



**CITY COUNCIL
MEETING AGENDA
JANUARY 23, 2023 AT 5:30 PM
HJEMKOMST CENTER AUDITORIUM**

City Council Meeting

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

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Agenda Amendments
4. Recognitions - Presentations
 - A. MoorHeart Recognition: Pastor Sue Koesterman
 - B. Presentation: Upstream Mitigation Area – Joel Paulsen, Executive Director Metro Flood Diversion Authority
5. 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.*
6. Approve Minutes
 - A. January 9, 2023 Meeting Minutes
7. Citizens Addressing the Council (Time Reserved: 15 Minutes)

During "Citizens Addressing the Council", the Mayor will invite residents to share issues, concerns and opportunities. Individuals must limit their comments to three minutes. The Mayor may limit the number of speakers on the same issue in the interest of time and topic. Individuals should not expect the Mayor or Council to respond to their comments tonight.
8. *Mayor and Council Appointments
 - A. *Resolution 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.
10. Engineering Department
 - A. *Resolution to Award Bid for 2023 Sanitary Lift Station No.3, No.32, and No.36 Improvements (Eng. No. 23-06-01).

- B. *Resolutions to Approve Actions for Johnson Farms 5th and 7th Addition Underground Utility & Street Improvements (Eng. No. 23-A6-01).
 - C. *Resolution to Receive Report and Order Plans and Specifications for Johnson Farms 5th & 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01)
 - D. *Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Johnson Farms 5th and 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01).
11. Community Development Department
- A. *Resolution to Approve Budget Adjustment and Related Agreement for a Building Codes Apprenticeship with State of MN - Department of Labor and Industry
12. Moorhead Public Service
- A. *Resolution to Approve Settlement Agreement and Release Between the City of Moorhead, Moorhead Public Service, and BNSF Railway Company
 - B. *Resolution to Award Bid for Furnishing Control Panels at Moorhead DOE Tap Substation
13. Public Works
- A. *Resolution to Renew Contract with MinnKota Recycling
 - B. *First Reading of Ordinance 2023-01: An Ordinance to Amend the 2023 Fee Schedule for Sanitation Demolition Materials Roll-off Disposal Costs
14. Administration
- A. *Resolution to Award Contract to KLJ for Architecture and Engineering Services for the Dilworth Walmart Transit Hub
 - B. *Resolution to Approve New Liquor License to Classic Touch Lounge, LLC DBA Classic Touch Lounge
 - C. Resolution to Approve the Appointment of Fire Chief
 - D. Resolution to Amend Resolutions 2021-0308-19 and 2022-0425-3, requests to the Legislature for Local Option Sales Tax Authorization
15. Mayor and Council Reports
16. City Manager Reports
17. Executive Session
18. New Business
19. Adjourn



City Council Communication

January 23, 2023

SUBJECT:

MoorHeart Recognition: Pastor Sue Koesterman

RECOMMENDATION:

The Mayor and City Council are asked to recognize and honor Pastor Sue Koesterman with the MoorHeart award.

BACKGROUND/KEY POINTS:

The MoorHeart award recognizes individuals and organizations that go above and beyond to demonstrate community within our City by their actions and service. A team of volunteers from City boards and commissions selects award recipients who are recognized at City Council meetings. For the January 2023 award, the MoorHeart selection committee chose to recognize Pastor Sue Koesterman for her dedication and advocacy to our neighbors in need throughout the community.

Pastor Sue and her colleagues at Churches United do tremendous work with affiliated locations and programs – including Micah’s Mission, Dorothy Day House and Food Pantry, Bright Sky Apartments, and soon to come: Silver Linings Apartments. Pastor Sue reminds all of us in Moorhead to stay flexible and positive through the uncertainty we may all eventually have in our lives. Pastor Sue’s leadership qualities are outstanding; her unceasing drive to help our neighbors and friends in need is a beacon for others who need the help, and for those with help to give, Pastor Sue gives the direction that is needed.

Shelby Wheeler wrote in the nomination: Pastor Sue Koesterman is known for her achievements within the City of Moorhead as the current CEO of Churches United. For the past six years, her leadership and guidance has impacted countless individuals through her steadfast commitment to treating others with compassion, concern, dignity, and respect. In everything we do, Pastor Sue is at the forefront setting the example and advocating for our community. She even took an extra step – or paw – by having her rescue dog, Wanda, certified as an emotional support animal. As an employee of Churches United, my nomination is more than professional, but also personal, as I strive to be the leader Sue is today because Pastor Sue Koesterman truly is here for every neighbor in need.

Thank you, Pastor Sue, for everything you do to improve our Moorhead community through your outreach. Your leadership and compassionate advocacy as a role model touch many lives, and we are so happy to have you here with us. Congratulations and thank you again!

The MoorHeart award is commemorated with a piece of art commissioned from Moorhead-based artist, Karman Rheault especially for this purpose.

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



City Council Communication

January 23, 2023

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Not Applicable

Submitted By:

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Mark Dickerson, Communications Coordinator

Attachments:

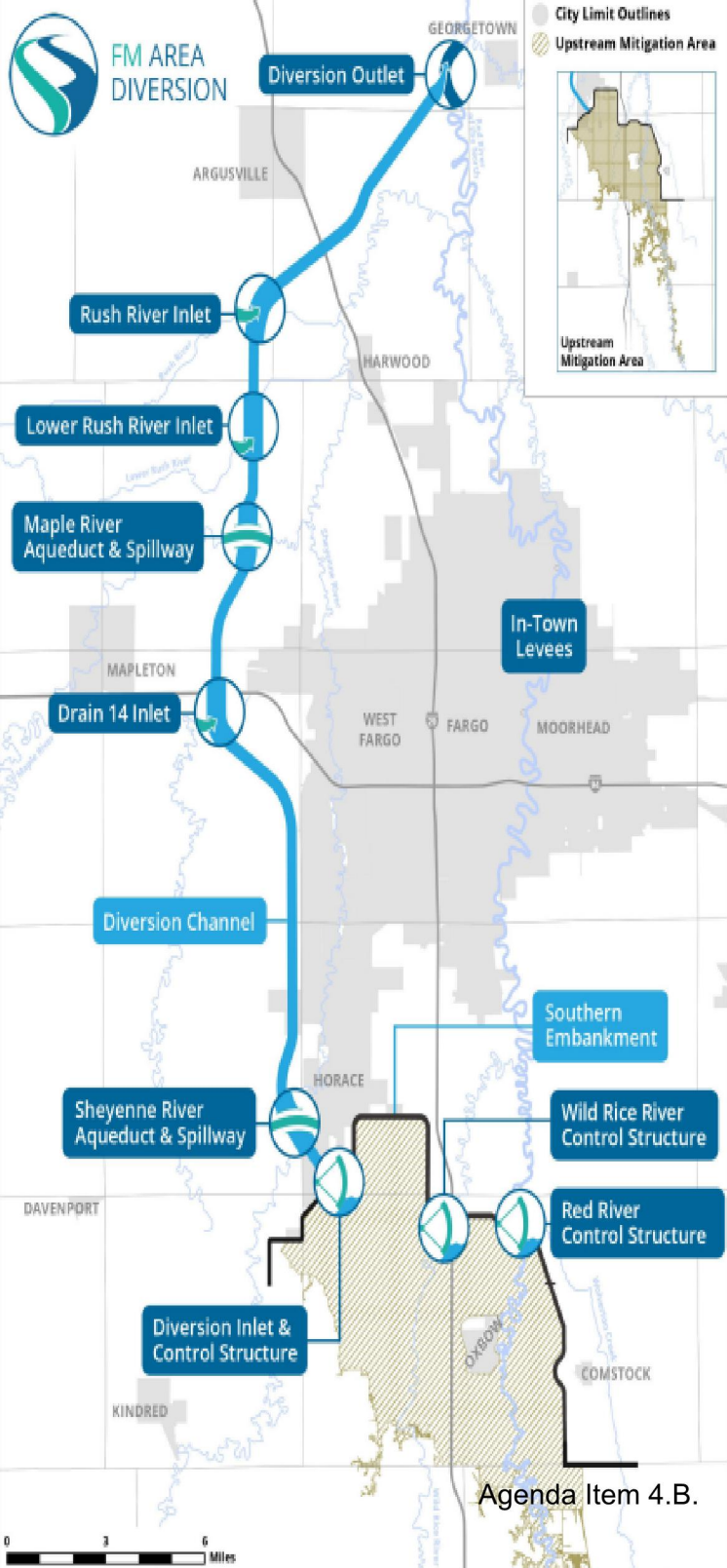


Supplemental Crop Insurance Programs

Moorhead City Council

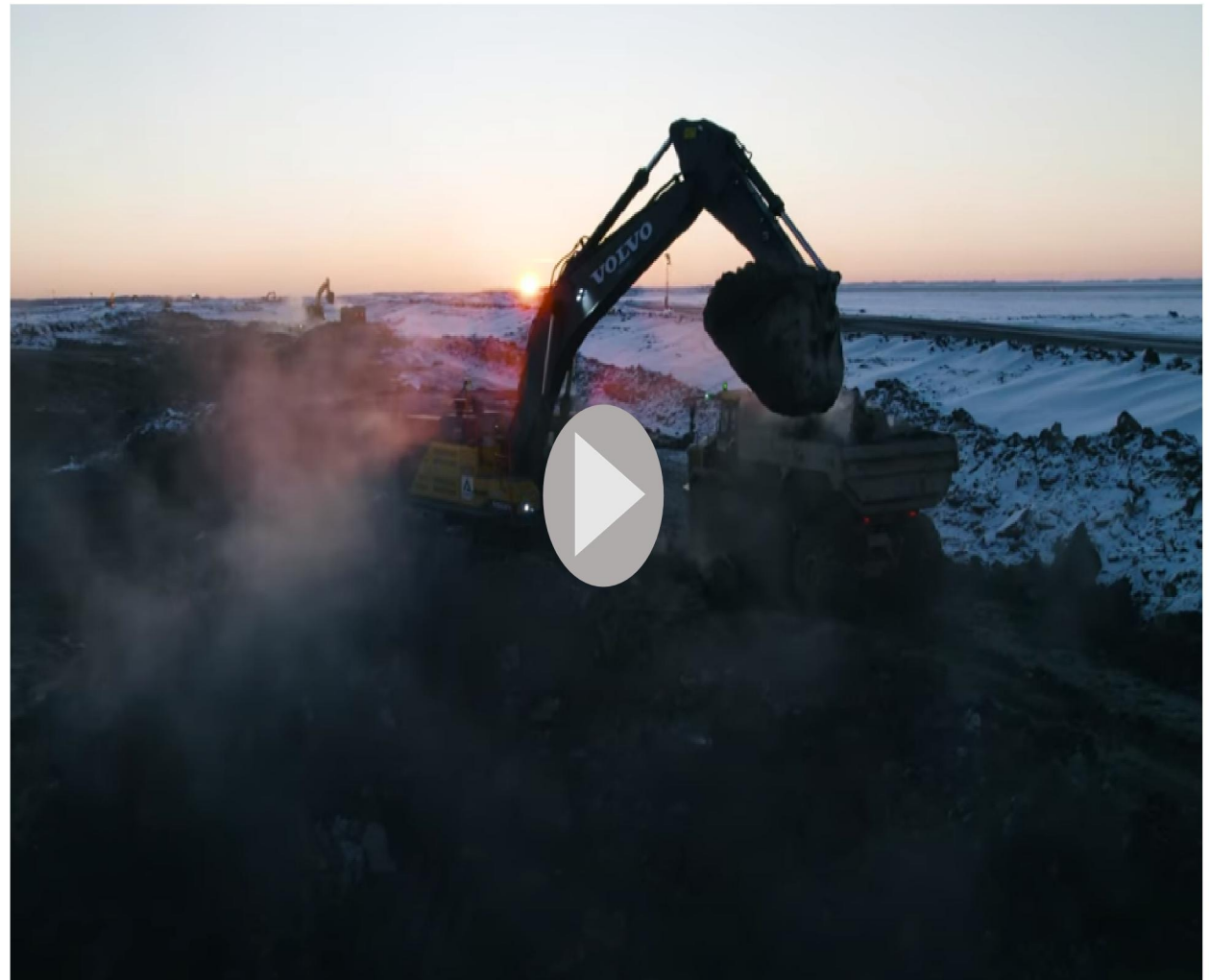
Joel Paulsen, PE, Executive Director
Metro Flood Diversion Authority

