation reviewed and approved by Zoning Administrator</b>		Structures over 1,000 sf and/or wall length over 30 ft
<b>Attached Setbacks<sup>1</sup></b>		
<b>Front, Rear, Street &amp; Interior Side Yard</b>		Same as principal structure
<b>Detached Setbacks<sup>2</sup> – 200 sf or less</b>		
<b>Front Yard</b>		Not permitted beyond front façade of principal structure
<b>Rear Yard</b>		3 ft 3 ft - adjacent to alley
<b>Interior Side Yard</b>		3 ft
<b>Street Side Yard</b>		3 ft
<b>Detached Setbacks<sup>2</sup> – over 200 sf (Building Permit required)</b>		
<b>Front Yard</b>		Not permitted beyond front façade of principal structure
<b>Rear Yard</b>		10 ft 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street
<b>Interior Side Yard</b>		10 ft 15 ft – structures over 576 sf in Flood Fringe
<b>Street Side Yard</b>		10 ft 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street

#### 1. Commercial Uses in Mixed Use Districts and Institutional, Commercial and Industrial Districts

<b>Accessory Structures, Equipment and Uses</b>	<b>Buildings, Equipment</b>	<b>Commercial Uses in Mixed Use Districts and Institutional, Commercial and Industrial Districts</b>
<b>Floor Area Limit</b>		No more than 50% of gross floor area of principal structure
<b>Floor Area Exceptions</b>		None
<b>Number Permitted</b>		No more than 50% of gross floor area of principal structure
<b>Maximum Height</b>		No higher than principal structure
<b>Architectural Detailing &amp; Fenestration Required. Design &amp; Orientation reviewed and approved by Zoning Administrator</b>		Structures over 1,000 sf and/or wall length over 30 ft
<b>Attached Setbacks<sup>1</sup></b>		
<b>Front, Rear, Street &amp; Interior Side Yard</b>		Same as principal structure or 25 ft - if overhead door faces street. Zero setback entry permitted for at-grade or underground parking overhead doors
<b>Detached Setbacks<sup>2</sup> – 200 sf or less</b>		
<b>Front Yard</b>		Not permitted beyond front façade of principal structure
<b>Rear, Interior and Street Side Yard</b>		10 ft 25 ft - if overhead door faces street
<b>Detached Setbacks<sup>2</sup> – over 200 sf (Building Permit required)</b>		
<b>Front Yard</b>		Not permitted beyond front façade of principal structure
<b>Rear, Interior of Street Side Yard</b>		10 ft 15 ft – structures over 576 sf in Flood Fringe 25 ft – if overhead garage door faces street

## 5. Notes

1. Overhead Doors: For attached and detached accessory structures that face a street, the front, rear or street side yard setback is 25 ft to provide adequate driveway depth to prevent vehicles overhanging a sidewalk or boulevard.
2. Accessory Setbacks:
  - i. Single-Family, Two-Family and Three-Family on Individual Lots in Residential and Mixed Use Districts: An additional 1 ft setback is required for every 2 ft over 10 ft in accessory structure height.
  - ii. Commercial Uses in Mixed Use Districts and Institutional, Commercial and Industrial Districts: Additional setback area must be provided to meet screening requirements for adjacent residential properties (see 10-19-18).
3. Accessory Number Limit Exemptions: The following and the like, as determined by the zoning administrator, do not count toward accessory number limits but are subject to maximum impervious requirements: gazebos, outdoor living rooms, pools, hot tubs and pool enclosures, green houses, chicken coops and kennels/runs.
4. Building Permit required for accessory structure over 200 sf.
5. Easements: Accessory buildings, structures and equipment are not permitted within recorded easements.
6. Materials:
  - i. Residential Districts and Residential uses in Mixed Use Districts - Shall be compromised of materials and colors customarily used on dwellings.
  - ii. Commercial Uses in Mixed Use Districts, and Institutional, Commercial and Industrial Districts - Shall be compromised of materials and colors similar to principal structure.
  - iii. Non-durable materials, such as, but not limited to, cloth, nylon, plastic tarps, are prohibited.
7. Carports: only permanent carports with two (2) or more open sides and made of durable materials are permitted if Building Code standards met (e.g., anchored into pavement).
8. Anchoring: All accessory structures, regardless of size, must be anchored to prevent movement during windstorms. Product specification should be verified by property owner

9. Temporary storage units and construction job trailers are not subject to this section but are subject 10-19-8.
10. Accessory buildings, structures, equipment or uses are not permitted on a parcel without a principal structure, building or use.

SECTION 3. Title 10, Chapter 18, Section 4 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

#### **10-18-4: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES:**

14. Existing lots cannot be made nonconforming: No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this title, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided for any building or structure shall be included as part of any open space required for another structure.

15. Additions to nonconforming structures permitted: If a lawfully established structure, which because of a change in the setback requirements over time, is not in conformance with the current requirements, an addition may be made, even if the addition violates the current setback requirements, provided that:

- a. The addition does not encroach across a property line.
- b. The addition does not extend into the applicable nonconforming yard requirement greater than the existing nonconforming structure.
- c. The addition must meet other current zoning requirements including other setbacks .

14 16. Additional standards for floodway and flood fringe overlay districts:

SECTION 4. Title 10, Chapter 19, Section 8 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

#### **10-19-8, OUTSIDE STORAGE, RESIDENTIAL, COMMERCIAL AND INDUSTRIAL USES**

SECTION 3. Title 10, Chapter 19, Section 8 of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

- A. In residentially residential and institutional zoning district areas, the following provisions shall apply:  
...  
- 4. Temporary Storage: Portable outside storage containers and construction job trailers may be located in residential districts temporarily, as specified in the following, if positioned so that they do not encroach into public right of way, do not block traffic visibility per section 10-19-17 of this chapter, and are a minimum of three feet (3') from any property line.  
Existing single-family, two-family and townhomes: One temporary, portable outside storage container of one hundred fifty (150) square feet or less may be located for up to ten (10) days at any property containing a single-family, two-family or townhome dwelling. Exception: The container may remain at an address that has an active building permit for ninety (90) days and the building official may grant an extension for an additional thirty (30) days for good cause and if work covered by the building permit is progressing satisfactorily.  
New construction of single-family, two-family and townhomes: Temporary, portable outside storage containers and construction job trailers may be located at an address that has an active building permit for new construction and may remain at the address until ten (10) days following either completion of the project or expiration of the permit, whichever comes first.  
For multi-family properties, temporary, portable outside storage containers and construction job trailers may be located at an address that has an active building permit, and may remain at the address until ten (10) days following either completion of the project or expiration of the permit, whichever comes first.
- 4. Permanent use of shipping containers is not permitted in residential or institutional zoning districts.

B. In All nonresidential commercial, industrial and mixed use districts, the following provisions shall apply: outside storage must conform to the following:

11. Temporary Storage: Temporary, portable outside storage containers and construction job trailers may be located at a nonresidential address that has an active building permit, if positioned so that they do not encroach into public right of way, do not block traffic visibility per section 10-19-17 of this chapter, and are a minimum of three feet (3') from any property line, and may remain at the address until ten (10) days following either completion of the project or expiration of the permit, whichever comes first.

11. Permanent use of shipping containers is permitted in Mixed Use-3, commercial and industrial zoning districts only if the following are met:

- a. May not be visible from public streets.
- b. Not permitted in Mixed Use Districts 1 or 2 or Gateway Overlay area (i.e., I-94, Hwy 10, Hwy 75, Main Avenue SE, 34<sup>th</sup> St S).
- c. Installation must meet Building Code.
- d. Must be camouflaged by either painting the same color as principal structure or by adding similar materials of principal structure (e.g., siding).

C. Temporary Storage:

1. Storage units, moving pods, shipping containers and construction job trailers may be located in residential, commercial, mixed use, institutional and industrial districts temporarily, as follows:
  - a. One unit of one hundred fifty (150) square feet or less may be located for up to twenty-one (21) days on any parcel. Additional units may be approved by the zoning administrator for large projects or natural disasters, including fire.
    - a. Exception-Existing Structures: The storage container may remain at an address that has an active building permit where construction of a structure has commenced for up to ninety (90) days. The zoning administrator may extend this time for good cause.
    - b. Exception-New Construction: The storage container may remain at an address that has an active building permit where construction of a structure has commenced for up to twenty-one (21) days following the completion of the project or expiration of the building permit, whichever comes first.
  - b. Units may not encroach into public right of way.
  - c. Units may not block traffic visibility per section 10-19-17 of this chapter or traffic circulation.
  - d. Units must be placed a minimum of five feet (5') from any property line.
  - e. Units must be placed on a hard surface driveway or parking lot.
2. Storage of temporary buildings or structures, including but not limited to, manufactured homes, accessory buildings, tiny/micro homes and temporary family healthcare dwellings is limited to seven (7) days in commercial and industrial district parcels unless part of a permitted sales display area. Temporary storage in residential, institutional and mixed use districts is not permitted.

C D. All open or outdoor service, sale and rental must conform to the following:

SECTION 5. Title 10, Chapter 19, Section 12, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the text have been omitted from the text below):

**10-19-12: ALLOWED EXTENSION INTO REQUIRED SETBACKS:**

No lot, yard or other open space shall be reduced in area or dimension so as to make such lot, yard or open space less than the minimum required by this title, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. No required open space provided for any building or structure shall be included as part of any open space required for another structure. (Ord. 2012-2, 2-27-2012)

A. The following shall not be considered as encroachments on yard setback requirements:

1. Accessory Structures: Detached accessory structures, as governed by this title, are permitted within required rear yards in conformance with section [10-18-3](#) of this title.

2. Accessory Appendages: Accessory appendages for property within a residential zoning district, the following must comply with minimum distance from property lines:

1. Residential Zoning Districts

<u>Primary and Accessory Structure Minimum Setbacks</u>	<u>Front Yard</u>	<u>Interior Side Yard</u>	<u>Street Side Yard</u>	<u>Rear Yard</u>
Primary and accessory structure projecting elements <sup>1</sup> Chimneys, sills, eaves, gutters, balconies, decks, open porches/stoops/entryways, open fire balconies/fire escapes, window wells, stairs/steps	15 ft	More than 2' at least 2 ft	7 ft	15 ft
Solar and wind energy systems (ground-mounted)	15' Not permitted beyond front façade of principal structure	3' 10 ft	7' 10 ft	15' 10 ft
Walks, ramps for handicapped accessibility access, utilities (other than heating and air-conditioning-cooling equipment), steps, landscaping and gardening structures, fences, structures for gardening or private recreation structures (except swimming pools, hot tubs, and ice rinks), and accessibility ramps	0 ft	0 ft	0 ft	0 ft
Heating and air-conditioning-cooling equipment including wood boilers and above-ground geothermal equipment, and satellite dishes less than 40 inches wide	Not allowed Not permitted beyond front façade of principal structure. If heating and cooling equipment can only be placed in the front yard by determination of Building Official, the zoning administrator may allow in front yard with screening	0 ft <sup>1</sup>	0 ft <sup>1</sup>	0 ft <sup>1</sup>
Swimming pools, hot tubs and ice rinks	Not allowed Not permitted beyond front façade of principal structure	5 ft <sup>1</sup>	5 ft <sup>1</sup>	5 ft <sup>1</sup>

Note:

1. Including features such as chimneys, sills, eaves, gutters, entryways, balconies, decks, porches, open fire balconies, open fire escapes, window wells, stairs, stoops and ramps.
  1. Product specification clearance requirements should be verified by property owner,

~~For property in a nonresidentially zoned district, the applicable building code standards for the above noted appendages shall apply.~~

2. Nonresidential Zoning Districts: Applicable building code requirements for the above shall apply.

3. ~~Adjacent Structures: Where existing adjacent structures have front yard setbacks less than those required, the minimum front yard setback may be the average of the two (2) adjacent structures on the same block for the purpose of this section. If only one adjacent lot is occupied by a structure, the minimum front yard may be that of said principal structure.~~

~~4. Nonconformities: An addition to a lawfully established structure which because of a change in the setback requirements is not in conformance with the current requirements may be added to, even if the addition violates the current setback requirements, provided that:~~

- ~~a. The addition does not encroach across a property line.~~
- ~~b. The addition does not extend into the applicable yard requirement greater than the existing structure.~~
- ~~c. The length of the addition may not exceed the length of that part of the existing structure that is in violation of the current setback requirement or twenty feet (20'), whichever is less. (Ord. 2015-18, 8-24-2015)~~

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

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk

First Reading: 06/10/2024

E-Post:

Second Reading:

Publication:



## City Council Communication

June 10, 2024

**SUBJECT:**

Resolution to Approve Agreements for Primary Fixed Based Operator and Airport Manager

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve extension agreements with the existing Airport Manager and Primary Fixed Based Operator

**BACKGROUND/KEY POINTS:**

Moorhead Aviation Services and King Aviation Services have provided exceptional service at the Moorhead Airport since they were hired in 2016. Their current contract expires at the end of 2024. It is recommended that the City Council approve three-year agreements with options to extend the agreements. The initial three-year term would include the same provisions as the current contract. The Airport Committee unanimously recommended approval of the contracts at their May 22 meeting.

The Primary Fixed Based Operator (PFBO) and Airport Management services at the Airport include:

1. Aircraft engine/accessory repair and maintenance services during normal business hours
2. Snow and grass removal
3. Manage courtesy car services to airport customers (courtesy car provided by City)
4. Maintenance of public restrooms and public arrival-departure area
5. Issuing Notices to Airmen, when required
6. Fuel sales – both 100 LL and Jet A
7. Minor repairs and maintenance of publicly owned buildings
8. Runway and pavement inspection

**FINANCIAL CONSIDERATIONS:**

The proposed terms include a \$30,000 annual payment from the Airport Operating Budget for the years 2024-2026 (this is the same compensation as they currently receive and is within the Airport budget).

**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 Agreements for Primary Fixed Based Operator and Airport Manager**

WHEREAS, the Primary Fixed Based Operator (PFBO) and Airport Management Agreements with Moorhead Aviation Services and King Aviation Services expire December 31, 2024; and

WHEREAS, the existing contract allows for contract extensions and both parties are satisfied with the services and proposed contracts including business points and terms; and

WHEREAS, the Airport Committee met on May 22, 2024, and unanimously recommended approval of the business terms and services with Moorhead Aviation Services and King Aviation Services as the PFBO and Airport Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council authorizes and directs the Mayor and City Manager to enter into Agreements and any related amendments or extensions for Airport Management and Primary Fixed Based Operator Services with Moorhead Aviation Services and King Aviation Services.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

June 10, 2024

**SUBJECT:**

Resolution to Approve Easement Agreement with Wal-Mart for Dilworth Transit Hub Improvements

**RECOMMENDATION:**

The Mayor and City Council are asked to consider entering into an easement agreement with Wal-Mart for improvements to the Transit Hub at the Dilworth Wal-Mart.

**BACKGROUND/KEY POINTS:**

The bus stop at the Wal-Mart in Dilworth is a popular destination for MATBUS passengers and serves as a transfer point between several bus routes.

A MATBUS Facility Study was conducted in 2018 that identified improvements needed to the Transit Hub at Dilworth Wal-Mart to meet existing and projected growth. In addition, Wal-Mart's expansion of its grocery pickup area resulted in relocation of the existing bus stop to the west parking lot in 2023. The new location requires safety improvements for pedestrian pathways and accessibility.

The State of Minnesota and the Federal Transit Administration approved grant requests to fund the needed improvements. The project includes engineering, architectural design, bid plans and specifications, shelter purchase and installation, construction of improvements and construction management. The City of Dilworth is amenable to paying the 20% local cost share.

The easement agreement protects the Federally-funded investment for the estimated life of the improvements. In order to place improvements upon private property, the Mass Transit Division has been working with Wal-Mart's local store manager and corporate staff to obtain the non-exclusive perpetual easement for ingress and egress over, across and through the easement area. The easement agreement was reviewed and approved by the City Attorney and Wal-Mart. The agreement contains the terms by which the City will maintain and insure the shelter facility.

KLJ Engineering is contracted for the engineering design-bid-build services on this project. The nearly completed plans and specifications for construction will be brought to the City Council at a future meeting for approval and authorization to advertise for bids.

**FINANCIAL CONSIDERATIONS:**

Staff time is the only cost to the City of Moorhead for the project construction. Shelter maintenance, utilities and insurance will be provided through existing contracts and the costs are contained in the 2024 Mass Transit Budget. Wal-Mart will provide snow removal, mowing, tree trimming and security/surveillance.



## City Council Communication

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June 10, 2024

The improvement costs were budgeted previously and carried forward into the 2024 Mass Transit Budget. Dilworth agreed by resolution to pay the 20% local match for the project up to \$80,200.

**Voting Requirements:** Majority of Council

**Submitted By:**

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Lori Van Beek, Transit Manager

**Attachments:**

## **RESOLUTION**

### **Resolution to Approve Easement Agreement with Wal-Mart for Dilworth Transit Hub Improvements**

WHEREAS, the MATBUS Transit Facility Study completed in 2018 for the Fargo-Moorhead Metropolitan Council of Governments identified improvements needed to the Transit Hub at the Dilworth Wal-Mart (Project) to meet existing and projected growth; and

WHEREAS, subsequently the City of Moorhead authorized the submittal of State and Federal grant applications and entered into related grant agreements for funding the Project, including engineering, architectural design, bid plans and specifications, shelter purchase and installation, construction of improvements and construction management of the Project; and

WHEREAS, the City of Dilworth adopted Resolutions 19-35 and 23-07 committing the 20% local match for the Project in amount of up to \$80,200 and agreed to review any shortfall of funding for this project and will within budgetary capabilities consider providing up to one hundred percent (100%) of the local share necessary for expenses that exceed funds available from the State or Federal government for said Project; and

WHEREAS, in 2023 Moorhead entered into a contract with KLJ Engineering LLC to complete the engineering, architectural design, plans and specifications for construction, and construction management; and

WHEREAS, City of Moorhead and KLJ staff have worked with the Wal-Mart local store manager and corporate representatives to design improvements, including pedestrian safety and accessibility, and to draft a property easement to protect the federal investment for said Project improvements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that they do hereby authorize and Mayor and City Manager to enter into and execute the property easement with Wal-Mart for the Project, which easement was before the City Council and is now on record and on file in the Office of the City Clerk.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

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June 10, 2024

**SUBJECT:**

Resolution to Approve Short Term Extension to Lien Agreement

**RECOMMENDATION:**

The Mayor and City Council are asked to consider approval of Amendment 5 to the Lien Agreement with Roers/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. Four Amendments to the Lien Agreement have been approved and the current Amendment 4 expires on June 14, 2024. The proposed resolution authorizes Amendment 5 which extends the agreement to October 18, 2024.

**FINANCIAL CONSIDERATIONS:**

Future financial terms and development requirements are anticipated to be outlined within a Master Development Agreement and TIF area 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 October 18, 2024.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk



## City Council Communication

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June 10, 2024

**SUBJECT:**

Resolution to Approve Amendment to the Employment Agreement between the City of Moorhead and City Manager

**RECOMMENDATION:**

The Mayor and City Council are asked to consider approving the amendment to the employment agreement for City Manager Dan Mahli.

**BACKGROUND/KEY POINTS:**

The City of Moorhead (City) entered into an employment agreement with Dan Mahli initially on December 21, 2020. Per the employment agreement between the City and Dan Mahli it states, "Performance evaluations utilizing written performance standards will be conducted annually, in January of each year, and the City agrees to consider an increase in compensation to Employee at the same level or greater than those given to other nonunion employees, dependent upon the results of the annual performance evaluation."

The Mayor and City Council met on May 13, 2024, and had a performance conversation with City Manager, Dan Mahli. During this performance conversation, the Mayor and City Council evaluated Mr. Mahli and determined that his performance ranged from "exceeds expectations" to "exceptional," and that his overall performance as City Manager is currently exceeding expectations.

**FINANCIAL CONSIDERATIONS:**

The City will fund the City Manager's salary within the City Manager budget.

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

**Submitted By:**

Dan Mahli, City Manager  
Amy Settergren, HR Director

**Attachments:**

## **RESOLUTION**

### **Resolution to Approve Amendment to the Employment Agreement between the City of Moorhead and City Manager**

WHEREAS, the City and Employee entered into an Employment Agreement dated as of December 21, 2020 (the "Agreement") in which the City and Employee agreed to terms and conditions of Employee's employment as City Manager; and

WHEREAS, following the Employee's performance review, the parties negotiated over the terms of the Agreement between the parties; and

WHEREAS, the parties reached a tentative agreement to amend the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council does approve the amendment to the Agreement between the City of Moorhead and Dan Mahli.

PASSED: June 10, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

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Michelle (Shelly) A. Carlson, Mayor

ATTEST:

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Christina Rust, City Clerk