



**CITY COUNCIL
MEETING AGENDA
AUGUST 12, 2024 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

City Council Meeting

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

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

*All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in accordance with the "Council Rules of Procedure". In such event, the item will be removed from the General Order of Business and considered in its normal sequence on the agenda.*
5. Recognitions - Presentations
 - A. MoorHeart Recognition: Troy and Diane DeLeon
6. Approve Minutes
 - A. July 22, 2024 Meeting Minutes
7. Citizens Addressing the Council (Time Reserved: 15 Minutes)

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

During "Public Hearings", the Mayor will ask for public testimony after staff and/or applicants make their presentations. The following guidelines are in place to ensure an efficient, fair, and respectful hearing; limit your testimony to three minutes and to the matter under consideration; the Mayor may modify times, as deemed necessary; avoid repeating remarks or points of view made by previous speakers. The use of signs, clapping, cheering or booing or any other form of verbal or nonverbal communication is not allowed.
10. Community Development Department
 - A. First Reading of Ordinance 2024-09: An Ordinance to Rezone 4020 35th Ave S from TZ: Transitional to MU-2: Neighborhood Mixed Use
 - B. *First Reading of Ordinance 2024-07: An Ordinance to Amend and Reenact Title 3, Chapter 7, Section 10, Animals Prohibited in City, of the Moorhead Municipal Code Relating to the Keeping of Chickens

- C. *Resolution to Approve Minnesota Pollution Control Agency Climate Action Grant and Related Agreement for the Replacement of Turf Grass Areas Along the Red River Corridor (Budget Adjustment #24-026)
 - D. *Resolution to Approve Vacation of a portion of a Prescriptive Right-of Way Easement near Village Green South First Addition
 - E. *Resolution Approving 2024 Alternative Urban Areawide Review (AUAR) Updates for North, East and South Moorhead Growth Areas
11. Public Works
- A. *Resolution to Approve Guaranteed Maximum Price Agreement with Gast Construction Company for Reimagine Romkey Park Project
 - B. *Resolution to Authorize Advertisement for Construction Manager at Risk (CMAR) Services for the Matson Field Stadium Project
12. Administration
- A. *Resolution to Approve a Minnesota Lawful Gambling Premise Permit for Moorhead Youth Baseball Association
 - B. *Resolution to Approve New Liquor License to Starbird Lounge
 - C. Resolution to Authorize Agreement with JLG Architects for Architectural and Engineering Services for the City Hall Renovation/Civic Plaza Project
13. Mayor and Council Reports
14. City Manager Reports
15. Executive Session
16. New Business
17. Adjourn



City Council Communication

August 12, 2024

SUBJECT:

MoorHeart Recognition: Troy and Diane DeLeon

RECOMMENDATION:

The Mayor and City Council are asked to recognize and honor Troy and Diane DeLeon 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 a recipient who are recognized at City Council meetings. The MoorHeart selection committee chose to recognize Troy and Diane for their generosity created by their work with the historic Moorhead Dairy Queen.

August 12, 2024

Troy and Diane DeLeon took over the Moorhead Dairy Queen in 1995. The Moorhead Dairy Queen is special to the Moorhead area. With specialty menu items and often long lines because of its popularity, Troy and Diane create a caring and welcoming environment throughout the spring and summer season. They get involved with and give back to the community through promotions at the Dairy Queen and their dedication, passion, and humility for the Moorhead community amaze us all.

Lisa Bode and Scott Kostohryz wrote in nominations: "The Historic Moorhead Dairy Queen is celebrating its 75th anniversary in 2024. The Moorhead location opened August 1, 1949, as one of the original stores in the Dairy Queen system. It was known for its ice cream and handmade treats, as well as the pride the original owners, Bob and Phyllis Litherland, had in serving the community of Moorhead. Upon their retirement in 1995, the Litherlands sold the Historic Moorhead Dairy Queen to Troy and Diane DeLeon. The DeLeons have maintained and expanded the recipes, traditions, and excellent service foundation. The Moorhead Dairy Queen, a beloved institution, thrives today.

For decades, the State of Minnesota and the Towards Zero Deaths traffic safety program have provided national Dairy Queen sponsored "I Got Caught" coupons to police agencies throughout Minnesota. These coupons are given by police officers to youth who are wearing helmets while riding bikes, scooters or other recreational conveyance. This piece of paper was good for a free ice cream cone at any Minnesota Dairy Queen, but it was much more than that. This interaction was not only a positive experience for the child, but also an opportunity for the officers across the state to have a positive interaction with the kids.

In 2023, the Office of Traffic Safety notified agencies that they were discontinuing the program due to lack of funding. The DeLeons were approached in the Fall of 2023 and were asked if they would continue this program locally if private funding was provided. They took full control of this idea and not only agreed to it but provided 2000 coupons at no cost for Clay County agencies to continue this tradition. In addition, they coordinated with all Clay County Dairy Queens to ensure they would honor the coupons as well, at no cost. This act of kindness ensures a beloved tradition stays here in Clay County and local law enforcement has a way to maintain positive reinforcement for safe youth bicyclists and continued positive interaction with our officers. This is on top of all the great things the DeLeons do to provide a fun community atmosphere and Moorhead pride."

The dedication and commitment of Troy and Diane have significantly enriched our downtown neighborhood, providing not only a welcoming environment but also fostering a sense of community, providing Moorhead with experiences, memories, and delicious treats. Thank you



City Council Communication

August 12, 2024

Troy and Diane DeLeon!

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.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Not Applicable

Submitted By:

Dan Mahli, City Manager

Kelly Kuntz, Communications Coordinator

Attachments:



**CITY COUNCIL
MEETING MINUTES
JULY 22, 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: Sebastian McDougall

Council Member: Chuck Hendrickson

Mayor: Shelly Carlson

Absent: Council Member: Larry Seljevold

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve Consent Agenda made by Heather Nesemeier and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Seljevold

5. Recognitions - Presentations

A. Presentation: Major Zachery Hendrickson, Minnesota Army National Guard

Major Zachery Hendrickson with the Minnesota Army National Guard shared information on the Minnesota National Guard headquartered in Moorhead. Major Hendrickson also shared information about a community open house scheduled on October 3 from 4:00- 7:00 pm at the National Guard Armory at 1002 15 Ave N. All are invited.

6. Approve Minutes

A. July 8, 2024 Meeting Minutes

Motion to Approve July 8, 2024 Meeting Minutes made by Laura Caroon and seconded by Deb White

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Seljevold

7. Citizens Addressing the Council (Time Reserved: 15 Minutes)
8. *Mayor and Council Appointments
9. Public Hearings (5:45 pm)
10. Engineering Department
 - A. *Resolution to Approve Sale of City-owned Land to the BNSF Railway Company
 - B. *Resolution to Receive Petitions, Order Improvements & Declare Intent to Assess, and Award Bid for Moorhead Center Mall Redevelopment – Streets & Utility Improvements (Eng. No. 24-A6-02)
 - C. *Resolution to Order Improvements and Declare Intent to Assess
 - D. *Resolution to Award Bid for Moorhead Center Mall Redevelopment - Street & Utility Improvements (Eng. No. 24-A6-02)
11. Community Development Department
 - A. Resolution to Approve Energy Efficiency and Conservation Block Grant Voucher from the Department of Energy (Budget Adjustment #24-024)

Assistant City Planner Ethan Johnk shared information to accept grant funding from the Energy Efficiency and Conservation Block Grant (EECBG) program. In collaboration with Moorhead Public Service, existing streetlights are being converted to LED in selected corridors throughout the City of Moorhead.