January 23, 2023



Project Status

Construction Status Video:

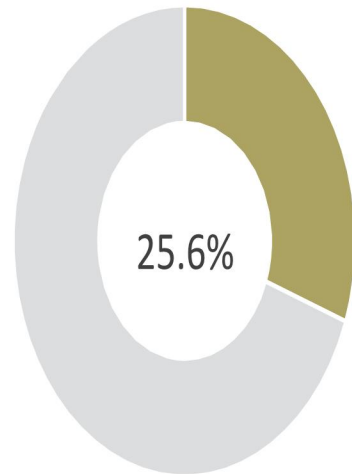


Property Acquisition Progress by Moorhead-Clay County JPA

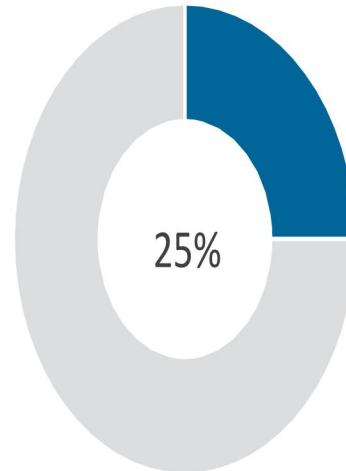


33.7% Complete

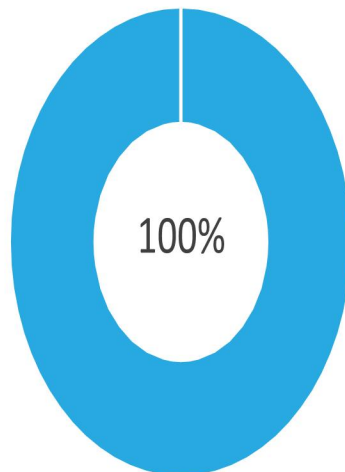
105 of 312 acquired to date



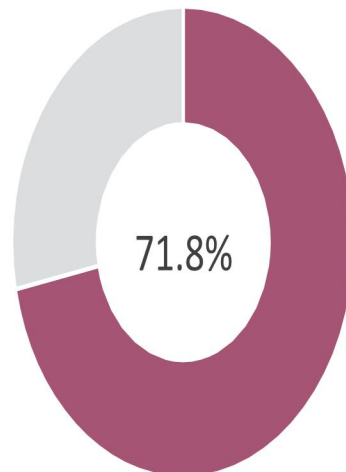
Southern Embankment &
Associated Infrastructure



Upstream
Mitigation Area



Agenda Item 4.B. Drayton Dam
Mitigation



Environmental
Monitoring Easements

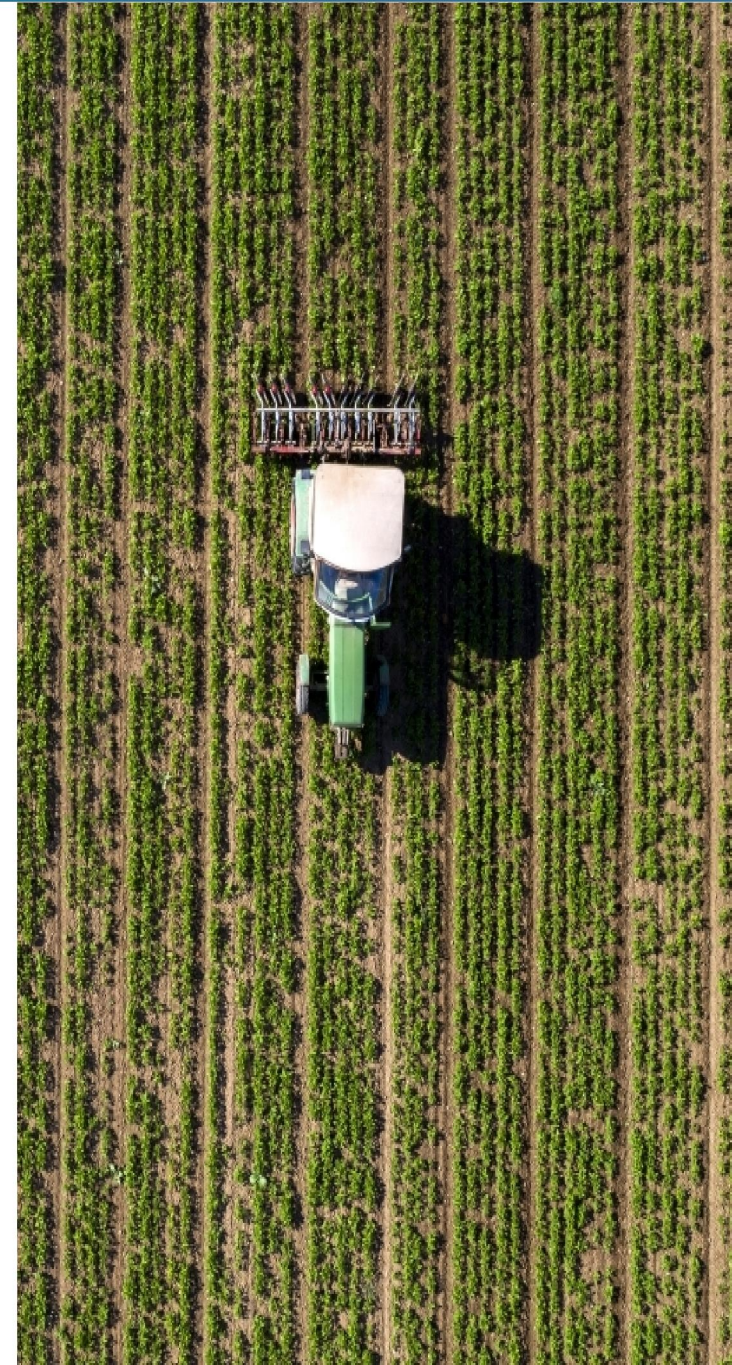
Pre-Operation Mitigation

- Property Rights Acquisition and Mitigation Plan (PRAM)
- Mitigation Approach for Existing Structures in the UMA
- Mitigation Approach for Land and New Structures in the UMA
- Rural Impact Mitigation Program
- Historic Property Mitigation
- Cemetery Mitigation
- Roadway Mitigation

Post-Operation Mitigation

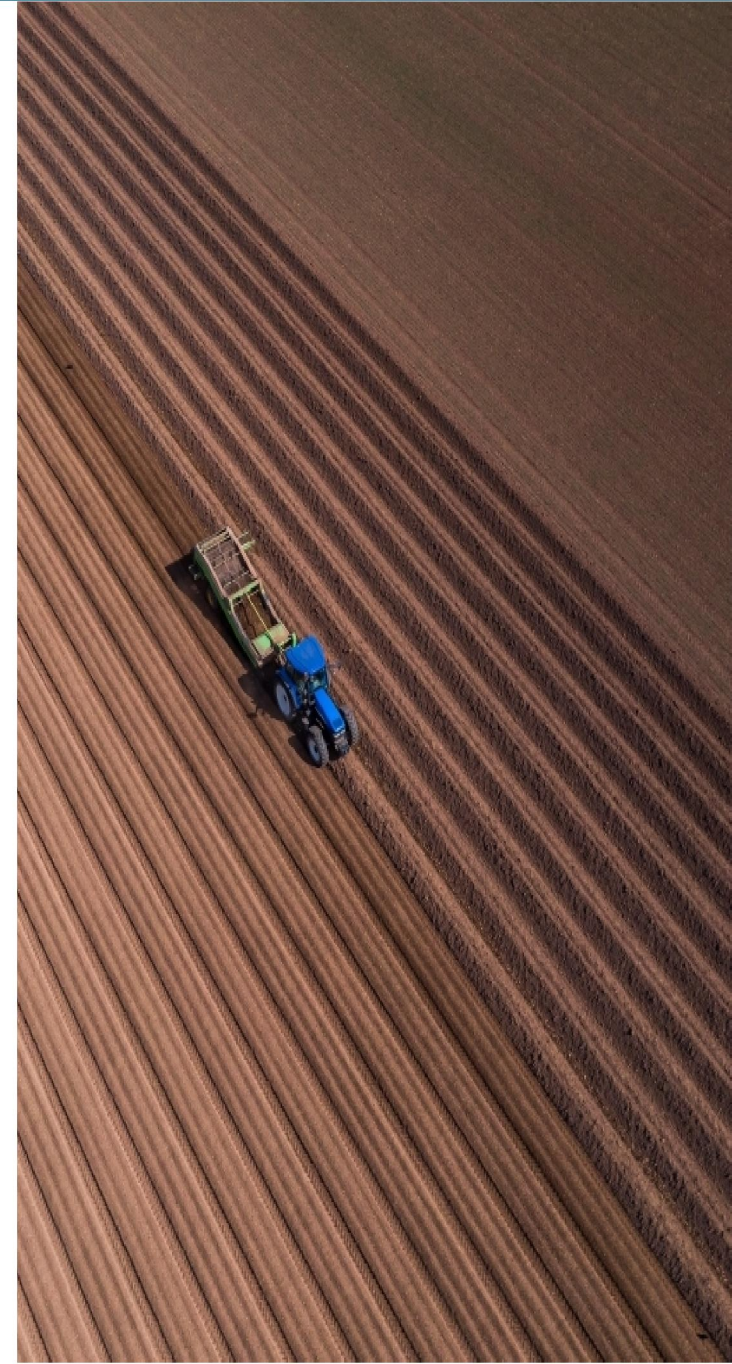
- Debris Removal and Property Damage Restoration and Cleanup Plan
- Public Lands Repair and Cleanup Plan
- Growing Season Supplemental Crop Loss Program
- Prevent Plant Crop Insurance Program
- Business Interruption Insurance Program

- MFDA retained Watts & Associates to develop supplemental insurance policies to compensate producers for losses resulting from project operation
- Policy is 80% complete and work will continue until 2026, when policy provider is willing to agree to drafted language



Eligibility for Crop Programs

- Producers in the UMA must be growing agricultural crops and participating in federal crop insurance prior to any losses
- To participate in these programs, growers will work through their crop insurance agent to signup via a no-cost rider made available by the MFDA
- Project must operate to be eligible for MFDA Crop Insurance



Prevent-Plant Crop Insurance Program	Growing Season Supplemental Crop Loss
Used if producers are unable to plant crops by the established late-planting dates set by federal crop insurance if the project is operational during the planting season	If the project operates during the growing season, this will cover 100% of resulting crop loss

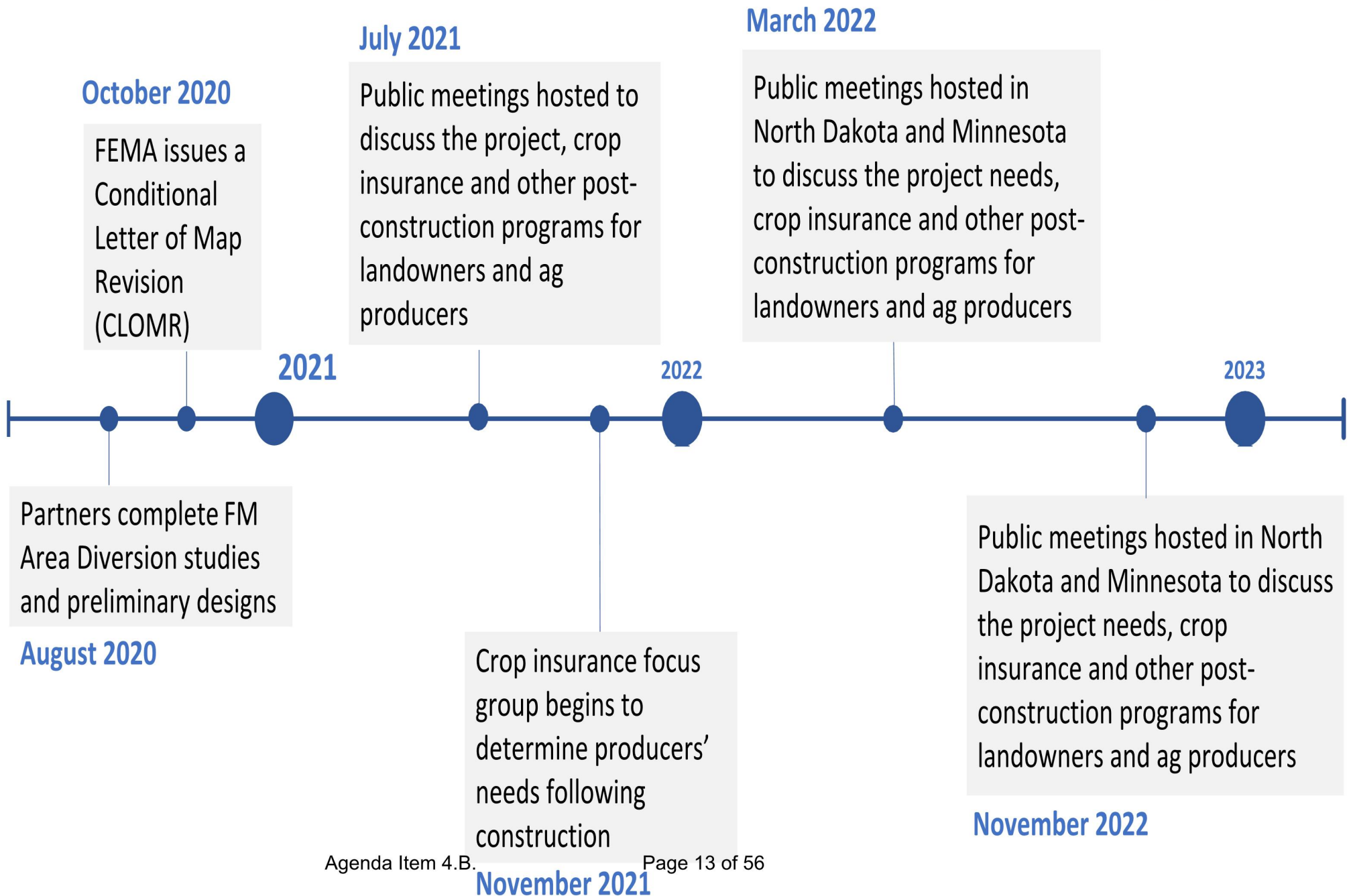
- Supplemental crop insurance programs provided at no cost to producers
- Working to ensure producers' Actual Production History (APH) yield is not adversely affected by a reduced yield caused by project operation

Coverage Scope Examples

Who Pays (MPCI, Supplemental Coverage, Someone Else)?

Torrential sleet and a biblical-scale downpour destroys crops after they have emerged, but the gates do not close	Regular Crop Insurance
Cropland is submerged throughout the planting season, the diversion gates are closed through the final planting dates	Supplemental Crop Insurance
Cropland is submerged throughout the planting season, the diversion gates are never closed	Regular Crop Insurance
There is an early spring flood and gates are closed. Water recedes and the crop is planted about two weeks later than it would be in a typical year. The crop is about 10% less than average.	Supplemental Crop Insurance

Crop Insurance Program Timeline





Search MFDA



[ABOUT](#)

[PROJECT STATUS](#)

[MINUTES & AGENDAS](#)

[LAND MANAGEMENT](#)

[NEWS & RESOURCES](#)

[FIND JOBS](#)

Permanent, Reliable Flood Protection for the Future of the Fargo-Moorhead Area

[ABOUT US AND THE PROJECT](#)



[Agenda Item 4.B
CONSTRUCTION STATUS](#)



[Page 14 of 56
ROAD CLOSURES](#)



[MINUTES & AGENDAS](#)



Joel Paulsen

PaulsenJ@FMDiversion.gov

www.FMDiversion.gov



CITY COUNCIL

MEETING MINUTES JANUARY 09, 2023 AT 5:30 PM HJEMKOMST CENTER AUDITORIUM

1. Call to Order and Roll Call

Roll call of the members was made as follows:

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

Absent:

Prior to the start of the meeting, Mayor Shelly Carlson and Council members Ryan Nelson, Heather Nesemeier, Deb White and Chuck Hendrickson were sworn in by Seventh District Judge Johnathan Judd.

2. Pledge of Allegiance

3. Agenda Amendments

Request to remove agenda item #8B from the consent agenda.

4. Recognitions - Presentations

A. Presentation: Gate City Bank BetterLife Childcare Incentive

Shawn Gruenberg and a team with Gate City Bank shared information on the need and shortage of childcare in the region, as well as a new Gate City Bank program to support providers that offer daycare services.

5. Consent Agenda

All items listed with an asterisk (*) are considered to be routine by the City Council and will be enacted by one motion.

Motion to Approve made by Heather Nesemeier and seconded by Steve Lindaas

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

6. Approve Minutes

A. December 12, 2022 Meeting Minutes

Motion to Approve December 12, 2022 Meeting Minutes made by Laura Caroon and seconded by Deb White

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

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

Moorhead resident Janine Hanson addressed the City Council regarding a Moorhead Human Rights Award presented to Tammi Kromenaker on Dec 12, 2022. A letter was submitted with 150 signatures. Moorhead resident Shelly Bill also addressed the City Council and asked that Ms. Kromenaker's Human Rights Award be revoked.

8. *Mayor and Council Appointments

A. Resolution to Approve Appointment of Mayor Pro Tem and Mayoral Appointments to Committees, Boards, and Commissions

Motion to Approve Resolution to Approve Appointment of Mayor Pro Tem and Mayoral Appointments to Committees, Boards, and Commissions made by Deb White and seconded by Laura Caroon

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

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

City Manager Dan Mahli shared a request to add designated Council member alternates to the resolution and the inclusion of Council member Steve Lindaas as the Moorhead City Council liaison on the Clay County Planning Commission.

Motion to Approve Resolution to Approve Mayoral Appointments of Council Members to Committees, Boards, and Commissions made by Steve Lindaas and seconded by Heather Nesemeier

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 0

C. *Resolution for Appointments to Boards and Committees

9. Public Hearings (5:45 pm)

10. Economic Development

A. *Resolution to Approve 2023 Tax Increment Interfund Loan

11. Engineering Department

A. *Resolution to Approve Agency Agreement No. 1052209 with MnDOT to Appoint Commissioner of Transportation as Agent to Accept Federal Aid Funds

12. Parks and Recreation Department

A. *Resolution to Approve an Agreement with Personal Touch Marketing & Manufacturing Inc. for Screen Printing and Apparel Services

B. *Resolution to Approve 2023 "Boiler Plate" Agreements and the 2023 Athletic Use Guide for Routine Leasing of Facilities within the Parks and Recreation Department

C. *Resolution to Accept Grant Funds from Lake Region Arts Council for the 2023 Celtic Festival

13. Administration

A. *Resolution to Affirm 2023 City Council Meeting Dates

B. *Resolution to Designate the Official Newspaper and Website of the City

C. *Resolution to Designate Official Depositories, Signers and Authority to make Electronic Funds Transfers

D. *Resolution to Accept 2022 Donations

E. Resolution to Approve Resource Recovery Center Agreement with Clay County

Assistant City Manager Mike Rietz presented the Cooperative Services Agreement for the Clay County Resource Recovery Center. Mr. Rietz outlined organizational roles at the facility and areas of responsibility for the City of Moorhead and Clay County.

Motion to Approve Resolution to Approve Resource Recovery Center Agreement with Clay County made by Chuck Hendrickson and seconded by Heather Nesemeier

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

14. Mayor and Council Reports

Council member Heather Nesemeier informed the City Council and public about a ribbon cutting and tour of the new Clay County Resource Recovery Center on January 31. All are encouraged to attend. Ms. Nesemeier shared information on the Intergovernmental Retreat which is taking place Friday, January 20 at the Law Enforcement Center. Council member Nesemeier added the City of Moorhead is hosting the intergovernmental retreat in 2024.

Council member Chuck Hendrickson attended a grand opening for the renovated treatment facility at Prairie St John's.

Council member Steve Lindaas spoke of his engagement in the West Central Initiative Climate Action Planning Committee. Council member Lindaas stated there was an organizational meeting to discuss how the Committee can develop tools and materials to assist counties and smaller municipalities that do not have the resources to develop climate action plans on their own.

Mayor Carlson shared her attendance at DARE graduations.

15. City Manager Reports

City Manager Dan Mahli presented an update on the draft ordinance for allowing chickens and cayuga ducks in the City of Moorhead. He stated staff in Community Development, Police and Animal Control have researched the matter and gathered information. Council member Heather Nesemeier asked to have the draft ordinance published on the City website to allow Moorhead residents an opportunity to review and reach out to Council members. Council member Laura Caroon requested a Council workshop be scheduled to review and discuss the draft ordinance.

Motion to take discussion of allowing chickens and cayuga ducks to a council workshop made by Laura Caroon and seconded by Matthew Gilbertson

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 0

City Manager Mahli encouraged everyone to participate in Frostival events throughout the winter and noted information is available at www.frostival.com.

16. Executive Session

17. New Business

18. Adjourn

Meeting adjourned at 6:24pm

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson
Mayor

Christina Rust
City Clerk

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

RESOLUTION

Resolution 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:

Public Service Commission

- Heidi Durand, Moorhead resident, is appointed to a term commencing February 1, 2023 and ending January 31, 2026. (Ward 2)

Economic Development Authority

- Kim Schlotfeldt, Kvamme Real Estate/MBA Board Chair is appointed to a term commencing January 24, 2023 and ending January 31, 2024. (MBA)

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

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Award Bid for 2023 Sanitary Lift Station No.3, No.32, and No.36 Improvements (Eng. No. 23-06-01).

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to award the bid for the 2023 Sanitary Lift Station No.3, No.32, and No.36 Improvements (Eng. No. 23-06-01) to R&R Excavating, Inc. of Hutchinson, MN in the amount of \$1,074,803.66.

BACKGROUND/KEY POINTS:

The proposed project is part of the City's asset management program for sanitary lift stations. Sanitary Lift Stations No.3, No.32, and No.36 (see attached location map) were constructed in 1999, 1996, and 2001, respectively. An assessment of these lift stations was completed in 2010 and updated in 2017 as part of an overall evaluation of all 45 sanitary lift stations. The evaluation report includes a condition assessment (to define the probability of a failure) combined with a consequence assessment (to define the severity of a failure) to establish a risk assessment/ranking for each lift station. As a result of this program and previous projects, the City's sanitary lift stations are in very good condition. The asset management program is a tool that allows staff to prioritize projects and maintain the system in a fiscally responsible manner. Projects are programmed into the City's Capital Improvement Plan and Wastewater Treatment Budget annually.

The proposed project includes the following improvements at Sanitary Lift Station No. 3:

- remove existing pumps and controls,
- install new pumps and controls,
- install new piping and valves,
- install new LED lighting and antenna,
- install concrete driveway, and
- bypass pumping during construction.

The proposed project includes the following improvements at Sanitary Lift Station No. 32:

- remove existing pumps and controls,
- install new pumps and controls,
- install new valve vault,
- install new piping and valves,
- install flow metering,
- install concrete driveway, and
- bypass pumping during construction.



City Council Communication

January 23, 2023

The proposed project includes the following improvements at Sanitary Lift Station No. 36:

- remove existing pumps and controls,
- install new pumps and controls, and
- install new piping and valves.

FINANCIAL CONSIDERATIONS:

Three bids for the project were received on January 11, 2023 and are summarized below:

Bidder	Bid
R&R Excavating, Inc.	\$1,074,803.66
Tom's Backhoe	\$1,130,660.00
Meyer Contracting, Inc.	\$1,184,006.18
Engineer's Estimate	\$994,195.00

All of the bids received marginally exceeded the Engineer's Estimate, but were competitive. Rebidding the project will likely not result in more favorable bids. The total cost of the project including design, construction, inspection, and testing has been programmed into, and will be paid from, the approved 2023 Wastewater Treatment Budget.

Voting Requirements: 3/4 of Council (6)

Submitted By:

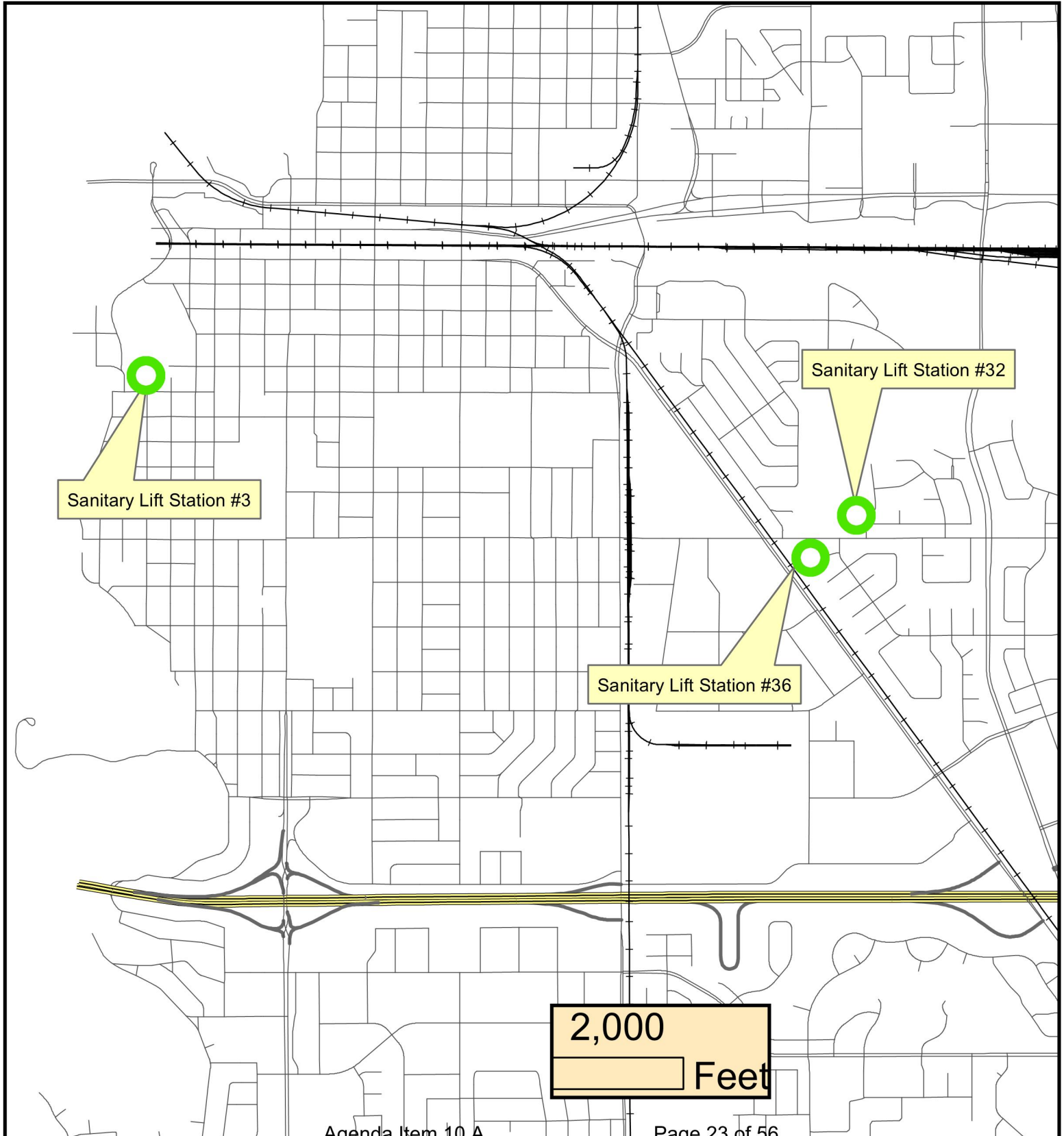
Dan Mahli, City Manager
Bob Zimmerman, Engineering Director
Tom Trowbridge, Assistant City Engineer
Ruth Sierra, Office Specialist

Attachments: Location Map, Bid Tabulation

2023 Sanitary Lift Station Improvements

No. 3, No. 32 & No. 36

Eng. No. 23-06-01





Project Name: **2023 Sanitary Lift Station No. 3, No. 32 & No. 36 Imp.**


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

City Project No.: 23-06-01

Stantec Project No.: 173420076

Bid Opening: Wednesday, January 11, 2023 at 10:00 AM CDT

Owner: **Moorhead, Minnesota**


Russell Landphere, P.E.
License No. PE-58171

BID TABULATION				Bidder No. 1 R & R Excavating, Inc.		Bidder No. 2 Tom's Backhoe		Bidder No. 3 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
GENERAL									
1	MOBILIZATION	LS	1	\$19,435.24	\$19,435.24	\$65,000.00	\$65,000.00	\$59,000.00	\$59,000.00
TOTAL GENERAL:					\$19,435.24		\$65,000.00		\$59,000.00
2023 SANITARY LIFT STATION NO. 3 IMPROVEMENTS									
2	TEMPORARY CONVEYANCE OF SANITARY SEWAGE - LIFT STATION NO. 3	LS	1	\$17,669.92	\$17,669.92	\$35,000.00	\$35,000.00	\$40,000.00	\$40,000.00
3	TRAFFIC CONTROL	LS	1	\$500.00	\$500.00	\$500.00	\$500.00	\$360.00	\$360.00
4	DEMOLITION OF EXISTING SANITARY LIFT STATION NO. 3 - PER SECTION 02 41 19	LF	1	\$6,181.35	\$6,181.35	\$10,000.00	\$10,000.00	\$23,500.60	\$23,500.60
5	SILT FENCE	LF	300	\$3.00	\$900.00	\$6.00	\$1,800.00	\$4.47	\$1,341.00
6	SAWCUT BITUMINOUS PAVEMENT	LF	25	\$6.00	\$150.00	\$10.00	\$250.00	\$14.00	\$350.00
7	REMOVE BITUMINOUS PAVEMENT	SY	100	\$14.11	\$1,411.00	\$8.00	\$800.00	\$8.70	\$870.00
8	SUBGRADE PREPARATION	SY	330	\$2.88	\$950.40	\$5.00	\$1,650.00	\$13.62	\$4,494.60
9	AGGREGATE BASE, CLASS 5 MODIFIED	TN	250	\$68.07	\$17,017.50	\$35.00	\$8,750.00	\$46.86	\$11,715.00
10	GEOTEXTILE FABRIC, MNDOT TYPE 4	SY	330	\$7.62	\$2,514.60	\$4.00	\$1,320.00	\$3.86	\$1,273.80
11	6" THICK CONCRETE DRIVEWAY PAVEMENT	SY	330	\$135.00	\$44,550.00	\$125.00	\$41,250.00	\$99.34	\$32,782.20
12	SODDING WITH 4" OF TOPSOIL	SY	200	\$46.34	\$9,268.00	\$60.00	\$12,000.00	\$42.28	\$8,456.00
13	SIGN PANEL TYPE C	SF	4	\$100.00	\$400.00	\$100.00	\$400.00	\$100.00	\$400.00
14	10" MJ PLUG VALVE WITH RESTRAINED JOINTS	EA	1.00	\$13,654.43	\$13,654.43	\$6,800.00	\$6,800.00	\$14,250.00	\$14,250.00
15	PIPE BOLLARD WITH PLASTIC SLEEVE	EA	2	\$1,552.32	\$3,104.64	\$1,400.00	\$2,800.00	\$1,480.00	\$2,960.00
16	SANITARY LIFT STATION NO. 3 IMPROVEMENTS INCLUDING NEW WEATHERPROOF ELECTRICAL CONTROLS, DUPLEX 20 HP SUBMERSIBLE PUMPS, PROCESS PIPING, FITTINGS AND ALL OTHER APPURTANANCES AS SHOWN ON DRAWINGS AND A	LS	1	\$298,757.19	\$298,757.19	\$324,000.00	\$324,000.00	\$287,737.68	\$287,737.68
TOTAL 2023 SANITARY LIFT STATION NO. 3 IMPROVEMENTS:					\$417,029.03		\$447,320.00		\$430,490.88
2023 SANITARY LIFT STATION NO. 32 IMPROVEMENTS									
17	TEMPORARY CONVEYANCE OF SANITARY SEWAGE - LIFT STATION NO. 32	LS	1	\$33,858.31	\$33,858.31	\$15,000.00	\$15,000.00	\$35,000.00	\$35,000.00
18	DEMOLITION OF EXISTING SANITARY LIFT STATION NO. 32 - PER SECTION 02 41 19	LS	1	\$14,794.53	\$14,794.53	\$12,000.00	\$12,000.00	\$32,527.29	\$32,527.29
19	SILT FENCE	LF	900	\$2.50	\$2,250.00	\$6.00	\$5,400.00	\$3.72	\$3,348.00
20	STORM DRAIN INLET PROTECTION	EA	3	\$185.00	\$555.00	\$250.00	\$750.00	\$275.39	\$826.17
21	SUBGRADE PREPARATION	SY	60	\$3.17	\$190.20	\$5.00	\$300.00	\$15.50	\$930.00
22	AGGREGATE BASE, CLASS 5 MODIFIED	TN	50	\$89.61	\$4,480.50	\$35.00	\$1,750.00	\$57.56	\$2,878.00
23	GEOTEXTILE FABRIC, MNDOT TYPE 4	SY	60	\$7.03	\$421.80	\$4.00	\$240.00	\$3.87	\$232.20

BID TABULATION				Bidder No. 1 R & R Excavating, Inc.		Bidder No. 2 Tom's Backhoe		Bidder No. 3 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
24	6" THICK CONCRETE APRON/DRIVEWAY PAVEMENT	SY	60	\$153.00	\$9,180.00	\$150.00	\$9,000.00	\$107.05	\$6,423.00
25	SODDING WITH 4" OF TOPSOIL	SY	275	\$46.06	\$12,666.50	\$60.00	\$16,500.00	\$41.49	\$11,409.75
26	6" HDPE, SDR 11 FORCE MAIN, HDD INSTALLATION	LF	320	\$74.34	\$23,788.80	\$90.00	\$28,800.00	\$132.91	\$42,531.20
27	6" 45 DEGREE MJ BEND WITH RESTRAINED JOINTS	EA	2	\$993.47	\$1,986.94	\$600.00	\$1,200.00	\$1,295.00	\$2,590.00
28	SANITARY LIFT STATION NO. 32 IMPROVEMENTS INCLUDING NEW WEATHERPROOF ELECTRICAL CONTROLS, REPLACE PRECAST CONCRETE TOP SLAB AND HATCH, DUPLEX 3 HP SUBMERSIBLE PUMPS, PROCESS PIPING, FITTINGS, VALVES,	LS	1	\$335,599.86	\$335,599.86	\$344,000.00	\$344,000.00	\$348,192.33	\$348,192.33
TOTAL 2023 SANITARY LIFT STATION NO. 32 IMPROVEMENTS:					\$439,772.44		\$434,940.00		\$486,887.94
2023 SANITARY LIFT STATION NO. 36 IMPROVEMENTS									
29	TEMPORARY CONVEYANCE OF SANITARY SEWAGE - LIFT STATION NO. 36	LS	1	\$17,669.92	\$17,669.92	\$6,000.00	\$6,000.00	\$20,000.00	\$20,000.00
30	DEMOLITION OF EXISTING SANITARY LIFT STATION NO. 36 PER SECTION 02 41 19	LS	1	\$3,866.76	\$3,866.76	\$3,000.00	\$3,000.00	\$14,696.76	\$14,696.76
31	SANITARY LIFT STATION NO. 36 IMPROVEMENTS INCLUDING NEW WEATHERPROOF ELECTRICAL CONTROLS, NEW ELECTRICAL SERVICE FROM LS 13 TO LS 36, DUPLEX 2.2 HP SUBMERSIBLE PUMPS, PROCESS PIPING, FITTINGS AND ALL	LS	1	\$172,266.33	\$172,266.33	\$173,200.00	\$173,200.00	\$169,390.60	\$169,390.60
TOTAL 2023 SANITARY LIFT STATION NO. 36 IMPROVEMENTS:					\$193,803.01		\$182,200.00		\$204,087.36
SANITARY LIFT STATION NO. 33 SIDEWALK IMPROVEMENTS									
32	6" THICK CONCRETE DRIVEWAY PAVEMENT	SY	6	\$793.99	\$4,763.94	\$200.00	\$1,200.00	\$590.00	\$3,540.00
TOTAL 2023 SANITARY LIFT STATION NO. 33 IMPROVEMENTS:					\$4,763.94		\$1,200.00		\$3,540.00
BASE BID SUMMARY									
TOTAL GENERAL:					\$19,435.24		\$65,000.00		\$59,000.00
TOTAL 2023 SANITARY LIFT STATION NO. 3 IMPROVEMENTS:					\$417,029.03		\$447,320.00		\$430,490.88
TOTAL 2023 SANITARY LIFT STATION NO. 32 IMPROVEMENTS:					\$439,772.44		\$434,940.00		\$486,887.94
TOTAL 2023 SANITARY LIFT STATION NO. 36 IMPROVEMENTS:					\$193,803.01		\$182,200.00		\$204,087.36
TOTAL 2023 SANITARY LIFT STATION NO. 33 IMPROVEMENTS:					\$4,763.94		\$1,200.00		\$3,540.00
TOTAL BASE BID:					\$1,074,803.66		\$1,130,660.00		\$1,184,006.18
Contractor Name and Address:				R & R Excavating, Inc. 1149 Hwy. 22 South Hutchinson, MN 55350		Tom's Backhoe 323 Woodland Hills Ln. Brainerd, MN 56401		Meyer Contracting, Inc. 11000 93rd Ave. N. Maple Grove, MN 55369	
Phone:				(320) 587-5918		(218) 828-4232		(763) 391-5959	
Email:				brent@rrexavating.net		kathy@tomsbackhoe.net		vschoep@meyerci.com	
Signed By:				Brent Reiner		Thomas Thompson		Verlyn Schoep	
Title:				President		President		President/COO	
Bid Security:				Bid Bond		Bid Bond		Bid Bond	
Addenda Acknowledged:				1		1		1	

BID TABULATION				Bidder No. 1 R & R Excavating, Inc.		Bidder No. 2 Tom's Backhoe		Bidder No. 3 Meyer Contracting, Inc.	
Item Num	Item	Units	Qty	Unit Price	Total	Unit Price	Total	Unit Price	Total
	SUBSTITUTE ITEMS								
	ITEM _____								
	MANUFACTURER _____								
	ADD OR DEDUCT			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	ITEM _____								
	MANUFACTURER _____								
	ADD OR DEDUCT			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	ITEM _____								
	MANUFACTURER _____								
	ADD OR DEDUCT			\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

RESOLUTION

Resolution to Award Bid for 2023 Sanitary Lift Station No.3, No.32, and No.36 Improvements (Eng. No. 23-06-01).

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

Bidder	Bid
R&R Excavating, Inc.	\$1,074,803.66
Tom's Backhoe	\$1,130,660.00
Meyer Contracting, Inc.	\$1,184,006.18
Engineer's Estimate	\$994,195.00

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

1. It is found, determined and declared that the lowest responsible bid with respect to the proposed improvement was received from R&R Excavating, Inc. of Hutchinson, MN said bid is in all respects in accordance with the plans and specifications heretofore approved by the City Council. Thus, said bid is hereby in all things approved and accepted.
2. The project will be financed through the approved 2023 Wastewater Treatment Budget.
3. The Mayor and City Manager are hereby authorized and directed to enter into a Contract with R&R Excavating, Inc. of Hutchinson, MN, for 2023 Sanitary Lift Station No.3, No.32, and No.36 Improvements (Eng. No. 23-06-01), according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.
4. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bid, except the deposits of the successful bidder and the next lowest bid shall be retained until a contract has been signed.
5. The City Manager is hereby authorized to approve minor extra work orders and change orders as necessary to satisfactorily complete the work up to a cumulative total not-to-exceed 5% (\$53,740.18) of the total contract amount.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolutions to Approve Actions for Johnson Farms 5th and 7th Addition Underground Utility & Street Improvements (Eng. No. 23-A6-01).

RECOMMENDATION:

The Mayor and City Council are asked to consider the following resolutions for the above-referenced project:

- Resolution to Receive Petitions and Order Report
- Resolution to Receive Report and Order Plans & Specifications
- Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids

BACKGROUND/KEY POINTS:

Johnson Farms is a residential development that has been under development since 2005. On December 12, 2022, the City Council approved the final plat for Johnson Farms 7th Addition, an 8.0 acre, 48-lot housing subdivision. The Developers have submitted petitions to the City requesting that the City install the public infrastructure for all of Johnson Farms 7th Addition along with the last 13 remaining undeveloped lots of Johnson Farms 5th Addition; and to assess 100% of the cost to their benefiting properties in accordance with Minnesota Statutes Annotated, Chapter 429 (MS §429).

For projects that include partial or full funding using special assessments, MS §429 includes a specific list of actions that must be taken before the assessments are adopted. The first of these steps is to order the preparation of a preliminary engineering report (feasibility study). The report must be prepared by or under the direct supervision of the City Engineer, and must evaluate the need, cost-effectiveness and feasibility of constructing the proposed improvements. The report must also determine whether the improvements should best be constructed independently as a stand-alone project or combined with some other improvements, and must also include an explanation of how the proposed special assessments are to be determined for the properties benefiting from the improvements. Staff has reviewed the petitions, and recommends that the Council consider a resolution formally receiving the petitions and ordering the preparation of the preliminary engineering report.

In order to expedite the project, 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 of the lots, that the improvements would best be completed as a stand-alone project, and that 100% of the cost of the improvements should be assessed to the 61 currently undeveloped lots in the Johnson Farms 5th and 7th Additions. Staff recommends that the Council receive the preliminary engineering report, and order the preparation of plans and specifications for the proposed improvements for the making of Underground Utility and Street Improvements in Johnson Farms 5th & 7th Additions (Eng. No. 23-A6-01).



City Council Communication

January 23, 2023

In order to further expedite the process, Houston Engineering, Inc. has completed the plans & specifications for the proposed improvements under the direction of the City Engineer. Staff recommends that the Council approve the plans & specifications and authorize the advertisement for bids. Staff recommends that the City receive bids for the proposed project prior to ordering the improvements in order to have the best information available regarding the actual project costs. Below is an outline of the proposed project schedule.

PROJECT SCHEDULE	
Activity	Date
Receive Petitions, Order Preliminary Engineer's Report	January 23, 2023
Receive Engineer's Report, Order Plans & Specs	January 23, 2023
Approve Plans & Specs and Authorize Ad for Bids	January 23, 2023
Receive Bids	February 15, 2023
Order Improvements, Declare Intent to Assess & Award Bid	February 27, 2023
Anticipated Construction Schedule	April – Aug., 2023
Hold Assessment Hearing	Fall, 2023

FINANCIAL CONSIDERATIONS:

The cost of tonight's actions is minimal (less than \$1,000 for the printing and mailing costs). Ultimately, if the project is ordered and constructed as proposed, the total project cost, including contingencies and fees is preliminarily estimated to be in the range of \$2,000,000 to \$2,300,000. The project is proposed to be financed through the PIR fund, and 100% of the total project cost will be assessed to the benefiting property.

Voting Requirements: Majority of Quorum

Submitted By:

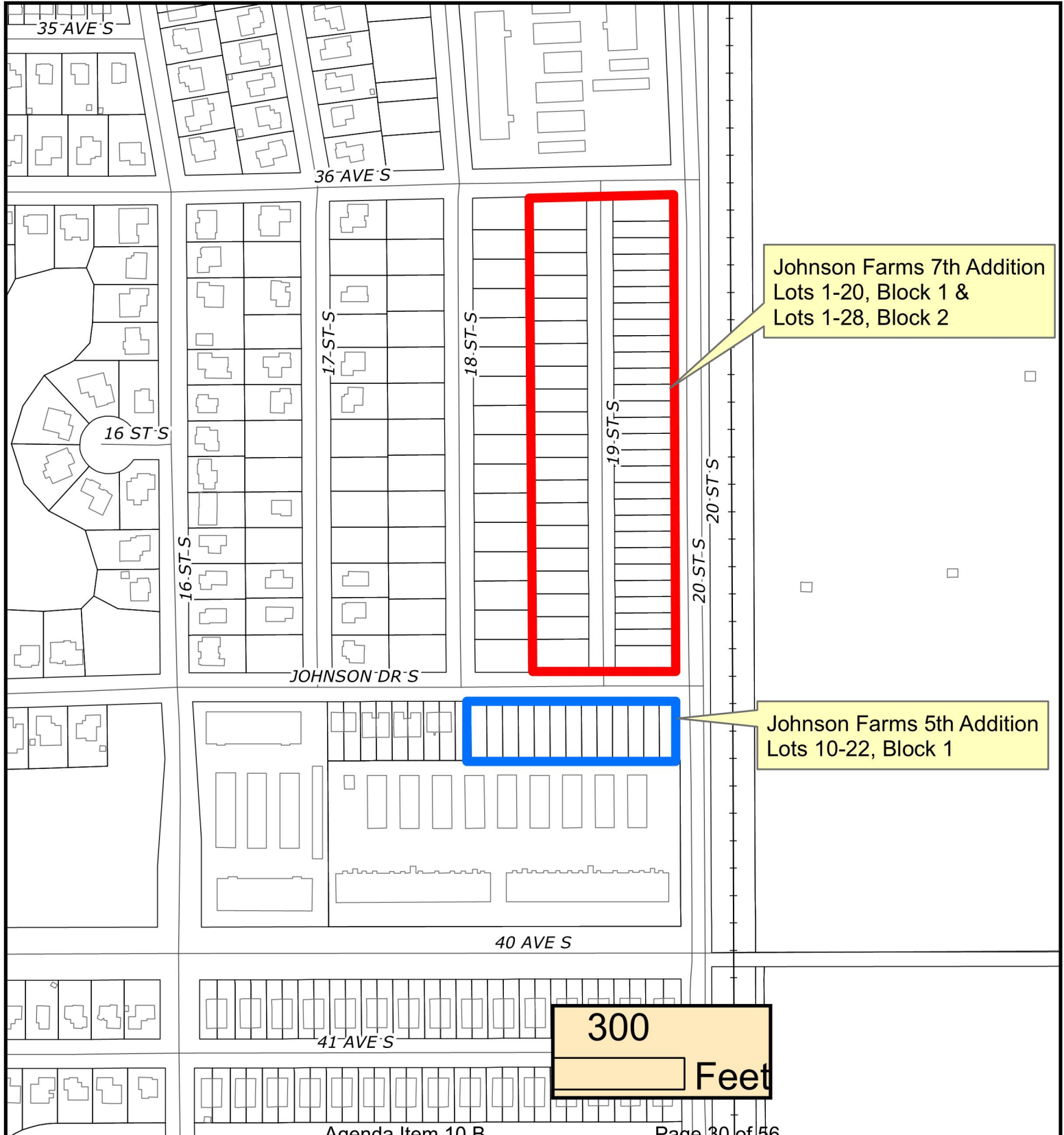
Dan Mahli, City Manager
Tom Trowbridge, Assistant City Engineer
Bob Zimmerman, Engineering Director
Ruth Sierra, Office Specialist

Attachments: Location Map

Johnson Farms 5th & 7th Additions

Underground Utility & Street Improvements

Eng. No. 23-A6-01



RESOLUTION

Resolution to Receive petitions and Order reports for Johnson Farms 5th and 7th Addition Underground Utility & Street Improvements (Eng. No. 23-A6-01)

WHEREAS, the City of Moorhead has received petitions from the owners of 100% of the benefiting property for the City to construct the proposed Johnson Farms 5th & 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01); and to assess the entire cost of such improvements to their property pursuant to Minnesota Statutes Annotated, Chapter 429 and the City's Special Assessment Policy.

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

1. Certain petitions requesting the construction of street and utility improvements in Johnson Farms 5th & 7th Addition (Eng. No. 23-A6-01) are hereby declared to be signed by the Owners of 100% of the benefiting property. This declaration is made in conformity to Minnesota Statutes, Section 429.035.
2. That the proposed improvement, called Johnson Farms 5th & 7th Addition Underground Utility and Street (Eng. No. 23-A6-01) be referred to the City Engineer for study and that the City Engineer is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost-effective and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Receive Report and Order Plans and Specifications for Johnson Farms 5th & 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01)

WHEREAS, pursuant to a resolution of the City Council dated January 23, 2023, staff has prepared a preliminary engineering report to consider the making of the Johnson Farms 5th & 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01); and

WHEREAS, the preliminary engineering report finds that the proposed improvements are necessary, cost-effective and feasible, that they would best be completed as a stand-alone project, 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, the Council may also take other steps prior to ordering the improvements, including among other things, the preparation of plans and specifications and the advertisement for bids which will provide helpful information in determining the desirability and feasibility of the improvement.

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 Johnson Farms 5th & 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01). Such improvements are necessary, cost-effective, and feasible as detailed in the Preliminary Engineering Report, and would best be completed as a stand-alone project.
2. Houston Engineering, Inc. 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.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

RESOLUTION

Resolution to Approve Plans & Specifications and Authorize Advertisement for Bids for Johnson Farms 5th and 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01)

WHEREAS, pursuant to a resolution passed by the City Council on January 23, 2023, City staff has prepared plans and specifications for the proposed Johnson Farms 5th and 7th Addition Underground Utility and Street Improvements (Eng. No. 23-A6-01) under the direction of the City Engineer and such plans are presented to the Council for approval.

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

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

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Approve Budget Adjustment and Related Agreement with State of MN - Department of Labor and Industry

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve a budget adjustment and an Agreement with the Minnesota Department of Labor and Industry for a Building Official Training Grant

BACKGROUND/KEY POINTS:

The Minnesota Department of Labor and Industry recognizes the importance of training and supporting new building inspectors and building officials. Moorhead received a Building Official Training grant award in the amount of \$65,000 to support a one-year Apprenticeship with the Moorhead Building Codes team. The goal of the Apprenticeship is to provide knowledge and enhance career preparedness in the building inspection field by providing mentorship, training and classes with the goal of taking the Limited Building Official exam and becoming a Limited Building Official/Building Inspector with the City of Moorhead.

FINANCIAL CONSIDERATIONS:

The Apprenticeship would be a full-time position with benefits. Training would also be provided. The grant will fund the position. If final costs exceed \$65,000, funds within the Building Codes budget will be utilized.

Budget Adjustment # 23-002

- Revenue Increase – State Grant Revenue \$65,000
- Expenditure Increase – Temp Employee Wages and Benefits \$65,000

Voting Requirements: 2/3 of Council (6)

Submitted By:

Dan Mahli, City Manager
Kristie Leshovsky, Community Development Director

Attachments: Draft Resolution

RESOLUTION

Resolution to Approve Budget Adjustment and Related Agreement with State of MN - Department of Labor and Industry

WHEREAS, the MN Department of Labor and Industry (DLI) Construction Codes and Licensing Division supports efforts and recruit and train future building officials; and

WHEREAS, the City of Moorhead Building Codes Division permits and inspects hundreds of projects each year; and

WHEREAS, MN DLI Construction Codes and Licensing Division has provided a \$65,000 grant to provide an exciting Apprenticeship opportunity with the Moorhead Building Codes Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that Budget Adjustment #23-002 is hereby approved and that the City Manager is hereby directed and authorized to enter into Agreement and/or Amendments required to receive MN DLI Construction Codes and Licensing Division grant funds.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Approve Settlement Agreement and Release Between the City of Moorhead, Moorhead Public Service, and BNSF Railway Company

RECOMMENDATION:

The Mayor and City Council are asked to approve the Settlement Agreement and Release between the City of Moorhead, Moorhead Public Service, and BNSF Railway Company.

BACKGROUND/KEY POINTS:

In 2016, Minn. Stat. § 237.034 was amended with regard to public utilities and railroad crossings. Many of the changes impacted new railroad crossings, but the language for existing crossings is unclear and left to interpretation. Since that time, Moorhead Public Service (MPS) and Burlington Northern Santa Fe (BNSF) have disagreed on existing crossings and fees owed under BNSF crossing permits.

BNSF Property Management Company, MPS General Manager Travis Schmidt, and MPS Attorney Erin Larsgaard have negotiated a settlement agreement and release (the Settlement Agreement and Release) to clear up the disagreement on the existing BNSF crossing permit costs, and to settle all claims and defenses which had been asserted or which could have been asserted regarding the dispute.

MPS will be responsible for paying all costs associated with the Settlement Agreement and Release. The MPS Commission has approved the Settlement Agreement and Release with BNSF and to pay the costs associated with the agreement. As such, MPS requests that the City Council approve and authorize the Mayor and City Manager to execute the Settlement Agreement and Release.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Three Fourths of Council (6)

Submitted By:

Dan Mahli, City Manager
Travis Schmidt, General Manager
John Shockley, City Attorney

Attachments:

RESOLUTION

Resolution Approving and Authorizing Execution of the Settlement Agreement and Release Between the City of Moorhead, Moorhead Public Service, and BNSF Railway Company Litigation

WHEREAS, in 2016, Minn. Stat. § 237.034 was amended with regard to public utilities and railroad crossings, leaving the statutory language related to existing railroad crossings unclear; and

WHEREAS, since the amendment of Minn. Stat. § 347.034, Moorhead Public Service (MPS) and Burlington Northern Santa Fe (BNSF) have disagreed on existing crossings and fees owed under BNSF crossing permits; and

WHEREAS, BNSF and MPS have negotiated a settlement agreement and release (the Settlement Agreement and Release) to clear up the disagreement on the existing BNSF crossing permit costs and to settle all claims and disputes which had been asserted or which could have been asserted regarding the dispute; and

WHEREAS, the MPS Commission has approved the Settlement Agreement and Release with BNSF and has requested that the Moorhead City Council authorize the Mayor and City Manager to execute the same: and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that the City Council does hereby approve the Settlement Agreement and Release by and between the City of Moorhead, MPS, and BNSF Railroad.

BE IT FURTHER RESOLVED that the Mayor for the City of Moorhead and the City Manager are authorized to execute the Settlement Agreement and Release.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023,

SUBJECT:

Resolution to Award Bid for Furnishing Control Panels at Moorhead DOE Tap Substation

RECOMMENDATION:

The Moorhead Public Service Commission respectfully requests the Mayor and City Council award the bid for furnishing control panels at the Moorhead DOE Tap Substation to Crown Technical Systems in the amount of \$467,426, contingent upon final legal approval by MPS Attorney John Boulger

BACKGROUND/KEY POINTS:

In November 2020, Southwest Power Pool (SPP) issued a Notice to Construct (NTC) letter to Missouri River Energy Services. SPP has issued a new NTC that requires Moorhead Public Service (MPS) to reconfigure the Moorhead DOE Tap Substation (Moorhead Substation).

In June 2019, MPS entered into a Task Order Agreement for Professional Services with DGR Engineering (DGR). Task Order No. 8, which was approved by the Commission in November 2021, is for engineering services for the Moorhead Substation Reactor Project and Substation Upgrades.

DGR prepared specifications for a total of 13 control panels. On January 5, 2022, MPS received three bids. The lowest bid was from Crown Technical Systems in the amount of \$467,426. Attached are DGR's recommendation letter and Bid Summary. The control panels are expected to arrive in September 2023.

The bid price is 23 percent higher than the engineer's estimated cost of \$380,000 due to an increase in material and labors costs. As a result, MPS expects approximately a 0.46 percent increase to the total cost of \$19,152,974 for the project. Reimbursement from the SPP tariff will allow MPS to recover costs for this project over a 10- to 15-year timeframe.

FINANCIAL CONSIDERATIONS:

Although there is no cost to the City of Moorhead (directly), the total cost to the Moorhead Public Service Commission for the control panels is \$467,426.

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Travis Schmidt, General Manager
Taylor Holte, Project Engineer

Attachments: DGR Recommendation Letter and Bid Summary



January 9, 2023

Moorhead Public Service
Attn: Travis Schmidt
500 Center Avenue, PO Box 779
Moorhead, MN 56561-0779

RE: **Recommendation of Award of Contract**
Furnishing Control Panels – Moorhead DOE Substation
DGR Project No. 417021

Dear Travis:

We have reviewed the bids received on January 5, 2023 for the above-referenced project. A bid summary form and detailed tabulation of the bid results is enclosed. We have checked the bids for mathematical accuracy and compliance with the bid specifications. We are hereby prepared to offer the following recommendation.

There were three (3) responsive bids received ranging in price from \$467,426.00 to \$571,690.40. The apparent low bid evaluated was, Crown Technical Systems, who submitted a total price of \$467,426.00. Crown Technical Systems has included Requested Clarifications to their Bid Form. Please have your Attorney review these items before award. We recommend that you award the contract to Crown Technical Systems for a total price of \$467,426.00.

Please review our recommendation and feel free to contact us with any questions you or the Commission may have. Please let us know when an award has been made, and we will proceed with preparing the Contract Documents for signatures. We will be sending a copy of the bid summary to all bidders and plan holders.

Best Regards,

DGR Engineering

A handwritten signature in black ink that reads 'Paul Davis'.

Paul Davis, P.E.
Enclosure: Bid Summary and Tabulation
PAD:ste



1302 South Union Street
Rock Rapids, Iowa 51246
DGR Project No. 417021

BID SUMMARY
FURNISHING CONTROL PANELS
MOORHEAD DOE SUBSTATION
MOORHEAD PUBLIC SERVICE
MOORHEAD, MINNESOTA

Bid Letting: January 5, 2023 - 1:30 P.M.
Utility Offices
Page 1 of 1

Bidder and Address	Bid Security	Acknowledge Addendum	Total Base Bid	Guaranteed Delivery Date	Wiring Diagrams are needed by	Comments
Crown Technical Systems 13470 Philadelphia Ave. Fontana, CA 92337	10% Bid Bond	Yes	\$467,426.00	9/18/2023	Upon Award	
Electrical Power Products 4240 Army Post Road Des Moines, IA 50321	10% Bid Bond	Yes	\$490,017.00	30 Weeks ARO	15 Weeks ARO	
N&M Power Company PO Box 644 Broken Bow, NE 68822	10% Bid Bond	Yes	\$571,690.40	9/18/2023	5/3/2023	

BID TABULATION

FURNISHING CONTROL PANELS

MOORHEAD PUBLIC SERVICE

DGR Project No. 417021

Bid Letting: January 5, 2023 - 1:30 PM



Item No.	Qty	Description	Crown Technical Systems 13470 Philadelphia Ave. Fontana, CA 92337 Price	Electrical Power Products 4240 Army Post Road Des Moines, IA 50321 Price	N&M Power Company PO Box 644 Broken Bow, NE 68822 Price
1	1	Panel P1, including controls, relaying, wiring, and testing (as req'd)	\$ 41,557.00	\$ 40,902.00	\$ 56,816.94
2	1	Panel P2, including controls, relaying, wiring, and testing (as req'd)	\$ 45,574.00	\$ 47,400.00	\$ 56,816.94
3	1	Panel P3, including controls, relaying, wiring, and testing (as req'd)	\$ 59,624.00	\$ 63,747.00	\$ 56,816.94
4	1	Panel P4, including controls, relaying, wiring, and testing (as req'd)	\$ 49,852.00	\$ 52,715.00	\$ 56,816.94
5	1	Panel P7, including controls, relaying, wiring, and testing (as req'd)	\$ 49,859.00	\$ 52,715.00	\$ 56,816.94
6	1	Panel P8, including controls, relaying, wiring, and testing (as req'd)	\$ 59,647.00	\$ 63,747.00	\$ 56,816.94
7	1	Panel P9, including controls, relaying, wiring, and testing (as req'd)	\$ 48,162.00	\$ 47,400.00	\$ 56,816.94
8	1	Panel P11, including controls, relaying, wiring, and testing (as req'd)	\$ 35,945.00	\$ 35,260.00	\$ 56,816.94
9	1	Panel P12, including controls, relaying, wiring, and testing (as req'd)	\$ 49,944.00	\$ 52,898.00	\$ 56,816.94
10	1	Panel P13, including controls, relaying, wiring, and testing (as req'd)	\$ 21,762.00	\$ 22,993.00	\$ 56,816.94
11	1	Delivery to site of Items 1-10 (as req'd)	\$ 5,500.00	\$ 2,000.00	\$ 3,521.00
-	-	Loose Equipment	\$ -	\$ 8,240.00	
Total Base Bid:			\$ 467,426.00	\$ 490,017.00	\$ 571,690.40

RESOLUTION

Resolution to Award Bid for Control Panels at Moorhead DOE Tap Substation

WHEREAS, on January 5, 2023, bids were opened for the control panels at the Moorhead DOE Tap Substation; and;

WHEREAS, Moorhead Public Service (MPS) staff evaluated the bids and submitted a Bid Summary with their recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead to award the bid for control panels at MPS' Moorhead DOE Tap Substation to Crown Technical Systems in the amount of \$467,426, contingent upon final legal approval, as awarded by the Moorhead Public Service Commission on January 17, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that the City Council does hereby authorize and direct the Mayor and City Manager to execute the contract for the control panels at MPS' Moorhead DOE Tap Substation.

PASSED: January 23, 2023, by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to renew contract with MinnKota Recycling to process and market single stream recycling materials.

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to allow the Mayor and City Manager to sign the modification to the agreement with MinnKota to process and market recyclable materials collected by the City of Moorhead Public Works Department. The modification will be for January 1, 2023 to December 31, 2023.

BACKGROUND/KEY POINTS:

This agreement is renews an existing agreement that has been in place since 1991.

FINANCIAL CONSIDERATIONS:

Rates are increasing by \$10.00 per ton per the previous agreement set forth in 2022. This increase has been reflected in the 2023 budget and associated fees.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Steve Iverson, Public Works Director

Attachments:

RESOLUTION

Resolution to Approve the Modification to the Agreement with MinnKota Recycling

WHEREAS, the City has established an agreement with MinnKota Recycling to process and market materials collected as part of the City's residential recycling program; and

WHEREAS, the current agreement is due to expire December 31, 2022; and

WHEREAS, the parties desire to continue that agreement as amended from January 1, 2023 to December 31, 2023

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, the amendment to agreement with MinnKota Recycling for the collection, processing and marketing of recyclable materials is approved effective January 1, 2023 to December 31, 2023.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

First Reading of Ordinance 2023-01: An Ordinance to Amend the 2023 Fee Schedule for Sanitation Demolition Materials Roll-off Disposal Costs

RECOMMENDATION:

The Mayor and City Council are asked to consider an Ordinance to Amend the 2023 Fee Schedule for Sanitation Demolition Materials Roll-off Disposal costs.

BACKGROUND/KEY POINTS:

The Public Works Department was recently made aware by the contractor that disposal rates for 2023 will be increasing as of February 1, 2023. Due to this pass-through fee, the City of Moorhead's 2023 Fee Schedule is being amended. The Sanitation Demolition Materials Roll-off Disposal costs (per yard) will be increased from \$10.00 to \$13.00.

FINANCIAL CONSIDERATIONS:

The proposed fee schedule amendment will increase the Sanitation Demolition Materials Roll-off Disposal costs (per yard) fee from \$10.00 to \$13.00.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Steve Iverson, Public Works Director
Jenica Flanagan, Finance Director

Attachments:

ORDINANCE 2023-01

An Ordinance to Amend the 2023 Fee Schedule

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

SECTION 1.

The Moorhead 2023 Fee Schedule is amended as follows:

Sanitation – Building Materials – Demolition Materials Roll-off (no trash) – Disposal Costs (per yard):

\$13.00 per yard

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moorhead, Minnesota that the Moorhead 2023 Fee Schedule is amended as outlined above.

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

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 1/23/2023

E-Post:

Second Reading:

Publication:



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Award Contract to KLJ for Architecture and Engineering Services for the Dilworth Walmart Transit Hub

RECOMMENDATION:

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

- Award contract to KLJ for architectural and engineering services (A&E) for the Dilworth Walmart Transit Hub (Hub) in an amount not to exceed \$66,720, contingent upon approval by the City of Dilworth;
- Authorize a contract with the City of Dilworth for the provision of local share match; and
- Approve budget adjustment 23-003 to the 2023 Mass Transit Budget.

BACKGROUND/KEY POINTS:

In 2018, the MATBUS Transit Facility Study recommended improvements to the transit hub located at the Dilworth Walmart. This hub is the transfer point between three MATBUS routes and provides Dilworth residents, shoppers, and workers a connection to the full MATBUS system. Walmart is a major destination for passengers through the metro community to employment and shopping.

State and federal grants have been awarded to the project and the City of Dilworth passed a resolution committing to the 20% local match at a cost estimate of \$57,500 (A&E and construction). The issuance of the RFQ for A&E was delayed during the pandemic and subsequent workload increases. The independent cost estimate was updated to reflect inflation rates to 2022.

The RFQ for A&E services was issued in November, 2022. Six firms requested the RFQ. One proposal was received from KLJ. The RFQ evaluation team included staff from Moorhead transit and engineering, the Metropolitan Council of Governments and Dilworth administration. KLJ was determined to have met the qualifications. The price proposal exceeded the independent cost estimate of \$51,506 and negotiations followed. The final A&E cost proposal and revised scope of work resulted in reduction in cost from \$90,497 to \$66,720. A copy of the revised proposal is attached.

FINANCIAL CONSIDERATIONS:

There is no cost to the City of Moorhead for the A&E services for this project. The original cost estimate for A&E of \$37,500 was in the approved 2020 Mass Transit Budget and will be carried over into 2023. Federal grant funds are currently available in grant MN-2020-054 to cover 80% of the revised cost of \$66,720. The Dilworth City Administrator participated in the evaluation team and is aware of the cost increase. The local match of 20% or \$13,344 will be requested from the City of Dilworth at their meeting of January 23, 2023. MnDOT's reduction of the operating local match in 2019 and the application of CARES Act funding the MATBUS route that travels through Dilworth since 2020 has resulted in a savings that exceeds the additional cost.



City Council Communication

January 23, 2023

Budget Adjustment #23-003:

Fund Name	Account Description	Expenditure	Funding Source
Mass Transit	Professional Services (Includes Capital Budget Carryover from 2020 of \$37,500)	66,720	
Mass Transit	Federal Transit Capital Grant		53,376
Mass Transit	City of Dilworth		13,344
Total		66,720	66,720

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Lisa Bode, Governmental Affairs Director
Lori Van Beek, Transit Manager

Attachments:

RESOLUTION

Resolution to Award Contract to KLJ for Architecture and Engineering Services for the Dilworth Walmart Transit Hub

WHEREAS, the City of Moorhead published a Request for Qualifications (RFQ) for architectural and engineering services for the Dilworth Walmart Transit Hub; and

WHEREAS, one proposal was received from KLJ, which was reviewed and determined qualified by an evaluation team consisting of transit and engineering staff, Metropolitan Council of Governments staff and Dilworth administration; and

WHEREAS, the KLJ cost proposal and scope of work were opened and reviewed, resulting in negotiations and final project scope and cost analysis;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that they do hereby authorize the Mayor and City Manager to:

1. Award and execute a contract with KLJ for architectural and engineering services for the Dilworth Walmart Transit Hub in an amount not to exceed \$66,720, contingent upon approval by the City of Dilworth;
2. Execute a contract with the City of Dilworth for the provision of local share match; and
3. Approve budget adjustment 23-003 to the 2023 Mass Transit Budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that they hereby authorize the Mayor and City Manager to:

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Approve New Liquor License to Classic Touch Lounge, LLC DBA Classic Touch Lounge

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve the issuance of an On-Sale liquor license to Classic Touch Lounge. (DBA Classic Touch Lounge).

BACKGROUND/KEY POINTS:

Approval is contingent upon the following:

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

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager
Christina Rust, City Clerk

Attachments:

RESOLUTION

Resolution to Approve New Liquor License to Classic Touch Lounge, LLC DBA Classic Touch 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\$3,500
Sunday Liquor.....\$200

Name: Classic Touch Lounge, LLC
DBA: Classic Touch Lounge
Location: 1500 11th St. N.
License Period: December 28, 2022 to June 30, 2023

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

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

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Approve the Appointment of Fire Chief

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of the appointment of Jeff Wallin to Fire Chief.

BACKGROUND/KEY POINTS:

On April 18, 2021, former Fire Chief Rich Duysen provided notice that he would be retiring from his role as Fire Chief. Subsequent to this announcement, the City appointed Deputy Fire Chief Jeff Wallin to the position of Interim Fire Chief. Recently, the City underwent the selection process to fill the Fire Chief position.

Pursuant to Chapter 6, Section 6.02, Subd. 3, of the Moorhead City Charter, the City Manager is to select department heads on the basis of merit and fitness, subject to approval by the City Council. The City Manager is recommending approval of the appointment of Jeff Wallin to Fire Chief effective January 24, 2022.

Jeff Wallin was first hired by the City of Moorhead in 1994 as a Firefighter. Since that time, Mr. Wallin has held the position of Assistant Fire Chief, Deputy Fire Chief and most recently Interim Fire Chief. Prior to working in Moorhead, Jeff served as an Emergency Medical Technician, EMS Instructor and as a Firefighter, Training Officer, Lieutenant and Fire Marshal with the St. Francis Fire and Rescue service. Mr. Wallin has also been a fire instructor at Minnesota State Community and Technical Colleges. Jeff has developed positive and long-standing relationships with many in the Moorhead community, the metro area, and across the State of Minnesota.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Attachments:

RESOLUTION

Resolution to Approve the Appointment of the Fire Chief

WHEREAS, per City Charter, Chapter 6, Section 6.02, Subd. 3, the City Manager selects department heads, subject to approval of the City Council; and

WHEREAS, on April 18, 2021, the City received notice from the former Moorhead Fire Chief that he would retire from his role as Fire Chief which was effective June 2, 2021; and

WHEREAS the City appointed Deputy Fire Chief Jeff Wallin as Interim Fire Chief effective June 2, 2021; and

WHEREAS the City underwent the selection process to fill the Fire Chief position; and

WHEREAS, as a result of the recruitment process, final interview with the City Manager, and negotiations with preferred applicant, the City Manager would like to select Jeff Wallin as Fire Chief effective January 24, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota, that upon recommendation by the City Manager, we do hereby approve the appointment of Jeff Wallin as Fire Chief effective January 24, 2023.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

January 23, 2023

SUBJECT:

Resolution to Amend Resolutions 2021-0308-19 and 2022-0425-3, requests to the Legislature for Local Option Sales Tax Authorization

RECOMMENDATION:

Consistent with its 2023 legislative priorities, the Mayor and Council are asked to request additional Minnesota Legislature authorization related to its Local Option Sales Tax to allow additional collection period and/or increased maximum collection.

BACKGROUND/KEY POINTS:

The City of Moorhead's adopted 2023 legislative priorities include "Seek opportunities to address construction and financing inflation through construction materials sales tax exemption, extended sales tax collection period, or other means."

2021-2022: The City of Moorhead requested (Resolution 2021-0111-4 amended by Resolution 2021-0308-19) received legislative authorization in 2021 to pursue a Local Option Sales Tax for the purpose of constructing a Community Center and Public Library. Subsequently, due to rising interest rates and inflation, the City Council requested (Resolution 2022-0425-3) additional legislative authority to extend the sales tax collection period from 22 to 30 years. This request was heard and acted favorably upon by the House and Senate Tax Committees, but the Legislature as a whole adjourned without passing a 2022 tax bill, leaving a number of cities who had also requested adjustments due to rising interest rates and inflation in difficult circumstances.

The sales tax question was put forward on the November 8, 2022 general election ballot with 22-year collection authorized by the 2021 Legislature and was approved by Moorhead voters. A sales tax ordinance was approved by the City Council December 12, 2022, and filings with the Secretary of State and Department of Revenue have been made to enable the Local Option Sales Tax collection effective April 1, 2023.

2023: As the 2023 Legislative session begins, the League of Minnesota Cities and individual cities and counties that were similarly affected by the Legislature's failure to pass a 2022 tax bill have been told that if there are to be any modifications in 2023, the communities must submit resolutions for sales tax authority by January 31, 2023, as required when initial requests were made. While we don't yet know how the discussions and potential solutions will unfold, the City's Flaherty & Hood lobbyist team indicate that the legislature does have the authority to modify the sales tax terms.

To leave open the opportunity to address inflationary impacts on the Community Center and Public Library project, the Council may wish to consider passing a resolution requesting the additional 8 years of sales tax collection, and an increase to the maximum collection amount in order to continue the discussion with the Legislature.



City Council Communication

January 23, 2023

FINANCIAL CONSIDERATIONS:

Very good news for Moorhead and Clay County is experiencing an increasing sales volume, which in turn increases estimates of sales tax collections. Clay County's local option sales tax for the jail and law enforcement center increased 20 percent from 2019 to 2020, and in 2021, the total county sales tax collection was \$3.95 million. The estimate for a local option sales tax in Moorhead is 72 percent of Clay County's collection (a precise number for Moorhead is not available because online sales are only tracked in jurisdictions that have local option sales taxes). This would mean that Moorhead's annual sales tax revenue potential is much greater than anticipated when the sales tax incidence study was conducted in early 2022.

The more challenging news is the continued inflation of construction materials and steep increases in interest rates. The community input on the community center and public library includes wonderful features and amenities. While plans have not yet been developed, design professionals are indicating that square foot construction cost of quality facilities are without question rising significantly.

The inputs in the decision making around this project are seemingly constantly in flux. In order to provide the Council with the best information available at the current time, Baker Tilly has calculated a new budget maximum amount of \$48.03 million based on current interest rates and a 30-year collection and a new starting collection amount of \$2.85 million.

If the Legislature would approve these adjustments in term and total collection, the Mayor and Council could still choose to approve a lesser budget amount or collection period as the project design is completed.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Lisa Bode, Governmental Affairs Director

Attachments:

RESOLUTION

Resolution to Amend Resolutions 2021-0308-19 and 2022-0425-3, requests to the Legislature for Local Option Sales Tax Authorization

WHEREAS, on January 11, 2021, the City Council of the City of Moorhead passed Resolution 2021-0111-4, a Resolution Supporting the Authority to Impose a Local Option Sales Tax to Fund Specific Capital Improvements Providing Regional Benefit, to Establish the Duration of the Tax and the Revenue to be Raised by the Tax, and to Authorize the City to Issue Bonds Supported by the Sales Tax Revenue; and

WHEREAS, on March 8, 2021, the City Council of the City of Moorhead amended Resolution 2021-0111-4 with Resolution 2021-0308-19 to reflect an estimated construction expenditure of \$29.1 million, a total construction and financing cost, including a required reserve account of \$31.59 million and an estimated sales tax collection period of 22 years; and

WHEREAS, due to rising interest rates nationwide, without an increase in the sales tax collection period or a reduction in the construction budget, an annual shortfall in sales tax revenue necessary to repay bonds would occur; and

WHEREAS, on April 25, 2022, the City Council of the City of Moorhead again amended the aforementioned resolutions with Resolution 2022-0425-3, to request an Estimated Sales Tax Collection Period of 30 years; and

WHEREAS, the Minnesota House and Senate Tax Committees acted favorably upon Moorhead's request, but the 2022 Legislature adjourned without passing a tax bill; and

WHEREAS, because the 2022 Legislature did not pass the omnibus tax bill, the City of Moorhead submitted a ballot question to its voters reflecting the authority granted to the City by the 2021 Legislature; and

WHEREAS, the voters of the City of Moorhead approved the .05% sales tax on the 2022 general election ballot with 64.37 percent voting "yes"; and

WHEREAS, without adjustment to the sales tax collection period and maximum collection amount, increasing construction costs would make it difficult to reduce the project scope and budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that Resolution 2022-0425-3 is hereby amended to reflect an Estimated Sales Tax Collection Period of 30 years and an increased collection amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that all other terms and conditions of Resolutions 2021-0308-19 and 2022-0425-3 remain in effect.

PASSED: January 23, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk