



**CITY COUNCIL  
MEETING AGENDA  
SEPTEMBER 25, 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. 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. Proclamation: Truth and Reconciliation Day
  - B. Presentation: 2024 Preliminary Budget and Tax Levy
6. Approve Minutes
  - A. September 11, 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
9. Public Hearings (5:45 pm)

*During "Public Hearings", the Mayor will ask for public testimony after staff and/or applicants make their presentations. The following guidelines are in place to ensure an efficient, fair, and respectful hearing; limit your testimony to three minutes and to the matter under consideration; the Mayor may modify times, as deemed necessary; avoid repeating remarks or points of view made by previous speakers. The use of signs, clapping, cheering or booing or any other form of verbal or nonverbal communication is not allowed.*
10. Economic Development
  - A. \*Resolution to Approve Amendment to the Tax Incentive Agreement for Odin Properties LLC
11. Engineering Department
  - A. \*Resolutions for Completed Public Improvement Projects Funded with Special Assessments

- B. \*Resolution to call for an Assessment Hearing for Completed Public Improvement Projects Funded with Special Assessments
- 12. Community Development Department
  - A. \*Resolution to Approve a Conditional Use Permit for Self-Storage in CC: Community Commercial at 3220 8th St S
  - B. \*Resolution to Approve Conditional Use Permits for Excavation and Construction in the Floodway and Flood Fringe at 111 8th St N (W.H. Davy/Memorial Park)
- 13. Administration
  - A. Resolution to Approve the Preliminary 2024 City Tax Levy
  - B. Resolution to Approve the Preliminary 2024 Economic Development Authority Tax Levy
  - C. Liquor License Denial Appeal - Onyx Bar & Grill
  - D. \*Resolution to Approve Off-Site Gambling Permit to Moorhead Youth Hockey Association on October 26, 2023
  - E. \*Resolution to Approve Liquor License to Hen Holdings LLC DBA Hen House
- 14. Mayor and Council Reports
- 15. City Manager Reports
- 16. Executive Session
- 17. New Business
- 18. Adjourn



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

**WHEREAS,** *our country was made up of people from every nation on Earth, who are declared equal not only in freedom but also in justice, both of which are essential for a healthy human civilization; and*

**WHEREAS,** *The Indian Child Welfare Act was established in 1978 with the intention to protect Indigenous children and to promote stability and security of tribes and families. The Act established minimum Federal standards for the removal and placement of Indigenous children in homes that reflect the unique values of their culture, and*

**WHEREAS,** *the establishment of the Indian Child Welfare Act served as legislative action that led to the dissolution of the routine practice of placement of Indigenous children in residential boarding schools and adoptive homes; and*

**WHEREAS,** *in 2013, residential school survivor Phyllis Jack Webstad shared the story of having her new orange shirt being taken away from her on her first day at boarding school. Since then, orange has been a reminder of how no one cared for her or other Indigenous children. This story was told during the St. Joseph Mission Residential School Commemoration Project and Reunion event in Williams Lake, British Columbia, and served as the inspiration for what became known as 'Orange Shirt Day'; and*

**WHEREAS,** *the House of Commons in Canada has established an official day of remembrance for the children and families affected by residential boarding schools. This is part of the reconciliation process with the First Nations, Inuit and Metis people and is observed annually on September 30th; and*

**WHEREAS,** *reconciliation efforts such as the recognition of Indigenous People's Day in the City of Moorhead have led to renewed hope for Indigenous people to feel a sense of worth, care, and cohesive belonging in communities through acknowledgement of events in the past.*

**NOW, THEREFORE, I,** Shelly Carlson, Mayor of the City of Moorhead, do hereby proclaim Saturday September 30, 2023 as:

**Truth and Reconciliation Day**

**IN WITNESS WHEREOF,** I have set my hand and caused the Official Seal of the City of Moorhead to be affixed this day of September 25, 2023.



Michelle (Shelly) A. Carlson  
Mayor of Moorhead



**CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 11, 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:

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

2. Pledge of Allegiance

3. Agenda Amendments

City Manager Mahli stated the MoorHeart Recognition Item 5A should be removed from the Regular Agenda and will occur at a future meeting. City Manager Mahli added there is a request to remove Item 12B from the Consent Agenda.

4. Consent Agenda

**Motion to Approve made by Larry Seljevold and seconded by Heather Nesemeier**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Carlson

5. Recognitions - Presentations

A. MoorHeart Recognition: Peter Haberman

B. Presentation: Moorhead Fire Department Promotions

Fire Chief Jeff Wallin shared promotions and recognitions that are taking place in the Moorhead Fire Department.

C. Update: Community Center Regional Library

Rob Remark with JLG Architects shared an update on design planning for the Community Center Regional Library. A public open house will take place on September 26 from 11:30–1:00pm & 4:30–7:00pm at the Moorhead Public Library to share additional information and



gather input from the public.

- D. Presentation: 2023 Bond Sale, Baker Tilly Municipal Advisors

Christine Hogan, Director with Baker Tilly Municipal Advisors, provided background and context information on Moorhead's 2023 sale of general obligation bonds.

6. Approve Minutes

- A. August 28, 2023 Meeting Minutes

**Motion to Approve August 28, 2023 Meeting Minutes made by Ryan Nelson and seconded by Sebastian McDougall**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Carlson

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

8. \*Mayor and Council Appointments

- A. \*Resolution to Approve Mayoral Appointments of Council Members to Committees, Boards, and Commissions

9. Public Hearings (5:45 pm)

10. Economic Development

- A. \*Resolution to Approve Short Term Extension to Pre-development and Lien Agreement
- B. Resolution to Declare Substandard Blighted Building for Redevelopment

Derrick LaPoint, CEO Downtown Moorhead Inc, shared information with the City Council related MN Department of Employment and Economic Development (DEED) Mainstreet Grants that were recently awarded to projects in downtown Moorhead. A portion of grant funding is intended to assist with demolition costs at the Moorhead Center Mall redevelopment area.

Jim Roers with Roers Development shared an update with the City Council and discussed the status of demolishing the Herberger's site and future location of the Community Center Regional Library.

**Motion to Approve Resolution to Declare Substandard Blighted Building for Redevelopment made by Laura Caroon and seconded by Deb White**

Motion Passed

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

Against: 0;

Abstain/Recuse: 0;

Absent: 1; Carlson

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11. Public Works

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

12. Administration

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

**Motion to Approve Resolution to Approve and Accept Offer of Sale of General Obligation Improvement Bonds, Series 2023A made by Deb White and seconded by Laura Caroon**

Motion Passed

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

Against: 0

Abstain/Recuse: 0

Absent: 1; Carlson

- B. \*Resolution to Approve New Liquor License to Onyx Bar & Grill LLC DBA Onyx Bar & Grill

Council member Nelson shared concerns relating an application for a liquor license by Onyx Bar & Grill. Owners Daniel Saintal and Jordany Dort with business representative Faith Dixon were in attendance to address questions. Discussion occurred regarding the liquor license.

**Motion to Approve Resolution to Approve New Liquor License to Onyx Bar & Grill LLC DBA Onyx Bar & Grill made by Larry Seljevoll and seconded by Deb White**

Motion Failed

For: 4; Nesemeier, Caroon, White, Seljevoll

Against: 4; Nelson, Gilbertson, McDougall, Hendrickson

Abstain/Recuse: 0

Absent: 1; Carlson

- C. \*Resolution to Approve Application for the Edward Byrne Memorial Justice Assistance Grant

13. Mayor and Council Reports

Council member Heather Nesemeier talked about a Longest Table event taking place Thursday, September 14, 6:00-8:00pm at Salem Church in Moorhead.

Council member Deb White invited residents to a Conversation with Ward 3 Council members on September 27 at 6:00pm in the community room at the Stonemill Apartments. Council Member White spoke of the Red River Run that is taking place on September 16 at MB Johnson Park as part of Greater Moorhead Days. The Red River Run is also serving as a fundraiser for the Inclusive Playground at Southside Regional Park.

Council member Ryan Nelson updated the City Council on the Red River Regional Dispatch Board meeting. He stated a land lease for a new dispatch center is nearing completion.

Council member Chuck Hendrickson spoke about the recent Red River Basin Board meeting, YWCA

Chocolate Fantasy event, and First Step's Recovery Month Celebration where Dave Kolpack was an excellent guest speaker.

14. City Manager Reports

City Manager Dan Mahli shared information on activities and a calendar of events for Greater Moorhead Days taking place September 7-16 across the city. Mr. Mahli also shared information on the availability of Moorhead Parks and Recreation's Fall/Winter brochure. The Spring/Summer brochure will be published February 2024. City Manager Mahli added with the City's Council's bond sale authorization and Moorhead's bond rating upgrade to Aa2 by Moody's Investor Service, the result means real savings to taxpayers and ratepayers in the City due to strong financial management and a safer investment environment for bond buyers in Moorhead. Mr. Mahli thanked the City Council, staff, and financial advisers for working together to accomplish this stretch goal.

15. Executive Session

16. New Business

17. Adjourn

Meeting adjourned at 6:30 pm

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

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September 25, 2023

**SUBJECT:**

Resolution to Approve Amendment to the Tax Incentive Agreement for Odin Properties LLC to expand their project to include parcel(s) located adjacent to the project at 2410 2 Ave N (58.307.0360)

**RECOMMENDATION:**

The Mayor and City Council are asked to approve an Amendment to the Tax Incentive Agreement for Odin Properties LLC to expand their project to include parcel(s) located adjacent to the project at 2410 2 Ave N (58.307.0360).

**BACKGROUND/KEY POINTS:**

On March 27, 2023, Moorhead City Council held a public hearing and approved a property tax exemption to construct two multi-tenant commercial buildings. The Project Operator, Thad Thorsness representing Odin Properties LLC, is acquiring an adjacent parcel (2406 2 Ave N - 58.307.0370) and will expand the footprint of the project to include this parcel. An amendment to the signed Tax Incentive Agreement is needed to include a new legal description and expanded project to the terms of the agreement. All other terms and conditions will remain the same.

Approved Project: Odin Properties LLC has planned to construct two 72' x 143' multi-tenant commercial buildings with 10-units in each building (wood frame construction, metal siding and roof) to be leased or sold to small commercial businesses such as builders, plumbers, or electricians. Each unit includes 100 square foot office, half bath, an overhead door, and a walk-in door.

The expansion adds another multi-unit building with the same type of construction and amenities.

Once constructed, Odin Properties anticipates forming a CIC condo and may sell a portion of the units to qualified businesses eligible to receive an incentive. The aggregate exemption term shall pass to the new business owners on a pro rata basis as allowed by Resolution 2014-1124-N. Odin Properties will be responsible for meeting and reporting on the jobs created or retained.

**FINANCIAL CONSIDERATIONS:**

A property tax exemption is revenue foregone for a period of time (5 years in this case) on the Project's new building improvement value. The land value remains taxable for the duration of the exemption term.

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



## City Council Communication

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September 25, 2023

**Submitted By:**

Dan Mahli, City Manager

Amy Thorpe, Economic Development Program Administrator

**Attachments:** Draft Resolution

## RESOLUTION

### **Resolution to Approve Amendment to Tax Incentive Agreement for Odin Properties LLC for Construction of Commercial Multi-Tenant Buildings located at 2410 2nd Ave N (58.307.0360)**

WHEREAS, the City Council approved a property tax exemption and related Tax Incentive Agreement on March 27, 2023, for Odin Properties LLC to construct two commercial multi-tenant buildings (the "Project") located at 2410 2<sup>nd</sup> Ave N (58.307.0360); and

WHEREAS, Odin Properties LLC is acquiring an adjacent parcel (2406 2 Ave N – 58.307.0370) and desires to expand the Project by constructing another commercial multi-tenant building; and

WHEREAS, the legal description and Project Description need to be amended to include this expansion; and

WHEREAS, all other terms of the Tax Incentive Agreement remain the same; and

WHEREAS, granting a tax incentive is in the best interest of the City of Moorhead to enhance the property tax base and create new jobs.

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

1. The City Council of the City of Moorhead hereby grants an amendment to the Tax Incentive Agreement to include an expanded legal description and expanded project description; and
2. The Mayor and City Manager are hereby authorized and directed to execute an amendment to the Tax Incentive Agreement on file by and between the City of Moorhead and Odin Properties LLC.
3. All other terms and conditions found in the original Tax Incentive Agreement remain in full force and effect.

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

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Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

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September 25, 2023

**SUBJECT:**

Resolutions for Completed Public Improvement Projects Funded with Special Assessments

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution declaring costs to be assessed and ordering the preparation of proposed assessments, and a second resolution scheduling the Assessment Hearing for Monday, October 23, 2023 for completed public improvement projects funded with special assessments.

**BACKGROUND/KEY POINTS:**

The Engineering Department has prepared special assessments for completed public improvement projects. The types of projects and amounts to be assessed for consideration at the Hearing are included in the attached draft resolution. Minnesota Statutes Annotated, Chapter 429 requires that the Mayor and Council approve resolutions declaring costs to be assessed, ordering the preparation of proposed assessments, and scheduling a Hearing. The time frame for the Assessment Hearing process is as follows:

| <b><u>Council Action</u></b>                                                               | <b><u>Date</u></b> |
|--------------------------------------------------------------------------------------------|--------------------|
| Resolution Declaring Costs to be Assessed and Ordering Preparation of Proposed Assessments | September 25, 2023 |
| Resolution Scheduling Assessment Hearing for Proposed Assessments                          | September 25, 2023 |
| Publish Hearing Notice                                                                     | October 5, 2023    |
| Mail Hearing Notices to Property Owners                                                    | October 5, 2023    |
| Assessment Hearing                                                                         | October 23, 2023   |
| Resolution Ordering Special Assessments                                                    | October 23, 2023   |

Notices will be mailed to affected property owners on a project basis (some properties will receive multiple notices because they benefit from multiple projects). Staff will be available via telephone and appointments to attempt to resolve questions and concerns prior to the Hearing.

**FINANCIAL CONSIDERATIONS:**

Assessment costs are applied to all benefited property owners as outlined in the attached resolution.





## City Council Communication

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September 25, 2023

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager

Tom Trowbridge, Assistant City Engineer

Bob Zimmerman, Engineering Director

Amy Weigel, Special Assessment Coordinator

**Attachments:** Draft Resolution

## RESOLUTION

### Resolution to Declare Costs

WHEREAS, the following improvement projects, known by their Engineering project numbers, 17-A6-2, 22-A2-2, 22-A2-4, 22-A6-2, 23-A2-1, 23-A2-3, 23-A2-7, 23-A2-8, 23-A6-1 and 22-A6-1 have been completed or are nearing completion. The project description, location and amount to be assessed are as follows:

| PROJ. NO. | ENG. NO. | DESCRIPTION                       | LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                              | TOTAL ASSESSED COST |
|-----------|----------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 811882    | 17-A6-2  | Street & Underground Utilities    | MCCARA 5 <sup>th</sup> Addition                                                                                                                                                                                                                                                                                                                                                                                                       | \$2,621,965.01      |
| 811898    | 22-A2-2  | Street Reconstruction             | 11 <sup>th</sup> St S between 2 <sup>nd</sup> and 6 <sup>th</sup> Ave S                                                                                                                                                                                                                                                                                                                                                               | \$378,020.00        |
| 811902    | 22-A2-4  | Street Rehabilitation             | River Dr S – 9 <sup>th</sup> to 12 <sup>th</sup> Ave S<br>Elm St S – 6 <sup>th</sup> to 12 <sup>th</sup> Ave S<br>6 <sup>th</sup> Ave S – Elm St S West to Elm St S East<br>8 <sup>th</sup> Ave S – Elm St S to 1 <sup>st</sup> St S<br>9 <sup>th</sup> Ave S – River Dr S to 1 <sup>st</sup> St S<br>11 <sup>th</sup> Ave S – River Dr S to 1 <sup>st</sup> St S<br>1 <sup>st</sup> St S – 7 <sup>th</sup> to 12 <sup>th</sup> Ave S | \$589,914.42        |
| 811903    | 22-A6-2  | Street & Underground Utilities    | Hampton Place 4 <sup>th</sup> Addition                                                                                                                                                                                                                                                                                                                                                                                                | \$3,047,757.84      |
| 811904    | 23-A2-1  | Mill & Overlay                    | 14 <sup>th</sup> Ave S – 18 <sup>th</sup> to 20 <sup>th</sup> St S<br>19 ½ St S – 12 <sup>th</sup> to 16 <sup>th</sup> Ave S                                                                                                                                                                                                                                                                                                          | \$81,667.95         |
| 811905    | 23-A2-3  | Mill & Overlay                    | 14 <sup>th</sup> St S - 20 <sup>th</sup> to 24 <sup>th</sup> Ave S<br>27 <sup>th</sup> Ave S – 16 <sup>th</sup> to 18 <sup>th</sup> St S<br>16 <sup>th</sup> , 17 <sup>th</sup> and 18 <sup>th</sup> Streets S - 27 <sup>th</sup> to 28 <sup>th</sup> Ave S                                                                                                                                                                           | \$270,328.35        |
| 811907    | 23-A2-7  | Street Rehabilitation             | 6 <sup>th</sup> St S – 18 <sup>th</sup> to 24 <sup>th</sup> Ave S<br>18 <sup>th</sup> Ave S – 6 <sup>th</sup> to 8 <sup>th</sup> St S<br>20 <sup>th</sup> Ave S – 5 <sup>th</sup> to 8 <sup>th</sup> St S                                                                                                                                                                                                                             | \$253,655.75        |
| 811908    | 23-A2-8  | Final Bituminous Overlays         | Hampton Place 3 <sup>rd</sup> Addition                                                                                                                                                                                                                                                                                                                                                                                                | \$173,050.99        |
| 811933    | 23-A6-1  | Street & Underground Utilities    | Johnson Farms 5 <sup>th</sup> & 7 <sup>th</sup> Addition                                                                                                                                                                                                                                                                                                                                                                              | \$1,649,453.48      |
| 811852    | 22-A6-1  | Petitioned Sanitary Sewer Repairs | 1020 19 St S<br>309 11 St S<br>1411 15 St N<br>1219 19 ½ St S<br>1407 19 ½ St S<br>1415 19 ½ St S<br>1419 19 ½ St S<br>1410 19 ½ St S<br>1414 19 ½ St S                                                                                                                                                                                                                                                                               | \$376,550.45        |

|  |  |  |                                                                                                                                                                                                                                                                                                                               |  |
|--|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  |  | 1418 19 ½ St S<br>1008 13 <sup>th</sup> St N<br>606 Rensvold Blvd<br>214 8 <sup>th</sup> Ave S<br>809 1 <sup>st</sup> St S<br>813 1 <sup>st</sup> St S<br>824 Elm St S<br>1726 44 <sup>th</sup> Ave S<br>4535 19 <sup>th</sup> St S<br>1308 17 <sup>th</sup> Ave S<br>1815 10 <sup>th</sup> Ave N<br>903 1 <sup>st</sup> St S |  |
|--|--|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

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

1. The cost of such improvements to be paid by the City and the portion of the costs assessed against the benefited property owners are declared to be:

| Proj. No. | Eng. No.      | Total Assessable Costs | Deferred, Postponed, Green Acres Cost | 2023 Total Assessable Amount Collectable | 100% Petition | Assessment Period in Years | Interest Rate |
|-----------|---------------|------------------------|---------------------------------------|------------------------------------------|---------------|----------------------------|---------------|
| 811882    | 17-A6-2       | \$ 2,621,965.01        | \$ -                                  | \$ 2,621,965.01                          | N             | 25                         | 5.38          |
| 811898    | 22-A2-2       | \$ 378,020.00          | \$ -                                  | \$ 378,020.00                            | N             | 20                         | 5.38          |
| 811902    | 22-A2-4       | \$ 589,914.42          | \$ -                                  | \$ 589,914.42                            | N             | 20                         | 5.38          |
| 811903    | 22-A6-2       | \$ 3,047,757.84        | \$3,047,757.84                        | \$ -                                     | Y             | 25                         | 5.38          |
| 811904    | 23-A2-1       | \$ 81,667.95           | \$ -                                  | \$ 81,667.95                             | N             | 20                         | 5.38          |
| 811905    | 23-A2-3       | \$ 270,328.35          | \$ -                                  | \$ 270,328.35                            | N             | 20                         | 5.38          |
| 811907    | 23-A2-7       | \$ 253,655.75          | \$ -                                  | \$ 253,655.75                            | N             | 20                         | 5.38          |
| 811908    | 23-A2-8       | \$ 173,050.99          | \$ -                                  | \$ 173,050.99                            | N             | 20                         | 5.38          |
| 811933    | 23-A6-1       | \$ 1,649,453.48        | \$1,649,453.48                        | \$ -                                     | Y             | 25                         | 5.38          |
| 811852    | 22-A6-1       | \$ 376,550.45          | \$ -                                  | \$ 376,550.45                            | Y             | 20                         | 5.38          |
|           | <b>TOTALS</b> | <b>\$ 9,442,364.24</b> | <b>\$4,697,211.32</b>                 | <b>\$ 4,745,152.92</b>                   |               |                            |               |

2. Assessments shall be payable in equal annual installments extended over the number of years as set forth in this resolution, the first of the installments to be payable on the next tax billing from the County Treasurer and shall bear present interest as specified in the table above for each project. To the first installment shall be added interest on the entire assessment. To each subsequent installment when due shall be added interest for one year on all unpaid installments; and
3. The City Clerk, with the assistance of the City Engineer shall forthwith calculate the proper amount to be specially assessed for the improvements against every assessable lot, piece, or parcel of land within the district affected, without regard to cash valuation, as provided by law, and she shall file a copy of such proposed assessment in her office for public inspection. The City Clerk shall, upon the completion of such proposed assessment, notify the Council thereof.

PASSED: September 25, 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 call for an Assessment Hearing for Completed Public Improvement Projects Funded with Special Assessments**

WHEREAS, the following improvement projects, known by their Engineering project, 17-A6-2, 22-A2-2, 22-A2-4, 22-A6-2, 23-A2-1, 23-A2-3, 23-A2-7, 23-A2-8, 23-A6-1 and 22-A6-1 have been completed or are nearing completion; and

WHEREAS the City Council previously ordered each of these improvements and declared the City's intent to specially assess all or a portion of the project costs to the benefiting properties in accordance with the City's Special Assessment policy; and

WHEREAS, the City Engineer has notified the Council that estimated costs and the proposed special assessments for the various improvement projects will be completed and filed in their office for inspection.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MOORHEAD, MINNESOTA:

1. A hearing shall be held at 5:45 p.m. on October 23, 2023, in the Hjemkomst Center to pass upon such proposed assessments. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing and shall state in the notice the total cost of the improvements and shall also cause mailed notices to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The mailed notices to the property owners shall inform them that the owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Finance Office, except that no interest shall be charged in the entire assessment is paid within 30 days from the adoption of the assessment. An owner may at any time, thereafter, pay to the City Finance Office the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

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Michelle (Shelly) A. Carlson, Mayor

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Christina Rust, City Clerk





## City Council Communication

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September 25, 2023

**SUBJECT:**

Resolution to Approve Conditional Use Permit to Operate a Self-Storage Facility in CC:  
Community Commercial at 3220 8<sup>th</sup> St S

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a Conditional Use Permit to Operate a Self-Storage Facility in CC: Community Commercial at 3220 8<sup>th</sup> St S.

**BACKGROUND/KEY POINTS:**

The applicant is requesting the Conditional Use Permit (CUP) to move one storage building from 3110 8th St S to 3220 8th St S.

Later, the applicant is proposing to move the northern property line of the 3220 parcel to the north, adding approximately 50,000 sf. The plan is to have all storage buildings on the 3110 parcel on the 3220 parcel. The 3220 8th St S parcel would then have 170 storage units and the 3110 8th St S property would have no storage units.

A 2012 CUP for Self-Storage was granted for the 3220 8th St S parcel but the applicant never complied with the conditions of approval so the CUP expired. The 2012 conditions of approval were added to this CUP's conditions of approval.

The Moorhead Planning Commission considered the request at their September 12, 2023 meeting and unanimously recommended approval of the Conditional Use Permit as outlined within the proposed resolution with no public comments. The complete Planning Commission packet is available at: [www.ci.moorhead.mn.us/government/boards-commissions/planning-commission](http://www.ci.moorhead.mn.us/government/boards-commissions/planning-commission)

**FINANCIAL CONSIDERATIONS:**

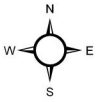
Not Applicable

**Voting Requirements:** Majority of Council

**Submitted By:**

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

**Attachments:** General Location Map  
Draft Resolution  
Resolution Exhibit A – Findings of Fact  
Resolution Exhibit B – Conditional Use Permit



**General Location Map**  
**3220 8th St S**  
**58.060.0170**





## RESOLUTION

### **Resolution to Approve a Conditional Use Permit to Operate a Self-Storage Facility in CC: Community Commercial at 3220 8<sup>th</sup> Street S (Parcel 58.060.0170)**

WHEREAS, MHI Minnesota, LLC has requested a Conditional Use Permit to Operate a Self-Storage Facility in CC: Community Commercial at 3220 8th Street South, legally described as:

Lot 5, Block 3, Belslys First Addition; and

WHEREAS, the Moorhead Planning Commission held a public hearing on September 12, 2023 and approved findings of fact (Exhibit A) and voted unanimously to recommend approval of the Conditional Use Permit contingent upon the conditions noted below; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that to Operate a Self-Storage Facility in CC: Community Commercial at 3220 8th Street South is hereby approved (Exhibit B), contingent upon the following conditions, which were developed based on criteria within the Moorhead City Code for Conditional Uses and to address general welfare, health and safety of the neighborhood:

1. Landscaping that meets Title 10-19-17 to be provided along the east and south property lines, 9th St S boulevard and a minimum 15% pervious green space provided, as approved by City Planner.
2. Parking areas and drive-lanes must be paved with asphalt or concrete.
3. Window treatments added to the west-facing windows to hide storage items, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
4. West-facing front of building to be painted or refinished, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
5. If parcel boundary line not adjusted, a maximum of 52 storage units shall be permitted (30 in current building / 22 in moved building).
6. If parcel boundary line adjusted to provide proposed lot area of 84,939 sf, no maximum number of storage units.
7. Approach permit for 9th St S access and approach to be constructed to City approach standards.
8. Exterior storage only permitted if solid screening fence installed along entire parcel perimeter.
9. The Applicant/Owner shall receive all applicable required federal, state and local permits.
10. The City of Moorhead reserves the right to inspect the property for compliance with these conditions at any time and for any reason.

11. Any and all claims that arise or may arise against Applicant/Owner, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of Moorhead. Furthermore, Applicant/Owner, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in anyway connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
12. Any improvements made to the property in connection with this Conditional Use Permit shall be at the sole expense of the Applicant/Owner and shall not be the obligation of the City.
13. If Applicant/Owner fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give Applicant/Owner at least a ten (10) day notice of revocation at a revocation hearing for the Conditional Use Permit stating the time, place and purpose of such hearing. Upon such hearing, the City may revoke this Conditional Use Permit. If this Conditional Permit is revoked, Applicant/Owner shall cease operating the self-storage facility by the date stated by the City Council at the hearing. Applicant/Owner shall pay reasonable attorney's fee and court costs associated with the City's enforcement of the terms of this Conditional Use Permit.
14. This Conditional Use Permit will not be in effect until such time as it is executed and recorded with Clay County.
15. The obligations herein shall run with the Property and shall bind the Applicant/ Owner and their successors and assigns.
16. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
17. The Applicant/Owner acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk

## EXHIBIT A

### Conditional Use Permit Moorhead Planning Commission Findings of Fact

REQUEST: Conditional Use Permit - Self-Storage Facility in CC: Community Commercial

LOCATION: 3220 8<sup>th</sup> Street S, Parcel 58.060.0170

APPLICANT: MHI Minnesota, LLC

OWNER: City of Moorhead

File No: 23P011

WHEREAS, the Moorhead Planning Commission received a full and complete application for a Conditional Use Permit for Self-Storage in CC: Community Commercial;

WHEREAS, the Moorhead Planning Commission held a public hearing on the aforementioned request on September 12, 2023; and

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

#### Findings of Fact

1. A full and complete application was filed by MHI Minnesota, LLC and received August 23, 2023 (herein referred to as "Application") seeking a Conditional Use Permit for a Self-Storage Facility in CC: Community Commercial Zoning District at 3220 8<sup>th</sup> Street S, Parcel #58.060.0170, legally described as:  
  
Lot 5, Block 3, Belslys First Addition
2. The Conditional Use Permit is requested to allow relocating a self-storage building on to site with existing storage building.
3. The property is zoned CC: Community Commercial, which allows for this type of use but requires a conditional use permit.
4. A public hearing was held by the Planning Commission on September 12, 2023 on the Application allowing all interested persons an opportunity to speak, a full and complete record of which is detailed in the minutes of the Moorhead Planning Commission.
5. The request is consistent with the general intent of the CC: Community Commercial and GO: Gateway Overlay zoning district.
6. The request has been found consistent with the following considerations regarding the possible adverse effects of the requested Conditional Use Permit (Section 10-4-3E):
  - A. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official city comprehensive plan and with the purposes of the zoning district in which the applicant intends to locate the proposed use.
    - The property is zoned CC: Community Commercial and GO: Gateway Overlay District and consistent with the 2022 Comprehensive Land Use Plan as it is guided towards Mixed Use. The proposed use could be found consistent with the purposes of the zoning district if the conditions of approval are met.
  - B. The proposed use is or will be compatible with the present and future uses of the area.
    - If the conditions of approval are met, the proposed use will be compatible with the present and

future uses of the area.

- C. The proposed use conforms with all performance standards contained herein (i.e. parking, loading, noise, etc.).
    - If conditions of approval are met, the proposed use will conform with all performance standards.
  - D. The proposed use will not tend to or actually have an adverse effect on the area in which it is proposed.
    - If conditions of approval met, the proposed use will not tend to or actually have an adverse effect on the area in which is it proposed.
  - E. Traffic generated by the proposed use is within the capabilities of streets serving the property.
    - The proposed use will be accommodated by the existing capabilities of the streets serving the property.
  - F. The proposed use can be accommodated by public services and facilities including parks, schools, streets and utilities, and will not overburden the City's service capacity.
    - The proposed use can be accommodated by the existing public services and facilities that currently serve the property.
7. After review of the criteria for consideration noted above, staff recommended approval of the Conditional Use Permit with the conditions noted below. The conditions were developed based upon the above noted criteria and to address the general welfare, health and safety of the neighborhood:
- 1. Landscaping that meets 10-19-17 to be provided along the east and south property lines, 9<sup>th</sup> St S boulevard and a minimum 15% pervious green space provided, as approved by City Planner.
  - 2. Parking areas and drive-lanes must be paved with asphalt or concrete.
  - 3. Window treatments added to the west-facing windows to hide storage items, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
  - 4. West-facing front of building to be painted or refinished, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
  - 5. If parcel boundary line not adjusted, a maximum of 52 storage units shall be permitted (30 in current building / 22 in moved building).
  - 6. If parcel boundary line adjusted to provide proposed lot area of 84,939 sf, no maximum number of storage units.
  - 7. Approach permit for 9<sup>th</sup> St S access and approach to be constructed to City approach standards.
  - 8. Exterior storage only permitted if solid screening fence installed along entire parcel perimeter.
  - 9. The applicant shall receive all applicable required federal, state and local permits.

NOW, THEREFORE, BE IT RESOLVED by the Moorhead Planning Commission that based upon the above Findings of Fact, the request of MHI Minnesota, LLC, for a Conditional Use Permit for a Self- Storage Facility in CC: Community Commercial at 3220 8<sup>th</sup> Street N, Parcel 58.060.0170, legally described as:

Lot 5, Block 3, Belslys First Addition

is hereby approved contingent upon:

- 1. Landscaping that meets 10-19-17 to be provided along the east and south property lines, 9<sup>th</sup> St S boulevard and a minimum 15% pervious green space provided, as approved by City Planner.
- 2. Parking areas and drive-lanes must be paved with asphalt or concrete.
- 3. Window treatments added to the west-facing windows to hide storage items, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
- 4. West-facing front of building to be painted or refinished, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
- 5. If parcel boundary line not adjusted, a maximum of 52 storage units shall be permitted (30 in current building / 22 in moved building).
- 6. If parcel boundary line adjusted to provide proposed lot area of 84,939 sf, no maximum number of storage units.
- 7. Approach permit for 9<sup>th</sup> St S access and approach to be constructed to City approach standards.



8. Exterior storage only permitted if solid screening fence installed along entire parcel perimeter.
9. The applicant shall receive all applicable required federal, state and local permits.

PASSED by the Moorhead Planning Commission this 12th day of September, 2023.

  
\_\_\_\_\_  
Brent Behm, Chair  
Moorhead Planning Commission  
\_\_\_\_\_  
Attest: Robin Huston,  
City Planner/Zoning Administrator

**CONDITIONAL USE PERMIT**

State of Minnesota  
County of Clay  
City of Moorhead

WHEREAS, **MHI Minnesota, LLC** (hereinafter referred to as the "Applicant/Owner") is the legal owner of the below described property and has paid the sum of two hundred dollars (\$200.00) to the City of Moorhead, as required by the City of Moorhead Fee Schedule, plus forty-six dollars (\$46.00) for the Clay County Recording Fee, and has complied with all the requirements of the Zoning Ordinance necessary for obtaining this permit.

NOW, THEREFORE, by order of Moorhead City Council, that said Applicant/Owner is hereby issued a Conditional Use Permit to

**OPERATE A SELF-STORAGE FACILITY IN CC: COMMUNITY COMMERCIAL**

on the Property, as described below, with the following attached conditions.

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk

**PROPERTY DESCRIPTION**

3220 8<sup>th</sup> Street S - Parcel 58.060.0170, legally described as:

Lot 5, Block 3, Belslys First Addition situated in the City of Moorhead, the County of Clay and the State of Minnesota

**CONDITIONAL USE PERMIT CONDITIONS  
TO OPERATE A SELF-STORAGE FACILITY IN CC: COMMUNITY COMMERCIAL  
3220 8<sup>th</sup> Street S - Parcel 58.060.0170**

1. Landscaping that meets Title 10-19-17 to be provided along the east and south property lines, 9th St S boulevard and a minimum 15% pervious green space provided, as approved by City Planner.
2. Parking areas and drive-lanes must be paved with asphalt or concrete.
3. Window treatments added to the west-facing windows to hide storage items, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
4. West-facing front of building to be painted or refinished, as approved by the City Planner. This can be waived if solid screening fence installed along west property line.
5. If parcel boundary line not adjusted, a maximum of 52 storage units shall be permitted (30 in current building / 22 in moved building).
6. If parcel boundary line adjusted to provide proposed lot area of 84,939 sf, no maximum number of storage units.
7. Approach permit for 9th St S access and approach to be constructed to City approach standards.
8. Exterior storage only permitted if solid screening fence installed along entire parcel perimeter.
9. The Applicant/Owner shall receive all applicable required federal, state and local permits.
10. The City of Moorhead reserves the right to inspect the property for compliance with these conditions at any time and for any reason.
11. Any and all claims that arise or may arise against Applicant/Owner, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of Moorhead. Furthermore, Applicant/Owner, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in anyway connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
12. Any improvements made to the property in connection with this Conditional Use Permit shall be at the sole expense of the Applicant/Owner and shall not be the obligation of the City.
13. If Applicant/Owner fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give Applicant/Owner at least a ten (10) day notice of revocation at a revocation hearing

for the Conditional Use Permit stating the time, place and purpose of such hearing. Upon such hearing, the City may revoke this Conditional Use Permit. If this Conditional Permit is revoked, Applicant/Owner shall cease operating the self-storage facility by the date stated by the City Council at the hearing. Applicant/Owner shall pay reasonable attorney's fee and court costs associated with the City's enforcement of the terms of this Conditional Use Permit.

14. This Conditional Use Permit will not be in effect until such time as it is executed and recorded with Clay County.
15. The obligations herein shall run with the Property and shall bind the Applicant/ Owner and their successors and assigns.
16. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
17. The Applicant/Owner acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

\_\_\_\_\_  
Applicant/Owner Acknowledgement  
MHI Minnesota, LLC

STATE OF MINNESOTA  
COUNTY OF CLAY

On this \_\_\_\_ day of September, 2023, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ of \_\_\_\_\_, known to me to be the Applicant/Owner. Respectively, described in and who executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of the Applicant/Owner.

SEAL

\_\_\_\_\_  
Notary Public, Clay County, MN

APPROVED BY:

\_\_\_\_\_  
Dan Mahli, City Manager

STATE OF MINNESOTA  
COUNTY OF CLAY

On this \_\_\_\_ day of September, 2023, before me, a Notary Public in and for said County and State, personally appeared Dan Mahli, known to me to be the City Manager. Respectively, described in and who executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of City of Moorhead.

SEAL

\_\_\_\_\_  
Notary Public, Clay County, MN





## City Council Communication

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September 25, 2023

**SUBJECT:**

Resolution to Approve Conditional Use Permits for Excavation and Construction in the Floodway and Flood Fringe at 111 8th St N (W.H. Davy/Memorial Park)

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve the Conditional Use Permits for excavation and construction in the Floodway and Flood Fringe at 111 8th St N.

**BACKGROUND/KEY POINTS:**

The Conditional Use Permits are required in order to excavate and construct a new storm sewer outfall that will discharge into the Red River in W.H. Davy/Memorial Park. This work is part of the 11th Street Underpass Project.

The Moorhead Planning Commission considered the request at their September 12, 2023 meeting and unanimously recommended approval of the Conditional Use Permits with no public comments. The Planning Commission packet is available at:

[www.ci.moorhead.mn.us/government/boards-commissions/planning-commission](http://www.ci.moorhead.mn.us/government/boards-commissions/planning-commission)

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Council

**Submitted By:**

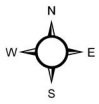
Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

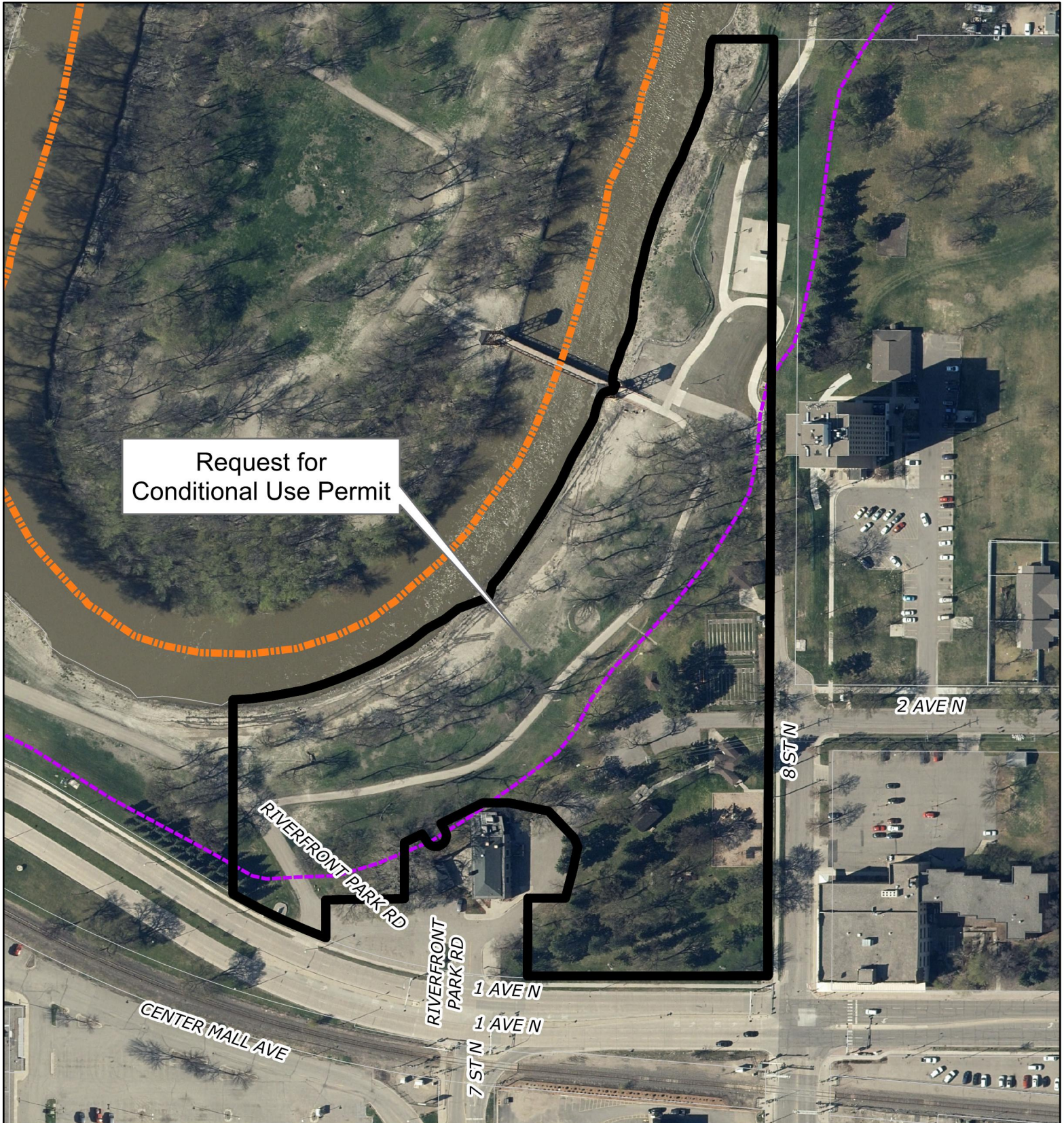
Forrest Steinhoff, Assistant City Planner

**Attachments:**    General Location Map  
                         Draft Resolution  
                         Resolution Exhibit A - Findings of Fact  
                         Resolution Exhibit B - Conditional Use Permit





**General Location Map - Floodway**  
**111 8th St N**  
**58.575.1700**



- Floodway Line
- 111 8th St N
- Moorhead City Limits



## RESOLUTION

### **Resolution to Approve Conditional Use Permits for Excavation and Construction in the Floodway and Flood Fringe at 111 8<sup>th</sup> Street N (Parcel 58.575.1700)**

WHEREAS, J. Knopf, on behalf of Minnesota Department of Transportation, has requested a Conditional Use Permit to allow excavation in the Floodway and Flood Fringe and a Conditional Use Permit to allow construction of a storm sewer outfall in the Floodway at 111 8<sup>th</sup> Street N (Parcel 58.575.1700), legally described as:

ALL OF BLK 70, PT OF BLK 68 ORIGINAL MOORHEAD, PT OF BLK 4 HOLES ADDN & PT OF VAC 7<sup>TH</sup> ST, PT OF OUTLOTS 22C, 22D, 24D; ALL OF 23E & 24 D TO MOORHEAD, City of Moorhead, Clay County, Minnesota; and

WHEREAS, the Moorhead Planning Commission held a public hearing on September 12, 2023 and approved findings of fact (Exhibit A) and voted unanimously to recommend approval of the Conditional Use Permits contingent upon the conditions noted below; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Conditional Use Permits to allow excavation in the Floodway and Flood Fringe and construction in the Floodway for 111 8<sup>th</sup> Street N (Parcel 58.575.1700), is hereby approved (Exhibit B) contingent upon the following conditions, which were developed based on criteria within the Moorhead City Code for Conditional Uses and to address general welfare, health and safety of the neighborhood:

1. All excavated material must removed / not be permanently stored in the Floodway or Flood Fringe.
2. Excavation shall not damage existing utilities in project area, including MPS fiber. If utilities damaged during construction, applicant responsible for repairs.
3. River Corridor Trail shall be restored to pre-construction condition.
4. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.
5. The City of Moorhead reserves the right to inspect the property for compliance with these conditions at any time and for any reason.
6. Any and all claims that arise or may arise against Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of Moorhead. Furthermore, Applicant, its agents servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgements, including attorneys' fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in anyway connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.

7. Any improvements made to the property in connection with the Conditional Use Permit shall be at the sole expense of the Applicant and shall not be the obligation of the City.
8. If Applicant fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give the Applicant at least a ten (10) day notice of revocation at a revocation hearing for the Conditional Use Permit stating the time, place and purpose of such hearing. Upon such hearing, the City may revoke this Conditional use Permit. If this Conditional use Permit is revoked, Applicant shall cease excavation and construction in the Floodway and Flood Fringe by the date stated by the City Council at the hearing. Applicant shall pay reasonable attorney's fee and court costs associated with the City's enforcement of the terms of this Conditional Use Permit.
9. This Conditional Use Permit will not be in effect until such time as it is executed and recorded with Clay County.
10. The obligations herein shall run with the Property and shall bind the Applicant and the Owner and their successors and assigns.
11. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.
12. The Applicant acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk

## EXHIBIT A

### Conditional Use Permits Moorhead Planning Commission Findings of Fact

REQUEST: Conditional Use Permits in Floodway and Flood Fringe

LOCATION: 111 8<sup>th</sup> Street N, Parcel 58.575.1700

APPLICANT: J. Knopf, on behalf of the Minnesota Department of Transportation

OWNER: City of Moorhead

File No: 23P012

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

1. Conditional Use Permit for excavation in the Floodway and Flood Fringe
2. Conditional Use Permit for construction of a storm sewer outfall in the Floodway

WHEREAS, the Moorhead Planning Commission held a public hearing on the aforementioned request on September 12, 2023; and

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

#### Findings of Fact

1. A full and complete application was filed by J. Knopf, on behalf of the Minnesota Department of Transportation, and received August 21, 2023 (herein referred to as "Application") seeking a Conditional Use Permit to excavate in the Floodway and Flood Fringe and a Conditional Use Permit for construction of a storm sewer outfall in the Floodway at 111 8<sup>th</sup> Street N, Parcel #58.575.1700, legally described as:  
  
ALL OF BLK 70, PT OF BLK 68 ORIGINAL MOORHEAD, PT OF BLK 4 HOLES ADDN & PT OF VAC 7TH ST, PT OF OUTLOTS 22C, 22D, 24D; ALL OF 23E & 24D TO MOORHEAD, City of Moorhead, Clay County, Minnesota
2. The Conditional Use Permits are requested to accommodate excavation and construction of a storm sewer outfall for the 11<sup>th</sup> Street Underpass project.
3. The property is zoned P: Public Open Space, which allows for this type of use but requires a conditional use permit when work is occurring within the Floodway and Flood Fringe.
4. A public hearing was held by the Planning Commission on September 12, 2023 on the Application allowing all interested persons an opportunity to speak, a full and complete record of which is detailed in the minutes of the Moorhead Planning Commission.
5. The request is consistent with the general intent of the P: Public Open Space zoning district.
6. The request has been found consistent with the following considerations regarding the possible adverse effects of the requested Conditional Use Permits (Section 10-4-3E):
  - A. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official city comprehensive plan and with the purposes of the zoning district in which the applicant intends to locate the proposed use.
    - The property will continue to be used as a park and is guided towards Parks/Open Space use in the 2022 Comprehensive Land Use Plan.
  - B. The proposed use is or will be compatible with the present and future uses of the area.

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

NOW, THEREFORE, BE IT RESOLVED by the Moorhead Planning Commission that based upon the above Findings of Fact, the request of J. Knopf, on behalf of the Minnesota Department of Transportation, for a Conditional Use Permit to excavate in the Floodway and Flood Fringe and a Conditional Use Permit for construction of a storm sewer outfall in the Floodway at 111 8<sup>th</sup> Street N, Parcel 58.575.1700, legally described as:

ALL OF BLK 70, PT OF BLK 68 ORIGINAL MOORHEAD, PT OF BLK 4 HOLES ADDN & PT OF VAC 7TH ST, PT OF OUTLOTS 22C, 22D, 24D; ALL OF 23E & 24D TO MOORHEAD, City of Moorhead, Clay County, Minnesota

is hereby approved contingent upon:



1. All excavated material must be removed / not be permanently stored in the flood fringe or floodway.
2. Excavation shall not damage existing utilities in project area, including MPS fiber. If utilities damaged during construction, applicant responsible for repairs.
3. River Corridor Trail shall be restored to pre-construction condition.
4. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.

PASSED by the Moorhead Planning Commission this 12th day of September, 2023.



Brent Behm, Chair  
Moorhead Planning Commission



Attest: Robin Huston,  
City Planner/Zoning Administrator

**CONDITIONAL USE PERMIT**

State of Minnesota  
County of Clay  
City of Moorhead

WHEREAS, **J. Knopf, on behalf of the Minnesota Department of Transportation** (hereinafter referred to as the "Applicant") has paid the sum of two hundred dollars (\$200.00) to the City of Moorhead, as required by the City of Moorhead Fee Schedule, plus forty-six dollars (\$46.00) for the Clay County Recording Fee, and has complied with all the requirements of the Zoning Ordinance necessary for obtaining this permit; and

WHEREAS, **The City of Moorhead** (hereinafter referred to as "Owner") is the legal owner of the below described property.

NOW, THEREFORE, by order of Moorhead City Council, that said applicant is hereby issued a Conditional Use Permit for

**EXCAVATION AND CONSTRUCTION IN THE FLOODWAY AND FLOOD FRINGE**

on the Property, as described below, with the following attached conditions.

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

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk

**PROPERTY DESCRIPTION**

111 8<sup>th</sup> Street N - Parcel 58.575.1700, legally described as:

ALL OF BLK 70, PT OF BLK 68 ORIGINAL MOORHEAD, PT OF BLK 4 HOLES  
ADDN & PT OF VAC 7TH ST, PT OF OUTLOTS 22C, 22D, 24D; ALL OF 23E & 24D  
TO MOORHEAD,, Clay County, Minnesota

**CONDITIONAL USE PERMIT CONDITIONS  
FOR EXCAVATION AND CONSTRUCTION IN THE FLOODWAY AND FLOOD FRINGE  
111 8<sup>th</sup> Street N - Parcel 58.575.1700**

1. All excavated material must be removed / not be permanently stored in the Floodway or Flood Fringe.
2. Excavation shall not damage existing utilities in project area, including MPS fiber. If utilities are damaged during construction, applicant is responsible for repairs.
3. River Corridor Trail shall be restored to pre-construction condition.
4. The applicant shall receive all applicable required federal, state and local permits including a Floodplain Development Permit.
5. The City of Moorhead reserves the right to inspect the property for compliance with these conditions at any time and for any reason.
6. Any and all claims that arise or may arise against Applicant, its agents, servants, or employees while engaged in the use of the Property, shall in no way be the obligation of the City of Moorhead. Furthermore, Applicant, its agents, servants, employees, or assigns shall indemnify, hold harmless, and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims, actions, or judgments, including attorneys' fees which the City, its officers or employees may hereafter sustain, incur, or be required to pay, in anyway connected with the use of the Property or City actions related to the granting of this Conditional Use Permit.
7. Any improvements made to the property in connection with the Conditional Use Permit shall be at the sole expense of the Applicant and shall not be the obligation of the City.
8. If Applicant fails to observe the terms and conditions of this Conditional Use Permit, the City may revoke this Conditional Use Permit. In such an event, the City will give the Applicant at least a ten (10) day notice of revocation at a revocation hearing for the Conditional Use Permit stating the time, place and purpose of such hearing. Upon such hearing, the City may revoke this Conditional use Permit. If this Conditional use Permit is revoked, Applicant shall cease excavation and construction in the Floodway and Flood Fringe by the date stated by the City Council at the hearing. Applicant shall pay reasonable attorney's fee and court costs associated with the City's enforcement of the terms of this Conditional Use Permit.
9. This Conditional Use Permit will not be in effect until such time as it is executed and recorded with Clay County.
10. The obligations herein shall run with the Property and shall bind the Applicant and the Owner and their successors and assigns.
11. Each provision, section, sentence, clause, phrase, and word of this Agreement is intended to be severable. If any provision, section, sentence, clause, phrase, and word hereof is held by a court with jurisdiction to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this Agreement.

12. The Applicant acknowledges receipt of this Conditional Use Permit and agrees to its terms and conditions.

\_\_\_\_\_  
Applicant Acknowledgement  
J. Knopf, Minnesota Department of  
Transportation

STATE OF MINNESOTA  
COUNTY OF CLAY

On this \_\_\_\_ day of September, 2023, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ of \_\_\_\_\_, known to me to be the Applicant. Respectively, described in and who executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of the Applicant/Owner.

SEAL

\_\_\_\_\_  
Notary Public, Clay County, MN

APPROVED BY:

\_\_\_\_\_  
Dan Mahli, City Manager

STATE OF MINNESOTA  
COUNTY OF CLAY

On this \_\_\_\_ day of September, 2023, before me, a Notary Public in and for said County and State, personally appeared Dan Mahli, known to me to be the City Manager. Respectively, described in and who executed the foregoing instrument, and acknowledged to me that they executed the same on behalf of City of Moorhead.

SEAL

\_\_\_\_\_  
Notary Public, Clay County, MN



## City Council Communication

---

September 25, 2023

**SUBJECT:**

Resolution to Approve the Preliminary 2024 City Tax Levy

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to adopt the City of Moorhead 2024 Preliminary Tax Levy in the amount of \$21,104,457.

Minnesota Statute 275.065 requires home rule charter cities to certify to the county auditor a preliminary property tax levy on or before September 30<sup>th</sup> of each year.

The following statement must be announced at this meeting:

The public will have an opportunity to provide input on the Preliminary 2024 Tax Levy at the regularly scheduled City Council meetings in October and November 2023. Final adoption of the 2024 Tax Levy will take place at the regularly scheduled Council meeting on December 11, 2023 at 5:30pm at the Hjemkomst Center. Citizens may contact the City Finance Director at 218-299-5317 or by mail at P.O. Box 779 Moorhead, MN 56561 with questions regarding the Preliminary 2024 Tax Levy.

**BACKGROUND/KEY POINTS:**

Pursuant to Minnesota Statutes, cities with populations over 500 must provide a preliminary tax levy to the County Auditor on or before September 30<sup>th</sup>. The law also requires that at the meeting at which the City Council adopts a preliminary tax levy, the City Council must also announce the time and place of the council meeting at which the levy will be discussed. The public must be allowed to speak at this meeting before the final levy is adopted.

**FINANCIAL CONSIDERATIONS:**

The City's Preliminary 2024 Tax Levy of \$21,104,457 is an increase of \$2,180,000 over the 2023 Levy. Of this amount \$1,460,787 will be generated by new construction and increases in taxable market value. This levy reflects an increase in the annual debt levy of \$100,000 and an increase in the levy for the library of \$33,685. This preliminary levy provides \$1.5 million in wage and benefit increases, funds nine additional FTE's and provides \$1.6 million for operating needs. The distribution of the preliminary tax levy is as follows: General Fund \$11,221,522, Park Fund \$4,029,250, Library \$966,185, Economic Development Tax Rebate \$305,000 and Debt Service \$4,582,500.

The preliminary tax levy increase is estimated to increase the property tax rate by 3.5%. The preliminary levy amount, as adopted by the Mayor and City Council, may be decreased but not increased at final adoption, on December 11, 2023.





## City Council Communication

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September 25, 2023

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

**Submitted By:**

Dan Mahli, City Manager  
Jenica Flanagan, Finance Director

**Attachments:**

## RESOLUTION

### Resolution to Approve the Preliminary 2024 City Tax Levy

WHEREAS, the preliminary 2024 Tax Levy is adopted under the provisions of applicable Minnesota Statutes; and

WHEREAS, Minnesota Statutes require Local Governments to certify to the County Auditor their preliminary tax levies on or before September 30<sup>th</sup>; and

WHEREAS, the final 2024 Tax Levy must be certified to the county auditor by December 29<sup>th</sup> and may be lower than the preliminary amount, but may not exceed it;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the County of Clay, through taxes, raise money for necessary operations of the City of Moorhead in accordance with the following Preliminary 2024 Tax Levy:

|                                 | Tax Levy     |
|---------------------------------|--------------|
| General Fund                    | \$11,221,522 |
| Park Fund                       | 4,026,250    |
| Library                         | 966,185      |
| Economic Development Tax Rebate | 305,000      |
| Debt Service                    | 4,582,500    |
| Total Levy                      | \$21,104,457 |

PASSED: September 25, 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

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September 25, 2023

**SUBJECT:**

Resolution to Approve the Preliminary 2024 Economic Development Authority Tax Levy

**RECOMMENDATION:**

The Mayor and City Council are asked to consider approving the Preliminary 2024 Economic Development Authority (EDA) tax levy in the amount of \$709,023.

**BACKGROUND/KEY POINTS:**

Pursuant to Minnesota Statute section 275.065, special taxing districts as defined in section 275.066 must adopt and certify a proposed tax levy to the County Auditor on or before September 30<sup>th</sup>.

In addition, the law provides that final tax levies for special taxing districts must be certified by the city to the County Auditor "on or before five working days after December 20<sup>th</sup> in each year." Special taxing districts must certify their final 2024 tax levies to the County Auditor on or before December 29<sup>th</sup>.

The EDA Board approved a preliminary tax levy in the amount of \$709,023 at its September 11, 2023, board meeting.

**FINANCIAL CONSIDERATIONS:**

The preliminary EDA 2024 tax levy is proposed at \$709,023.

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

**Submitted By:**

Dan Mahli, City Manager  
Jenica Flanagan, Finance Director

**Attachments:**

## RESOLUTION

### Resolution to Approve the Preliminary 2024 Economic Development Authority Tax Levy

WHEREAS, the proposed 2024 EDA Tax Levy was adopted at the September 11<sup>th</sup> EDA board meeting; and

WHEREAS, the proposed 2024 Economic Development Authority Tax Levy is adopted pursuant to Minnesota Statutes, Section 469.033, Subdivision 6; and

WHEREAS, the Tax Levy is not to exceed 0.0185% of the taxable value of the City; and

WHEREAS, Minnesota Statutes require special taxing districts to certify to the County Auditor their proposed Tax Levies on or before September 30<sup>th</sup>; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead upon recommendation of the Moorhead Economic Development Authority, that the City Council herein adopt the proposed 2024 EDA Tax Levy and request that the County of Clay, through taxes, raise money for necessary operations of the Moorhead Economic Development Authority by means of a proposed 2024 EDA Tax Levy of \$709,023.

PASSED: September 25, 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

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September 25, 2023

**SUBJECT:**

Liquor License Denial Appeal - Onyx Bar & Grill

**RECOMMENDATION:**

The Mayor and City Council are asked to consider an appeal of denial regarding the liquor license of Onyx Bar & Grill.

**BACKGROUND/KEY POINTS:**

The Moorhead City Council voted 4 in favor and 4 against a resolution to approve a new liquor license to Onyx Bar & Grill LLC DBA Onyx Bar & Grill on September 11, 2023. The voting requirement for this matter is majority of the quorum, therefore the motion failed due to a tie vote. City Clerk Christina Rust contacted the owners of Onyx Bar & Grill via email on September 12, 2023 and provided them information on how to appeal the decision.

On September 19, 2023 a formal request to appeal the decision for denial was received from Ms. Marchus, Attorney with O'Keeffe, O'Brien and Lyson Attorney.

If the Council votes to uphold the decision to deny the license, City Attorney Shockley will produce Findings of Fact for the Council to review and approve at the meeting on October 10, 2023.

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Council

**Submitted By:**

Dan Mahli, City Manager  
John Shockley, City Attorney  
Christina Rust, City Clerk

**Attachments:** Denial Letter





City Clerk's Office  
218.299.5304 | [cityclerk@cityofmoorhead.com](mailto:cityclerk@cityofmoorhead.com)

September 13, 2023

VIA EMAIL

ONYX Bar & Grill  
Attn: Deniel Saintal  
1001 30<sup>th</sup> Ave. S  
Moorhead MN 56560

Mr. Saintal:

The City of Moorhead received your application for a On-Sale/Sunday Liquor License for ONYX Bar & Grill located at 1001 30<sup>th</sup> Ave. S, Moorhead. As part of the licensing process, the City Council makes the decision to approve or deny the application by voting on the approval of the license.

The Moorhead City Council voted 4 in favor and 4 against a resolution to approve a new liquor license to Onyx Bar & Grill LLC DBA Onyx Bar & Grill on September 11, 2023. The voting requirement for this matter is majority of the quorum, therefore the motion failed due to a tie vote. I have attached a copy of the information that was provided to the City Council members regarding this license.

You have the right to a hearing before the City Council for your license, provided a written request is filed with the City Clerk's Office within ten (10) days after receipt of this notice (Moorhead City Code 2-1-10, Subsection B). This notice can be mailed to my attention at City of Moorhead, City Clerk's Office, 500 Center Avenue, Moorhead, MN 56560 or emailed to [cityclerk@cityofmoorhead.com](mailto:cityclerk@cityofmoorhead.com).

Please contact me with any questions at 218.299.5304 or [cityclerk@cityofmoorhead.com](mailto:cityclerk@cityofmoorhead.com).

Respectfully,

Christina Rust, City Clerk

CC: Dan Mahli, City Manager  
Chief Shannon Monroe, Police Department  
John Shockley, City Attorney

O'KEEFFE  
O'BRIEN  LYSON  
ATTORNEYS

720 Main Avenue  
Fargo, ND 58103

701-235-8000  
Fax: 701-235-8023

[OkeeffeAttorneys.com](http://OkeeffeAttorneys.com)

Tim O'Keeffe\*  
Tatum O'Brien\*^  
Tracy J. Lyson\*  
Sara M. Monson\*

Dean A. Rindy\*  
Sarah A. Aaberg\*  
Brandon Erickson\*+^^  
Alex Jensen\*  
Tasha M. Gahner\*  
Madison Marchus\*  
Keith L. Miller - *Of Counsel*

September 19, 2023

SENT VIA EMAIL: [cityclerk@cityofmoorhead.com](mailto:cityclerk@cityofmoorhead.com)  
City of Moorhead  
City Clerk's Office  
Attn: Christina Rust  
500 Center Avenue  
Moorhead, ND 56560

**RE: ONYX Bar & Grill On-Sale/Sunday Liquor License**

To Ms. Rust:

Please be advised that our office represents ONYX Bar & Grill in this matter regarding their liquor license. I request that you include our office on any future correspondence with ONYX Bar & Grill.

Please take notice that ONYX Bar & Grill is hereby requesting a hearing before the Moorhead City Council, pursuant to Moorhead City Code 2-1-10(B), regarding its application for an On-Sale/Sunday Liquor License. Please confirm receipt of this notice by responding to our email or giving us a call at 701.235.8000.

Sincerely,

O'KEEFFE O'BRIEN LYSON LTD



Timothy O'Keeffe

TMO/mdm



## City Council Communication

---

September 25, 2023

**SUBJECT:**

Resolution to Approve Off-Site Gambling Permit to Moorhead Youth Hockey Association on October 26, 2023

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve an application from the Moorhead Youth Hockey Association for the issuance of an Off-Site Gambling Premises Permit to operate lawful gambling activities.

**BACKGROUND/KEY POINTS:**

Moorhead Youth Hockey Association is requesting authorization to conduct “off-site” gambling activities on October 26, 2023 at the Armory Events Center, 904 Center Ave, Moorhead. The applicant is responsible for the submission of pertinent documentation to the Minnesota Gambling Control Board for consideration subsequent to City of Moorhead approval.

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager  
Kelle Jenkins, Deputy City Clerk

**Attachments:**

## RESOLUTION

### Resolution to Approve Off-Site Gambling Permit to Moorhead Youth Hockey Association on October 26, 2023

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 Off-Site Gambling Premises Permit to the applicant listed below for the conduct of lawful gambling activities on October 26, 2023:

**Applicant:**

Moorhead Youth Hockey Association  
707 SE Main Avenue  
Moorhead MN 56560

**Site:**

Armory Events Center  
904 Center Ave  
Moorhead, MN 56560

**Gambling Manager:**

Anne Norris

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk



## City Council Communication

---

September 25, 2023

**SUBJECT:**

Resolution to Approve Liquor License to Hen Holdings LLC DBA Hen House

**RECOMMENDATION:**

The Mayor and City Council are asked to consider a resolution to approve the issuance of an On-Sale liquor license to Hen Holdings LLC (DBA Hen House).

**BACKGROUND/KEY POINTS:**

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

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

**FINANCIAL CONSIDERATIONS:**

Not Applicable

**Voting Requirements:** Majority of Quorum

**Submitted By:**

Dan Mahli, City Manager  
Kelle Jenkins, Deputy City Clerk

**Attachment:**



## RESOLUTION

### Resolution to Approve Liquor License to Hen Holdings LLC DBA Hen House

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: Hen Holdings LLC

DBA: Hen House

Location: 935 37<sup>th</sup> Ave S

License Period: September 25, 2023 to June 30, 2024

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

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

PASSED: September 25, 2023 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Michelle (Shelly) A. Carlson, Mayor

\_\_\_\_\_  
Christina Rust, City Clerk