Motion to Approve Resolution to Approve Energy Efficiency and Conservation Block Grant Voucher from the Department of Energy (Budget Adjustment #24- 024) made by Heather Nesemeier and seconded by Sebastian McDougall

Motion Passed
For: 7; Nelson, Gilbertson, Nesemeier, Caroon, White, McDougall, Hendrickson
Against: 0
Abstain/Recuse: 0
Absent: 1; Seljevold
 - B. *Second Reading of Ordinance 2024-06: An Ordinance to Amend and Reenact Title 10 Chapter 17 of the Moorhead City Code (Airport Zoning)
 - C. *Resolution to Approve Title and Summary of Ordinance 2024-06
 - D. *Second Reading of Ordinance 2024-03: An Ordinance to Amend and Reenact Title 10, Chapter 15 Mixed Use Zones, Title 10, Chapter 2, Definitions, Title 10, Chapter 18, Use Regulations, Title 10, Chapter 19, Site Development Standards of the Moorhead City Code, Repeal Title 10, Chapter 13, Article A. NC: Neighborhood Commercial District of the Moorhead City Code and to Amend and Reenact the Official Zoning Map of the City of Moorhead
 - E. *Resolution to Approve Title & Summary of Ordinance 2024-03
 - F. *Resolution to Approve Minor Subdivision - 3700 Oakport St N - Parcel 58.900.2810

12. Police Department

- A. *Resolution to Accept additional funding to the Pathway to Policing (P2P) Grant through the State of Minnesota 2024-2025 and Approve Budget Adjustment #24-023

13. Administration

- A. Resolution to Approve and Accept Offer of Sale of General Obligation Sales Tax Revenue Bonds, Series 2024B

Chris Hogan, Director with Baker Tilly Financial Advisors, shared information on the sale of General Obligation Sales Tax Revenue Bonds, Series 2024B.

Motion to Approve Resolution to Approve and Accept Offer of Sale of General Obligation Sales Tax Revenue Bonds, Series 2024B made by Chuck Hendrickson and seconded by Heather Nesemeier

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, Caroon, White, McDougall, Hendrickson Against: 0

Abstain/Recuse: 0

Absent: 1; Seljevoll

14. Mayor and Council Reports

Council member White reported the West Central Initiative Legacy Revolving Loan Fund and the CARES Act Loan Fund have resources available. Council member White attended multiple events in Gooseberry Park, including Inclusive Moorhead and the International Potluck's community picnic as well as a Conversation with Ward 3 Council members on July 11. Council member White attended a community open house for the Heartland Trail. She also invited the public to participate in FM Pride events taking place August 8-11 in the metro area.

Council member Nesemeier is attending strategic planning sessions with the Cass Clay Food Partners. Council member Nesemeier also attended the multicultural festival at Gooseberry Park and shared the final Safe City Night event of the season is scheduled on July 31 at Queens Park.

Mayor Carlson attended a Moorhead Clay County Joint Powers special meeting and Chamber Public Policy Committee meeting and presented updates on the Metro Flood Diversion project. The Mayor stated MN Senate Majority Leader Murphy and Senator Kupec joined local elected officials and staff on a walking tour from 11 Street to the Red River to discuss ongoing projects and opportunities in Moorhead. Mayor Carlson attended a news conference at MState with MN State Senator Rasmusson and Representative Keeler designating MState as a testing site for commercial driver licensing. Mayor Carlson invited all to attend upcoming events, including the historic Dairy Queen's 75th Anniversary Celebration on July 25 on 8th Street and Main Avenue. The Blue Angels and Navy support team are playing a sled hockey game with Hope Inc. The American Legion is hosting the traveling Vietnam Memorial Wall in Moorhead July 25 to July 29. Summer Blast is also taking place at the American Legion July 25 to 28 with concert proceeds to be donated to the Honor Flight. Mayor Carlson also invited the public to Moonlight Alley, located between the Armory Event Center and Swing Barrel, for an outdoor concert on July 25.

15. City Manager Reports

City Manager Mahli stated a groundbreaking for the Reimagine Romkey Park project is taking place on Thursday, August 15 at 1:00 pm with a community party at the park and municipal pool to follow. Moorhead Youth Baseball players are also distributing door hangers throughout Moorhead in honor of the late Coach Steve Timmer, Moorhead Golds baseball coach from 1977-2022. Proceeds from the fundraiser will support the Matson Field Grandstand project.

16. Executive Session

A. Executive Session pursuant to Minn. Stat. § 13D.04 for Labor Negotiation

Motion to Enter Closed Session Executive Session pursuant to Minn. Stat. § 13D.04 for Labor Negotiation at 6:04pm made by Heather Nesemeier and seconded by Ryan Nelson

Motion Passed

For: 7; Nelson, Gilbertson, Nesemeier, Caroon, White, McDougall, Hendrickson Against: 0

Abstain/Recuse: 0

Absent: 1; Seljevoid

Exited closed session at 7:38pm

17. New Business

18. Adjourn

Meeting adjourned at 7:40pm

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson
Mayor

Christina Rust
City Clerk

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



City Council Communication

August 12, 2024

SUBJECT:

First Reading of Ordinance 2024-09: An Ordinance to Rezone 4020 35th Ave S (Parcel 58.900.2310) from TZ: Transitional to MU-2: Neighborhood Mixed Use

RECOMMENDATION:

The Mayor and City Council are asked to consider a First Reading of Ordinance 2024-09: An Ordinance to Rezone 4020 35th Ave S (Parcel 58.900.2310) from TZ: Transitional to MU-2: Neighborhood Mixed Use.

BACKGROUND/KEY POINTS:

The applicant is requesting the rezone to facilitate housing development and this parcel has been identified for mixed use land use in the 2022 Onward Moorhead! Comprehensive Plan. The site can support up to 40 residential dwelling units with existing infrastructure.

This parcel is currently zoned TZ: Transitional, which is a placeholder for annexed properties until they are developed. This property was annexed in 2006 and multi-family development is a compatible use in this mixed use area (residential/golf course to the west, industrial/commercial to the east and commercial to the south). Whereas a final site plan has not been approved at this point, the applicant has indicated development of townhomes or senior apartments.

The Planning Commission held a public hearing on August 5, 2024 and unanimously recommended approval of the rezoning. Several public comments were received from residents from the adjacent neighborhood including concerns about density, appearance, increased crime and traffic, safety at the 34th Ave S/Hwy 52 intersection, drainage, disruption to their quiet enjoyment of the area and comments that there is enough multi-family in Moorhead and there are better suited areas in Moorhead for this type of use.

The complete Planning Commission Packet is available at: [City of Moorhead : Planning Commission](#)

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

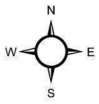
Dan Mahli, City Manager
Robin Huston, City Planner / Zoning Administrator
Brittany Cameron, Assistant City Planner



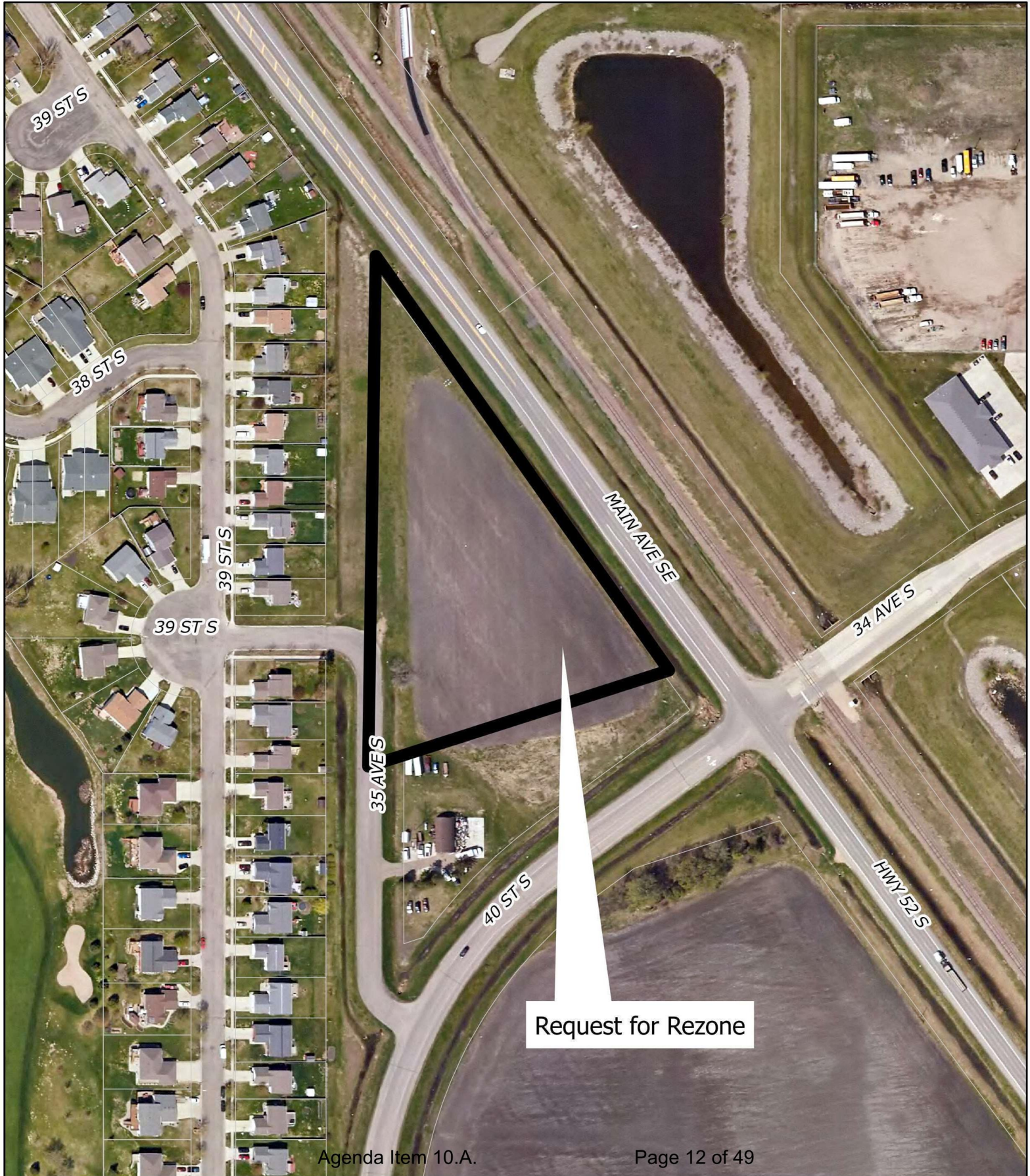
City Council Communication

August 12, 2024

Attachments: General Location Map
Draft Ordinance 2024-09



General Location Map
4020 35th Ave S
58.900.2310



ORDINANCE 2024-09

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP IN ACCORDANCE WITH
CHAPTER 3 OF TITLE 10 OF THE MOORHEAD CITY CODE REZONING 4020 35TH
AVENUE SOUTH (PARCEL 58.900.2310) FROM TZ: TRANSITIONAL TO MU-2:
NEIGHBORHOOD MIXED USE**

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

WHEREAS, Barrier Homes, Inc. has requested to rezone 4020 35th Avenue S (Parcel 58.900.2310) from TZ: Transitional to MU-2: Neighborhood Mixed Use, legally described as:

Two tracts of land in the Southwest Quarter of Section 23, in Township 139 North of Range 48 West of the Fifth Principal Meridian, situate in the County of Clay and the State of Minnesota, described as follows: (1) Beginning at a point which lies on the West line of said Section 23 at a distance of 628.11 feet South of the point of intersection of said West section line with the Southwest Right-of-Way line of Trunk Highway 52; thence South along the said West line of said Section 23 a distance of 122.11 feet; thence North 71°55' East a distance of 465.74 feet to a point of intersection with the Southwest Right-of-Way line of Trunk Highway 52; thence Northwesterly along said Southwest Right-of-Way line a distance of 122.11 feet; thence South 71°55' West a distance of 389.93 feet, more or less, to the point of beginning; AND (2) Beginning at a point of intersection of the Southwest Right-of-Way line of Trunk Highway 52 and the West line of said Section 23; thence South along the West line of said Section 23 a distance of 628.11 feet; thence North 71°55' East a distance of 389.93 feet to a point of intersection with the said Southwest Right-of-Way line of Trunk Highway 52; thence Northwesterly along said Southwest Trunk Highway Right-of-Way line a distance of 628.11 feet to the Point of Beginning; and

WHEREAS, the Moorhead Planning Commission held a public hearing on August 5, 2024 regarding said rezoning and voted unanimously to recommend approval; and

WHEREAS, the City Council of the City of Moorhead finds pursuant to the purpose and intent found in Title 10, Chapter 3 of the Moorhead City Code that the proposed rezoning of property would promote health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Official Zoning Map of the City of Moorhead, in accordance with Chapter 3 of Title 10 of the City Code of Moorhead, Minnesota is hereby amended to rezone 4020 35th Avenue S (Parcel 58.900.2310) from TZ: Transitional to MU-2: Neighborhood Mixed Use, described as:

Two tracts of land in the Southwest Quarter of Section 23, in Township 139 North of Range 48 West of the Fifth Principal Meridian, situate in the County of Clay and the State of Minnesota, described as follows: (1) Beginning at a point which lies on the West line of said Section 23 at a distance of 628.11 feet South of the point of intersection of said West section line with the Southwest Right-of-Way line of Trunk Highway 52; thence South along the said West line of said Section 23 a distance of 122.11 feet; thence North 71°55' East a distance of 465.74 feet to a point of intersection with the Southwest Right-of-Way line of Trunk Highway 52; thence Northwesterly along said Southwest Right-of-Way line a distance of 122.11 feet; thence South 71°55' West a distance of 389.93 feet, more or less, to the point of beginning; AND (2) Beginning at a point of intersection of the Southwest Right-of-Way line of Trunk Highway 52 and the West line of said Section 23; thence South along the West line of said Section 23 a distance of 628.11 feet; thence North 71°55' East a distance of 389.93 feet to a point of intersection with the said Southwest Right-of-Way line of Trunk Highway 52; thence Northwesterly along said Southwest Trunk Highway Right-of-Way line a distance of 628.11 feet to the Point of Beginning.

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

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 8/12/2024

Second Reading:

E-Post Date:

Publication:



City Council Communication

August 12, 2024

SUBJECT:

First Reading of Ordinance 2024-07: An Ordinance to Amend and Reenact Title 3, Chapter 7, Section 10, Animals Prohibited in City, of the Moorhead Municipal Code Relating to the Keeping of Chickens

RECOMMENDATION:

The Mayor and City Council are asked to consider a First Reading of Ordinance 2024-07: An Ordinance to amend and reenact Title 3, Chapter 7, Section 10, Animals Prohibited in City, of the Moorhead Municipal Code relating to the Keeping of Chickens.

BACKGROUND/KEY POINTS:

The current chicken ordinance was adopted in 2023 allowing residents to keep up to six chickens with a permit. Throughout the past year, feedback from residents and research into chicken best practices have highlighted opportunities for updates to the code.

The following are the main updates:

1. Enlarged Run Area – Currently, the run area must be a minimum of 4-10 sf per chicken. The proposed change would increase this minimum to 15 sf per chicken with a maximum run area capped at 200 sf for all areas except RLD-1, where there would be no run maximum (Oakport and Americana Estates annexation areas).

2. Increase Number of Chickens – To accommodate requests from residents in the Oakport area, the proposed amendment would divide permits into a Tier I and Tier II permit.

Tier I - would be available to all residents who meet the requirements for keeping chickens.

Tier II - would allow RLD-1 properties with lot areas of at least 1 acre to keep up to twelve chickens.

3. Fencing and Screening - To provide more flexibility for residents, the proposed amendment would allow chain-link fencing in addition to solid fencing, provided the chain-link fence is screened by landscaping.

This requirement would be waived for RLD-1 properties.

Clarifications have also been made for permitted and prohibited fence materials.

4. Coop & Run Materials – Clarifications have been made for permitted and prohibited materials.

5. Run Height – Adjusted from 6 to 7 feet to be consistent with the maximum coop height.



City Council Communication

August 12, 2024

6. Free-range chickens – Added language to allow chickens to roam on permitted property outside coop/run as long as they are contained.
7. Existing permits - Those with approved permits would not be required to make any modifications based on the proposed code changes.

Currently, there are 20 active chicken permits with five complaints made in 2023 for non-permitted chickens.

Moorhead Police has reviewed the proposed amendments and had no comment.

FINANCIAL CONSIDERATIONS:

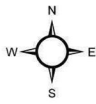
Not Applicable

Voting Requirements: Majority of Council

Submitted By:

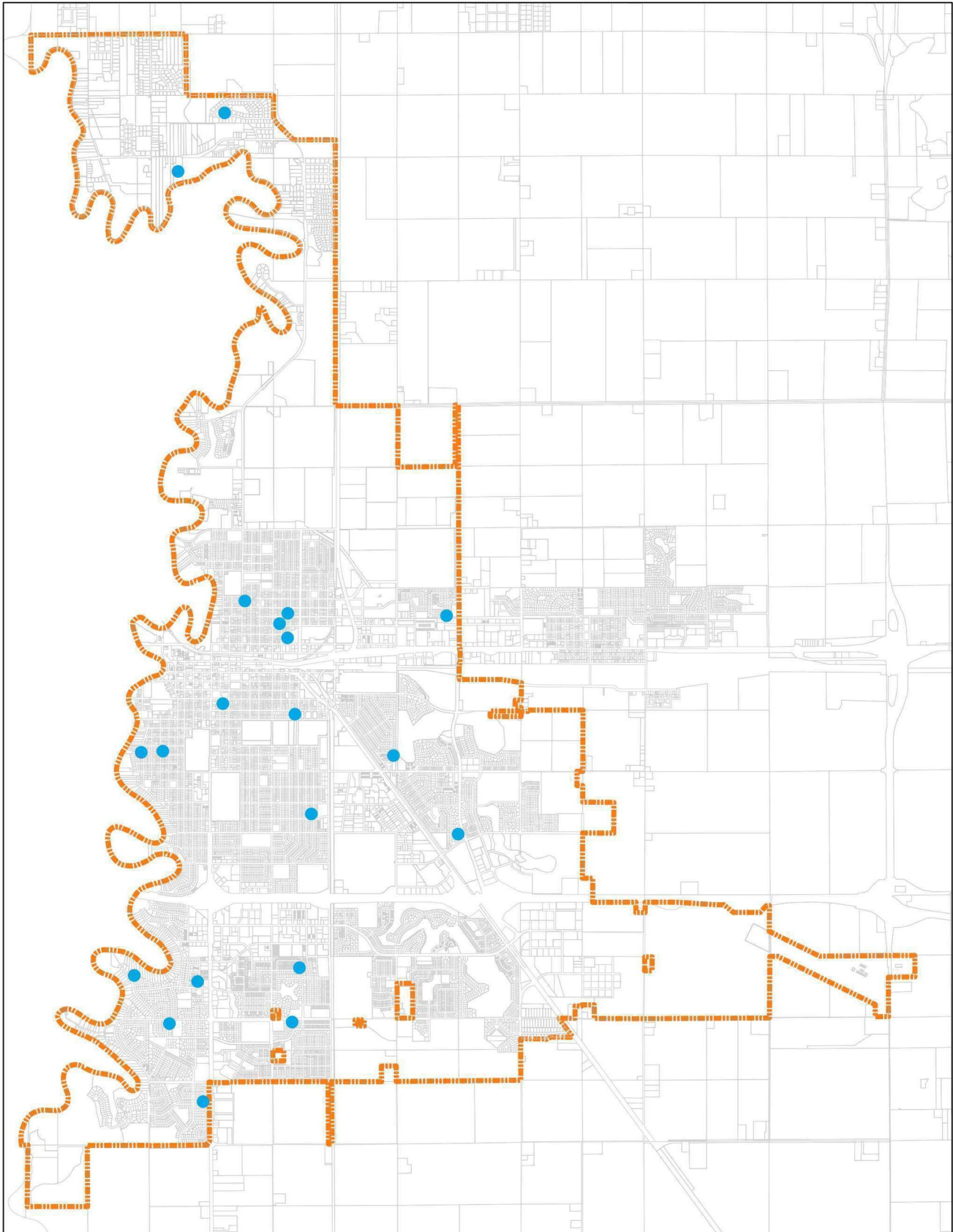
Dan Mahli, City Manager
Robin Huston, City Planner / Zoning Administrator
Forrest Steinhoff, Assistant City Planner

Attachments: Map of Current Chicken Permits
Current Ordinance
Draft Ordinance 2024-07



2024 - Active Chicken Permits

● Active Chicken Permits



ORDINANCE 2024-07

AN ORDINANCE TO AMEND AND REENACT TITLE 3, CHAPTER 7, SECTION 10, ANIMALS PROHIBITED IN CITY, OF THE MOORHEAD MUNICIPAL CODE RELATING TO KEEPING OF CHICKENS

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

NEW

DELETE

SECTION 1. Title 3, Chapter 7, Section 10, Animals Prohibited in City, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of this chapter have been omitted from the text below):

3-7-10: ANIMALS PROHIBITED IN CITY:

...

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

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

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

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

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

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

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

~~— (1) Must not be located within the front yard;~~

~~— (2) Must be setback a minimum of three (3) feet from any adjacent structures;~~

~~— (3) Must be setback a minimum of ten (10) feet from all property lines;~~

~~— (4) Must not be located on any public easements;~~

~~— (5) Must be a minimum of four (4) square feet per chicken and may not exceed ten (10) square feet per chicken;~~

~~— (6) Fencing for coops and runs may not exceed six (6) feet in total height from adjacent ground level;~~

~~— (7) Must not be located in any part of a dwelling unit or garage;~~

~~— (8) Feed must be kept within a coop, run, shed or garage and must be kept in animal proof containers; and~~

— (9) Manure must be removed frequently, and use of quality bedding material is recommended. Manure which is not properly disposed of and/or causes odor issues will result in revocation of the permit.

— (10) To provide a buffer from adjacent properties, Coops and runs shall be enclosed by a solid opaque fence or wall measuring a minimum of five feet (5') in height and not more than four inches (4") from the ground or other surface. A solid opaque fence or wall around the rear yard that meet these measurements, shall also be sufficient to meet this requirement.

— b. The following conditions apply to coops:

— (1) Must be either elevated with a clear open space of at least sixteen (16) inches between the ground surface and grading/floor of the coop or;

— (2) Must not exceed seven (7) feet in total height from adjacent ground level;

— (3) May be a commercially purchased chicken coop that substantially conforms with the requirements of this ordinance. Substantially conforms means that it may not differ more or less than twenty percent (20%) of the noted chicken coop standards.

— (4) The coop floor, foundation and footings must be constructed using rodent resistant construction.

— c. The following apply to runs:

— (1) Must not exceed ten (10) square feet per chicken;

— (2) Fencing must not exceed six (6) feet in total height from adjacent ground level; and

— (3) May be enclosed with wood, woven wire materials, or a combination thereof.

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

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

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

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

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

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

...

B. Keeping of Chickens: It is unlawful for any person to own, control, keep, maintain, or harbor chickens on any premises within the city unless that person has a permit to do so as provided in this chapter. The keeping or harboring of male chickens or roosters is prohibited.

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

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

b. Number of chickens:

i. Tier I Permit: One to Six (1 – 6) chickens: Permit may be issued to any property which meets the requirements for keeping chickens.

ii. Tier II Permit: Seven to Twelve (7 – 12) chickens: Permit may be issued to properties zoned RLD-1: Residential Low Density – 1 with a lot size of one (1) acre or greater which meets the requirements for keeping chickens.

c. Permit Requirements: A completed application for a permit includes:

i. Applicant and property information;

ii. The number and species of chickens to be maintained at the premise;

iii. A signed statement that the applicant will, at all times, keep the chickens in accordance with this chapter and comply with all the conditions within the application and permit. Failure to comply with said conditions, or modification thereof, will constitute a violation of the provisions of this chapter and are grounds for the revocation or suspension of the permit.

iv. Fee

v. A scaled drawing with the following:

a. The location and dimensions of the coop, run, fence and landscape screening (where required);

b. Approximate distance of the coop and run from adjoining structures and property lines;

c. If coop or run is intended to be moveable, indicate area or areas where they may be moved;

d. A property with three (3) or more residential dwelling units or zoned for commercial, mixed-use, institutional, or industrial use is prohibited from keeping chickens.

i. Exception: Single and two-family homes in mixed-use districts may keep chickens.

2. Chickens may be slaughtered on the premises if out of view of the general public and only for consumption by the occupants of the premises.

3. Confinement: A person who owns, controls, keeps, maintains, or harbors chickens must keep them confined in a coop and/or run and may not allow the chickens to run at large, which means chickens roaming off permitted property.

a. Exception: Chickens may roam outside of their coop or run within yards with perimeter fencing or coop/run perimeter fencing between sunrise and sunset with adult supervision.

b. Coops and Runs

	<u>Location</u>	<u>Setbacks</u>	<u>Materials</u>	<u>Height</u>
<u>Coop and Run</u>	-May not be located in front yard (beyond front façade of house) -May not be located in easements -May not be located in dwelling or garage	-3 feet from onsite structures -10 feet from property lines	-Must be predator-proof and constructed from durable materials which are compatible with the principal structure. - Runs must be entirely enclosed and allow airflow and sunlight with non-opaque materials such as chicken-wire. -Coop floor, foundation and footings must be constructed using rodent resistant materials -Materials such as exposed plywood, particle board, unfinished metal, plastic sheets or tarps and snow fencing are not permitted	-May not exceed 7 feet
<u>Feed</u>	-Must be kept within coop, run or other structure on site within animal-proof containers			
<u>Fencing'</u>	-Must be either around perimeter of yard or around perimeter of coop and run	-Perimeter fencing is permitted up to the property line	-Must be either: Minimum: 6-foot solid fence consisting of typical residential fence materials such as wood or vinyl or Minimum: 4–6-foot chain-link fence with landscaping consisting of evergreen shrubs or trees which are of sufficient height and density to screen coop and run from neighbors and/or street -Materials such as exposed plywood, particle board, pallets, snow fences and other materials not customarily associated with residential fence	-Minimum: 4 feet² -Maximum: 7 feet² -Fence bottom must be no more than 4 inches from the ground or surface

			materials are prohibited	
	Size³	Clearance from ground to coop floor	Bedding	Manure
Coop	-Minimum: 4 square feet per chicken -Maximum: 10 square feet per chicken -Chickens must be secured in a chicken coop from sunset to sunrise each day	-2 feet -The area under the coop may be used as up to 50% of required run space if at least 2 feet in height and open to airflow	-To be layered with quality bedding such as straw, hay or hemp that is clean and changed frequently to prevent odor, pests and other nuisances	-Must be removed frequently - Manure which is not properly disposed of and/or causes odor issues will result in revocation of the permit.
Run	- Minimum: 15 square feet per chicken -Maximum: cannot exceed 200 square feet except in RLD-1 where there is no maximum -At least 50% of run must be in direct sunlight			

1. Exception: Properties in RLD-1: Residential Low Density – 1 are exempt from fence/screening requirements except that chickens that roam outside of coop/run must roam in a contained area.
2. Screening/fence height must be at least the height of the coop/run.
3. Commercially purchased coops/runs that substantially conform with the requirements of this ordinance may be permitted. "Substantially conforms" means it may not differ more or less than thirty percent (30%) of the noted coop/run standards as approved by the City.

4. Conditions and Inspections: A person who owns, controls, keeps, maintains, or harbors chickens must keep premises in a healthy, sanitary, and non-nuisance condition. Premises may not create noxious odors that may affect adjacent properties. Any coop or run authorized by permit under this chapter may be inspected at any reasonable time by an animal control officer, law enforcement officer, public health official, or other employee or agent of the City.

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

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

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

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

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

...

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

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 08/12/24

E-Post:

Second Reading:

Publication:



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Approve Minnesota Pollution Control Agency Climate Action Grant and Related Agreement for the Replacement of Turf Grass Areas Along the Red River Corridor (Budget Adjustment #24-026)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve a grant from the Minnesota Pollution Control Agency to replace approximately 10 acres of turf grass with natural plantings along the Red River corridor.

BACKGROUND/KEY POINTS:

The City of Moorhead has been awarded a Minnesota Pollution Control Agency Climate Action Grant for \$14,200 to convert 10 acres of existing turf grass areas along the Red River corridor area to natural plantings. The select areas are all along the Red River corridor near these select avenues:

- 11th Avenue South
- 14th Avenue South
- I-94
- 34th Avenue South
- 46th Avenue South

The City in collaboration with local partners has been converting turf grass to natural plantings along the Red River over the past few years. The natural plantings are supported by both the River Corridor Master Plan and Onward Moorhead Comprehensive Plan.

FINANCIAL CONSIDERATIONS:

The City of Moorhead is required to provide a local match of \$17,240. The local match will include purchasing chemicals (to kill the grass), tilling, and in house labor and equipment costs for the removal of turf grass. The chemicals and tilling will be funded through the River Corridor Capital Improvement fund.

Grant:\$14,200

Chemicals: \$3,500

Tilling: \$7,500

In House Labor and Equipment (spray); \$6,240

Budget Adjustment #24-026 is outlined below. The local match expenses will be funded through the River Corridor Capital Improvement budget and with in-kind staff resources.

Budget Adjustment #24-026



City Council Communication

Fund Name	Grants and Aid	Expenditures	Funding Source
River Corridor	Grants and Aid		\$8,500
River Corridor	Grants and Aid	August 12, 2024	\$5,700
River Corridor	CI		\$3,500
River Corridor	CI		\$7,500
River Corridor	In-Kind Resources		\$6,240
River Corridor	Turf Grass Removal - Chemicals	\$3,500	
River Corridor	Turf Grass Removal – Tilling	\$7,500	
River Corridor	In House Labor and Equipment	\$6,240	
River Corridor	Seed Installation	\$8,500	
River Corridor	Vegetation Management (1 st season)	\$5,700	
Total		\$31,440	\$31,440

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Ethan Johnk, Assistant City Planner

Attachments: Draft Resolution

General Location Map



Proposed Pollinator Planting Locations

Proposed MPCA Grant Planting Locations



RESOLUTION

Resolution to Approve Minnesota Pollution Control Agency Climate Action Grant and Related Agreement for the Replacement of Turf Grass Areas Along the Red River Corridor (Budget Adjustment #24-026)

WHEREAS, the Minnesota Pollution Control Agency has awarded the City of Moorhead \$14,200 to replace approximately 10 acres of turf grass areas to natural plantings along the Red River corridor; and

WHEREAS, Principle 5 of the Moorhead River Corridor Master Plan focuses on addressing habitat enhancement, “including the restoration and preservation of native landscapes” along the River Corridor; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota does hereby accept the grant in accordance with the terms of the grant agreement and authorizes the Mayor and City Manager to execute the grant agreement and related amendments and submittals to obtain the funding related to the turf grass conversion.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, that budget adjustment #24-026 is hereby approved and the City Council does hereby express their sincere gratitude to the Minnesota Pollution Control Agency for the grant.

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Approve Vacation of a portion of a Prescriptive Right-of Way Easement near Village Green South First Addition

RECOMMENDATION:

The Mayor and City Council are asked to consider a Vacation of a portion of a 50-foot Prescriptive Right-of-Way Easement for former County State Aid Highway 7 near Village Green South First Addition.

BACKGROUND/KEY POINTS:

The request is to accommodate a proposed residential development 4020 35th Ave S (Parcel 589002310).

Before the current configuration of 40th St S and 35th Ave S, 40th St S/CSAH 7 connected to Hwy 52 as a gravel roadway at the north end of this parcel. Around the same time as the 2006 annexation of this parcel, a new intersection was constructed to line up with 34th Ave S on the east side of Hwy 52 and designated as the new CSAH 7. These changes were made to address safety concerns and improve traffic flow.

Due to this reconfiguration, the CSAH 7 gravel roadway was removed and the remainder of 35th Ave S was turned over to City jurisdiction. This right-of-way easement area currently exists as greenspace which is maintained by Public Works. If vacated, the right-of-way easement area will be transferred to the adjacent parcel to the east and will be the responsibility of the property owner to maintain.

The City will maintain 80 feet of right-of-way along 35th Ave S. In this area there is 65 feet currently, therefore, the City will only agree to a 35-foot vacation of the eastern portion of the right-of way easement instead of the requested 50 feet. The area to the north of 35th Ave S, the full 50 feet requested can be vacated (see attached map).

The Moorhead Planning Commission considered the request at their August 5, 2024 meeting and unanimously recommended approval of the Vacation with no public comment. The complete Planning Commission packet is available at: [City of Moorhead : Planning Commission](#)

FINANCIAL CONSIDERATIONS:

The City will no longer bear the cost of mowing the vacated easement area.

Voting Requirements: Majority of Quorum



City Council Communication

August 12, 2024

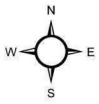
Submitted By:

Dan Mahli, City Manager

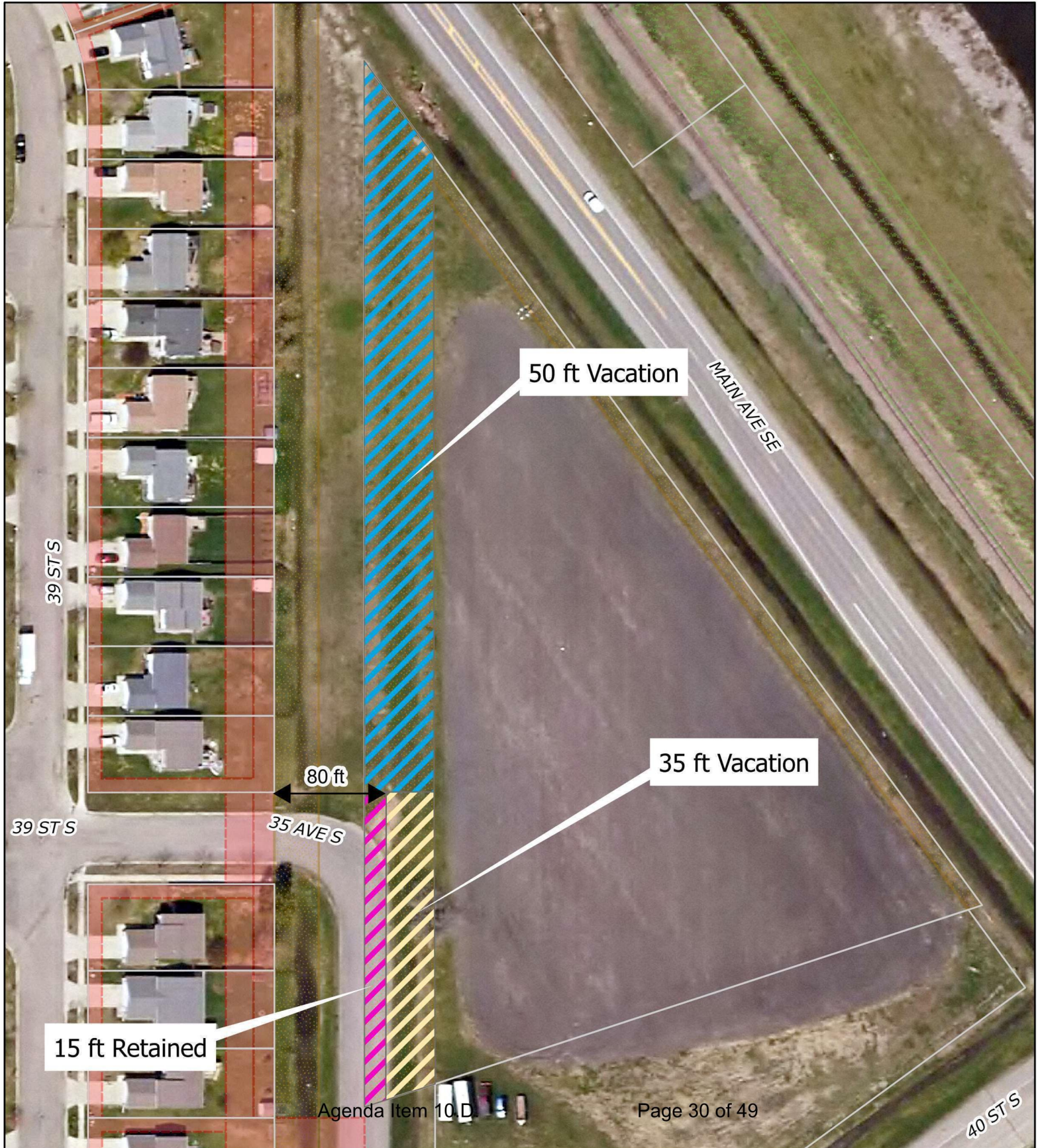
Robin Huston, City Planner / Zoning Administrator

Forrest Steinhoff, Assistant City Planner

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



General Location Map - Vacation Vacation of Easement Village Green South First Addition 50-foot prescriptive Right-of-Way easement for former County Road 7



RESOLUTION

Resolution to Approve Vacation of a portion of a Prescriptive Right-of Way Easement near Village Green South First Addition

WHEREAS, Barrier Homes, Inc. has requested a Vacation of a 50-foot Prescriptive Right-of-Way Easement for former County State Aid Highway 7 near Village Green South First Addition, described as follows:

50-foot Prescriptive Right-of-Way Easement mentioned in Document 704169 for former County State Aid Highway 7 adjacent to an unbuilt 65 feet of platted 40th Street S Right-of-Way in Village Green South First Addition and adjacent to 35th Avenue S Right-of-Way near Village Green South First Addition, Moorhead, Minnesota; and

WHEREAS, a public hearing to consider the vacation request was held on August 5, 2024 before the Moorhead Planning Commission following public notice as required by law and all affected parties were given an opportunity to voice their concerns; and

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

WHEREAS, the easement vacation has been found consistent with the following considerations:

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Council herein adopts the Findings of Fact approved by the Moorhead Planning Commission in the attached Exhibit A and approved the easement vacation near Village Green South First Addition, described as follows:

50-foot Prescriptive Right-of-Way Easement mentioned in Document 704169 for former County State Aid Highway 7 adjacent to an unbuilt 65 feet of platted 40th Street S Right-of-Way in Village Green South First Addition and adjacent to 35th Avenue S Right-of-Way near Village Green South First Addition, Moorhead, Minnesota.

contingent upon the following conditions:

1. 50 feet of this right-of-way easement from CSAH 52 south to a point that lines up with the southerly lot line of Lot 27, Block 1 of Village Green South First Addition shall be vacated.
2. 80 feet of right-of-way shall be maintained for 35th Avenue S. The vacation shall only include the easterly 35 feet of the existing 50-foot right-of-way easement beginning at the southerly lot line of Lot 27, Block 1 of Village Green South First Addition to the southerly lot line of subject parcel (589002310).
3. Applicant/Owner shall plat subject parcel (589002310) and agree to developer's agreement so that new 35th Avenue S right-of-way and necessary utility easements may be dedicated to City.
4. Applicant/Owner is responsible for rerouting of existing utilities/reestablishing easements or must provide additional easements, if needed.
5. Applicant/Owner to receive all required federal, state and local permits.

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

**Right of Way Easement Vacation
Moorhead Planning Commission
Findings of Fact**

REQUEST: Vacation of an Easement within Village Green South Addition

LOCATION: 50-foot Prescriptive Right-of-Way Easement mentioned in Document 704169 for former County State Aid Highway (CSAH) 7 adjacent to an unbuilt 65 feet of platted 40th Street S Right-of-Way in Village Green South First Addition and adjacent to 35th Avenue S Right-of-Way near Village Green South First Addition, Moorhead, Minnesota.

APPLICANT: City of Moorhead

FILE NO: 24P022

WHEREAS, the Moorhead Planning Commission received a full and complete application for Vacation of an Easement within Village Green South Addition, described as:

50-foot Prescriptive Right-of-Way Easement mentioned in Document 704169 for former County State Aid Highway (CSAH) 7 adjacent to an unbuilt 65 feet of platted 40th Street S Right-of-Way in Village Green South First Addition and adjacent to 35th Avenue S Right-of-Way near Village Green South First Addition, Moorhead, Minnesota; and

WHEREAS, the vacation is to accommodate residential development; and

WHEREAS, the Moorhead Planning Commission held a public hearing on the aforementioned request on August 5, 2024; and

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

Findings of Fact

- A full and complete application was filed by City of Moorhead, received on July 15, 2024 (herein referred to as "Application") seeking a Vacation of an Easement within Village Green South Addition, legally described as:

50-foot Prescriptive Right-of-Way Easement mentioned in Document 704169 for former County State Aid Highway (CSAH) 7 adjacent to an unbuilt 65 feet of platted 40th Street S Right-of-Way in Village Green South First Addition and adjacent to 35th Avenue S Right-of-Way near Village Green South First Addition, Moorhead, Minnesota; and

- The request is to accommodate residential development.
- A public hearing was held by the Planning Commission on August 5, 2024 on the application allowing all interested persons an opportunity to speak, full and complete record of which is detailed in the minutes of the Moorhead Planning Commission.
- The request has been found consistent with the following considerations:
 - A. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan and with the purpose of the zoning district in which the applicant intends to locate the proposed use.
 - The proposed vacation is consistent with the 2022 Comprehensive Plan and Zoning Code.
 - B. The proposed vacation request is compatible with the present and future uses of the area.

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

NOW, THEREFORE, BE IT RESOLVED by the Moorhead Planning Commission that based upon the above Findings of Fact, the request of City of Moorhead for Vacation of an Easement adjacent to Village Green South First Addition, legally described as:

50-foot Prescriptive Right-of-Way Easement mentioned in Document 704169 for former County State Aid Highway (CSAH) 7 adjacent to an unbuilt 65 feet of platted 40th Street S Right-of-Way in Village Green South First Addition and adjacent to 35th Avenue S Right-of-Way near Village Green South First Addition, Moorhead, Minnesota.

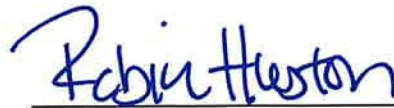
is hereby approved contingent upon:

1. 50 feet of this right-of-way easement from CSAH 52 south to a point that lines up with the southerly lot line of Lot 27, Block 1 of Village Green South First Addition shall be vacated;
2. 80 feet of right-of-way shall be maintained for 35th Avenue S. The vacation shall only include the easterly 35 feet of the existing 50-foot right-of-way easement beginning at the southerly lot line of Lot 27, Block 1 of Village Green South First Addition to the southerly lot line of subject parcel (589002310).
3. Applicant/Owner shall plat subject parcel (589002310) and agree to developer's agreement so that new 35th Avenue S right-of-way and necessary utility easements may be dedicated to City.
4. Applicant/Owner will be responsible for rerouting existing utilities/reestablishing easements or must provide additional easements, if needed.
5. Applicant/Owner to receive all required federal, state and local permits.

PASSED by the Moorhead Planning Commission this 5th day of August, 2024.



Nicole Mattson, Chair
Moorhead Planning Commission



Attest: Robin Huston,
City Planner/Zoning Administrator



City Council Communication

August 12, 2024

SUBJECT:

Resolution Approving 2024 Alternative Urban Areawide Review (AUAR) Updates for North, East and South Moorhead Growth Areas

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve the 2024 Alternative Urban Areawide Review Updates for the North, East and South Moorhead Growth Areas.

BACKGROUND/KEY POINTS:

Moorhead has three growth areas to the North, East and South. Alternative Urban Areawide Reviews for these growth areas are required to be updated approximately every five years or when growth areas are amended or significantly change. AUAR updates were last completed in 2018 for these growth areas. Prior to that, updates were completed in 2013 for the South and East Growth Areas and the first AUAR was completed for the North Growth Area in 2009. Comprehensive Plans, Growth Area Plans and past and current AUARs are available at: [City of Moorhead: Long Range Planning](#)

Since the creation of the original growth area boundaries in 2005 for the South and East and 2009 for the North, development has occurred within areas now in city limits but originally outside city limits when the growth area was created. Little development has occurred outside the 2018 city boundaries except for the 2020 annexation of 825 46th Ave S (Storemoor Self Storage) and the 2021 annexation of 1444 40th Ave S (existing single-family home).

AUARs are authorized under Minnesota Rules Chapter 4410.3610 as an alternative form of environmental review for anticipated residential, commercial, and light industrial development projects and associated infrastructure. An AUAR does not commit the City to expand infrastructure or utilities, but ensures that environmental impacts of cumulative area development is accounted for and managed. AUARs also assist the development community by providing advanced environmental planning.

A Comprehensive Plan, along with an approved AUAR, also assists in the continued growth and development of the city and also assists the Engineering Department, Moorhead Public Service and other utility companies by providing an analysis of infrastructure expansion and associated impacts on infrastructure.

Upon completion of an AUAR, most residential, commercial and light industrial development projects and associated infrastructure within the designated areas that are consistent with the assumptions and plan for mitigation are exempt from additional environmental review.

The Moorhead Planning Commission reviewed the AUARs at their July 1, 2024 meeting and unanimously recommended approval. The complete Planning Commission packet is available at: [City of Moorhead : Planning Commission](#)



The City Council approved the order for the AUARs at their July 8, 2024 meeting and the draft documents were submitted for public comment and potential objection July 28, 2024 until August 12, 2024.

City Council Communication

August 12, 2024
No objections were received but comments were received from both the MPCA and DNR as follows:

Minnesota Pollution Control Agency (MPCA)

Documents were found to be well done and they appreciated that the documents addressed all potential impacts, especially surface water, ground water and climate adoption and resilience, and that they referred to MPCA's 2024 impaired waters list and Watershed Restoration and Protection Strategies (WRAPS) reports for the Buffalo River and Upper Red River of the North watersheds.

Minnesota Department of Natural Resources (DNR)

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Robin Huston, City Planner / Zoning Administrator

Attachments: Draft Resolution

RESOLUTION

Resolution Approving 2024 Alternative Urban Areawide Review (AUAR) Updates for North, East and South Moorhead Growth Areas

WHEREAS, on May 8, 2017, the City Council of the City of Moorhead, acting as the official Responsible Governmental Unit (RGU), approved Resolution 2017-0508-H, an Order for Review requesting the initiation of an Alternative Urban Area Review (AUAR) for North, South and East Growth Areas of Moorhead; and

WHEREAS, the City of Moorhead prepared the North, South and East Moorhead Growth Area AUARs and Mitigation Plans consistent with Minnesota Rules Section 4410.3610 and distributed for the 30-day public comment period and subsequent 10-day objection period in accordance with Minnesota Environmental Quality Board Environmental Review Program procedures; and

WHEREAS, on November 13, 2018, the City Council of the City of Moorhead approved Resolution 2018-1113-7, adopting the 2018 AUARs and Mitigation Plans for the North, South and East Growth Areas of Moorhead; and

WHEREAS, in accordance with Minnesota Environmental Quality Board Rules, the 2024 Update of the North, South and East Growth AUARs and Mitigation Plans dated August 2024 was prepared and distributed in accordance with Minnesota Environmental Quality Board ("EQB") Environmental Review Program Rules and for the purpose of updating the analysis and the plans for mitigation and to maintain the validity of the 2018 AUARs; and

WHEREAS, the 2024 Update of the North, South and East Growth AUARs and Mitigation Plans were distributed for public comment and potential objection in accordance with the Minnesota Environmental Quality Review Program procedures and published in the EQB Monitor on July 23, 2024 for review and comment; and

WHEREAS, upon completion of the objection period ending August 12, 2024, as prescribed by Minnesota Rules, the City of Moorhead received no objections; and

WHEREAS, the City of Moorhead has determined that no further refinements to the 2024 Update of the North, South and East AUARs and Mitigation Plans are required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota hereby adopts the 2024 Update of the North, South and East Growth Area Alternative Urban Areawide Reviews and Mitigation Plans.

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Approve Guaranteed Maximum Price Agreement with Gast Construction Company for Reimagine Romkey Park Project

RECOMMENDATION:

The Mayor and City Council are asked to consider Guaranteed Maximum Price Amendment #1 to the Agreement with Gast Construction Company, Inc. for Manager at Risk Services on the Reimagine Romkey Park – Pool Replacement and Park Renovation Project.

BACKGROUND/KEY POINTS:

On May 28, 2024, the City Council authorized and agreement with Gast Construction for the Construction Manager at Risk (CMAR) for the Reimagine Romkey Park – Pool Replacement and Park Renovation Project. The CMAR operates as the owner's representative to manage the construction process, providing pre-construction services in the design phase and construction services during the construction phase. The CMAR oversees all bidding, subcontractor hiring, oversight of the construction, and health and safety measures for the project. To provide the construction services, the construction manager provides a Guaranteed Maximum Price (GMP) for the project based on the construction documents and specifications provided by the Design team. The GMP is provided as an amendment to the current contract.

The Reimagine Romkey Project is scheduled to perform demolition the fall of 2024 and perform substantial construction during 2025. For efficient construction and scheduling, it is proposed to have two bid packages with two GMPs related to the CMAR Agreement. The first bid package will include demolition of the existing facilities, construction of foundation footings, and limited earthwork. The proposed resolution authorizes a Guaranteed Maximum Price Amendment #1 to the Gast Agreement with a "not to exceed" GMP for the first bid package. The first bid package is anticipated to be released in August and the second bid package when full design is complete. This resolution will authorize a maximum GMP and assist with quickly moving into construction if the GMP is consistent with the proposed estimates.

The GMP Amendment #1 to the agreement with Gast Construction Company Inc. will be reviewed by the City Attorney prior to execution by the Mayor and City Manager.

FINANCIAL CONSIDERATIONS:

Agenda Item 11.A.

On April 8, 2024, the City Council approved a resolution for the project budget in the amount of \$11.3 million. The project design is progressing, and cost estimates are within the project budget. The CMAR services and construction budgets are also approved.

City Council Communication

Original CMAR Agreement – Pre-Construction Services fee of \$25,000. (Previously Approved)
CMAR Agreement Amendment #1 – GMP for Bid Package #1: Amendment #1 outlines a maximum GMP of \$950,000 which includes costs for demolition of current facility, construction of foundation footings, and limited earthwork.

CMAR Agreement Amendment #2 – GMP for Bid Package #2: There will be a future CMAR Amendment #2 for the remainder of the construction. (Future Resolution)

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Paul Fiechtner, Public Works Director
Holly Heitkamp, Parks and Recreation Director
Nichole Parr, Administrative Assistant

Attachments:

RESOLUTION

Resolution to Approve Guaranteed Maximum Price Agreement with Gast Construction Company for Construction Manager At Risk Services for Reimagine Romkey Park Project

WHEREAS, on April 8, 2024, the City accepted a grant awarded to Moorhead from the United States Department of Interior's Land and Water Conservation Fund - Outdoor Recreation Legacy Partnership program for the Reimagine Romkey Park - Pool Replacement and Park Renovation Project.

WHEREAS, the City of Moorhead approved a resolution for the project budget in the amount of \$11.3 million; and

WHEREAS, the City of Moorhead has hired a design firm for Architectural and Engineering services to prepare design, planning and construction cost estimation for the Reimagine Romkey Project as outlined in Resolution 2024-0408-2; and

WHEREAS, the City of Moorhead has hired Gast Construction as Construction Manager At Risk for pre-construction services not to exceed \$25,000; and

WHEREAS, the City Council anticipates a Guaranteed Maximum Price Amendment #1 (1 of 2) for an update to the GMP as outlined within the Agreement for CMAR services for this project; and

WHEREAS, the City Council will consider Guaranteed Maximum Price Amendment #2 (2 of 2) at a future meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead Minnesota the Mayor and City Manager are hereby authorized and directed to execute Amendment #1 with Gast Construction Company, Inc. for Guaranteed Maximum Price not to exceed \$950,000.

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Authorize Advertisement for Construction Manager at Risk (CMAR) Services for the Matson Field Stadium Project

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to authorize advertisement for Construction Manager at Risk CMAR Services for the Matson Field Stadium Project.

BACKGROUND/KEY POINTS:

The City of Moorhead has been working toward the construction of a new grandstand for the Matson Field Stadium Project. With the knowledge that there is an active fundraising campaign in Fall of 2023, Mutchler Bartram Architects (MBA) was selected to design the project. The design was completed and includes many new amenities.

The fundraising campaign has raised \$1,232,000 for the project. The original project estimates were \$2,100,000. Due to timeline constraints, staff recommends proceeding with construction of a reduced scope that will allow phasing of the grandstand construction. The proposed phase of construction will match the current funding available. The project will include construction of an elevated concrete grandstand, press box, and backstop netting system. The project design will accommodate future amenities such as restrooms, concessions, and shade structures.

The City Council is asked to proceed with a Construction Manager at Risk (CMAR) delivery of the project. The CMAR will perform work as the owner's representative and provide construction phase services. The CMAR will provide a Guaranteed Maximum Price (GMP) for the project based on the construction documents and specifications provided by the Architect/Engineering team. Upon acceptance of the GMP, the CMAR will provide construction services for the construction phase by overseeing all bidding, subcontractor hiring, job oversight, insurance, and health/safety measures for the project.

FINANCIAL CONSIDERATIONS:

The current project funding is \$1,232,000 and has been from various sources including donations from the Convention and Visitors Bureau, the American Legion, Alex Stern Foundation, and funds from the American Rescue Plan Act.

The proposed resolution will authorize advertisement for CMAR services and does not have financial impact.

Voting Requirements: 3/4 of Council (6)



City Council Communication

August 12, 2024

Submitted By:

Dan Mahli, City Manager

Paul Fiechtner, Public Works Director

Holly Heitkamp, Parks and Recreation Director

Nichole Parr, Administrative Assistant

Attachments:

RESOLUTION

Resolution to Authorize Advertisement for Construction Manager at Risk (CMAR) Services for the Matson Field Stadium Project

WHEREAS, the City of Moorhead wishes to pursue construction of a grandstand for the Matson Field Stadium Project; and

WHEREAS, the City of Moorhead has hired a design firm for Architectural and Engineering services to prepare design, planning and construction plans for Matson Field Stadium Project; and

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

WHEREAS, a Request for Proposal will provide a transparent process resulting in the selection of a highly qualified Construction Management firm for the Matson Field Stadium Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Manager and Mayor is hereby authorized and directed to advertise a Request for Proposals for Construction Manager at Risk services for the Matson Field Stadium Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that the City Manager and Review Team are authorized and directed to review, and further process submittals to the Request for Proposals for Construction Manager at Risk services and recommend to the City Council one firm for CMAR services for the Matson Field Stadium Project.

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Approve a Minnesota Lawful Gambling Premise Permit for Moorhead Youth Baseball Association

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve issuance of a Gambling Premises Permit to Moorhead Youth Baseball Association.

BACKGROUND/KEY POINTS:

The Moorhead Youth Baseball Association is requesting authorization to conduct lawful gambling activities at Buffalo Wild Wings located at 2201 1st Ave N, Moorhead. This will allow Moorhead Youth Baseball Association to conduct raffles and other lawful gambling activities throughout the year without further permit approvals by the City of Moorhead. Before the Minnesota Gambling Control Board can issue the premises permit, the local unit of government where the premise is located must give prior approval of the application. The Moorhead Youth Baseball Association assumes full responsibility for the fair and lawful operation of gambling activities to be conducted.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk
Kelle Jenkins, Deputy City Clerk

Attachments:

RESOLUTION

Resolution to Approve a Minnesota Lawful Gambling Premise Permit for Moorhead Youth Baseball Association

BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby approve the issuance of a Minnesota Lawful Gambling Premises Permit to the applicant listed below:

Applicant:

Moorhead Youth Baseball Association

Site:

Buffalo Wild Wings
2201 1st Ave N
Moorhead, MN 56560

Gambling Manager:

Anthony Simonson

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Approve New Liquor License to Starbird Lounge

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve the issuance of an On-Sale liquor license to Starbird Lounge.

BACKGROUND/KEY POINTS:

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

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

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk
Kelle Jenkins, Deputy City Clerk

Attachments:

RESOLUTION

Resolution to Approve New Liquor License to Starbird Lounge

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

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

Name: Starbird Lounge, LLC
DBA: Starbird Lounge
Location: 817 Center Ave
License Period: September 1, 2024 to June 30, 2025

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

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

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

August 12, 2024

SUBJECT:

Resolution to Authorize Agreement with JLG Architects for Architectural and Engineering Services for the City Hall Renovation/Civic Plaza Project

RECOMMENDATION:

The Mayor and City Council are asked to consider a Resolution to approve an agreement with JLG Architects for architectural/engineering services for the City Hall Renovation/Civic Plaza Project.

BACKGROUND/KEY POINTS:

The Programming and Pre-Design Phase of the project has been completed and staff is seeking to approve contracting with JLG Architects for architectural services for schematic design through construction phase of the project.

FINANCIAL CONSIDERATIONS:

The attached resolution allows the Mayor and City Manager to authorize this work at a rate of 8% of construction cost.

Voting Requirements: 2/3 of Council (6)

Submitted By:

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

Attachments:

RESOLUTION

Resolution to Authorize Agreement with JLG Architects for Architectural and Engineering Services for the City Hall Renovation/Civic Plaza Project

WHEREAS, the City of Moorhead and JLG Architects have completed the pre-design work that was authorized by the City Council on April 22, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead Minnesota the Mayor and City Manager are hereby authorized and directed to execute entering into a contract with JLG Architects for architectural and engineering services from schematic design through the construction phase of the City Hall Renovation/Civic Plaza Project at a cost of 8% of construction costs.

PASSED: August 12, 2024 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk