



**CITY COUNCIL
MEETING AGENDA
APRIL 28, 2025 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: Sheri Larson Day
 - B. Proclamation: Fair Housing Month
 - C. Proclamation: Workers Memorial Day
 - D. Presentation: White Earth Nation
6. Approve Minutes
 - A. April 14, 2025 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 Approve Various Actions for 2025-2026 Petitioned Sewer & Water Services (Eng. No. 25-A6-1) and Petitioned Concrete Repairs (Eng. No. 25-A7-1)
 - B. *Resolution to Approve Amendment to Engineering Services Task Order 24-03 with Houston Engineering, Inc. for the Moorhead Center Mall Redevelopment Project (Eng. #24-A6-02)
11. Community Development Department
 - A. *Second Reading of Ordinance 2025-03 to Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code
 - B. *Resolution to Approve Title & Summary of Ordinance 2025-03
 - C. *Second Reading of Ordinance 2025-04: An Ordinance Amending the Official Zoning Map Rezoning Parcels within Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation
 - D. *Resolution to Approve Title & Summary of Ordinance 2025-04
 - E. *Resolution to Approve Agreements Relating to Community Garden Grants
12. Police Department
 - A. *Resolution to Authorize Towing Contract with Ed's Towing Service Co.
13. Moorhead Public Service
 - A. *Resolution to Approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2025 Lead Service Line Replacement Project
14. Public Works
 - A. *Resolution to Approve the 2025 Vendor of Asphalt Emulsions for Street Maintenance
15. Administration
 - A. Second Reading of Ordinance 2025-05: An Ordinance to Create and Enact Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, to Amend and Reenact the Annual Fee Schedule Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and to Repeal Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products
 - B. Resolution to Approve Title & Summary of Ordinance 2025-05
 - C. *Resolution to Award Bid for Bus Shelter Rehabilitation and Installations Project Eng. #9600408
 - D. Resolution to Authorize Deposit of Appraised Values for FM Area Diversion in eminent domain case identified as City of Moorhead v. Nelson Family Limited Liability Partnership et. al., Civ. No. 84 CV-24-284

- E. Resolution to Approve Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Center Mall Demolition

- 16. Mayor and Council Reports
- 17. City Manager Reports
- 18. Executive Session
- 19. New Business
- 20. Adjourn

Upon request, accommodations for individuals with disabilities, language barriers, or other needs to allow participation in City Council meetings will be provided. To arrange assistance, call the City Clerk's office at 218.299.5166 (voice) or 711 (TDD/TTY).

Visit our website at www.cityofmoorhead.com

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

WHEREAS, *Sheri Larson, Executive Director of the Moorhead Business Association, has led the MBA since 2018 to promote and support the growth and success of the Greater Moorhead Area; and*

WHEREAS, *Sheri's dedication to the mission of the MBA and the vitality of City of Moorhead fosters a thriving community and region; and*

WHEREAS, *Sheri's leadership through networking opportunities, relationship building, advocacy and events has provided a resource for businesses in Moorhead and all to succeed; and*

WHEREAS, *Sheri was a key source of support and helpful guidance when our community weathered the pandemic, market inflation, and economic hardships; and*

WHEREAS, *Moorhead has accelerated in population growth, maintained low unemployment, and expanded a diverse and productive economy during Sheri's leadership; and*

WHEREAS, *Sheri and her husband Dale have lived in Moorhead for more than 45 years, and as a family, make many neighbors and friends feel loved and cherished; and*

WHEREAS, *Sheri is a treasure to Moorhead in promoting our wonderful city; and*

WHEREAS, *We appreciate all that Sheri Larson has done to serve our community and keep Moorhead proud and strong.*

NOW, THEREFORE, *be it proclaimed that I, Shelly Carlson, do hereby recognize April 25, 2025 as:*

Sheri Larson Day

On the occasion of her retirement and in recognition of her talents and contributions to the community.

IN WITNESS WHEREOF *I have set my hand and caused the Official Seal of the City of Moorhead to be affixed this 25th Day of April 2025.*




Michelle (Shelly) A. Carlson
Mayor of Moorhead

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

WHEREAS, *the City of Moorhead and its Human Rights Commission are committed to preventing housing discrimination while promoting equal opportunity in Moorhead, and we recognize the importance of increasing community awareness regarding fair housing; and*

WHEREAS, *each April the entire nation comes together to celebrate fair housing, and 2025 commemorates the 57th anniversary of Title VIII of the Civil Rights Act of 1968, commonly known as the Federal Fair Housing Act; and*

WHEREAS, *everyone has a right to safe, decent, and welcoming housing, regardless of race, color, creed, religion, national origin, sex, disability, sexual orientation, public assistance status, and marital or familial status; and*

WHEREAS, *everyone has a right to live in neighborhoods of opportunity and choice, where people can thrive and be healthy as a result of quality education, a clean and safe environment, and economic and social opportunities.*

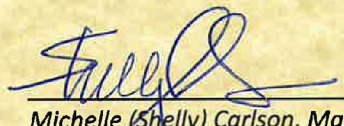
NOW, THEREFORE, I, Shelly Carlson, Mayor of the City of Moorhead, do hereby proclaim April as:

FAIR HOUSING MONTH IN MOORHEAD

And encourage lenders, real estate agents, landlords, business owners, and other residents alike to take this opportunity to recommit to preventing unlawful housing discrimination while promoting equal opportunity.

IN WITNESS WHEREOF, I have set my hand and caused the Official Seal of the City of Moorhead to be affixed this day of April 28th, 2025.




Michelle (Shelly) Carlson, Mayor
City of Moorhead

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

WHEREAS, each April we observe Workers Memorial Day as a day to remember those who have suffered and died on the job; and

WHEREAS, we remember those who have died in workplace catastrophes, suffered diseases because of exposure to toxic substances, or have been seriously injured because of dangerous conditions and neglectful employers; and

WHEREAS, the core theme for Workers Memorial Day by tradition is "Mourn for the Dead, Fight for the Living;" and

WHEREAS, Workers Memorial Day is a day to rededicate ourselves to the fight for safe workplaces; and

WHEREAS, April 28th is the anniversary of the Occupational Safety and Health Act; and

WHEREAS, Workers Memorial Day is observed in hundreds of cities and states.

NOW, THEREFORE, I, Shelly Carlson, Mayor of the City of Moorhead, do hereby proclaim April 28th, 2025 as:

WORKERS MEMORIAL 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 April 28th, 2025.



Shelly Carlson, Mayor
City of Moorhead



CITY COUNCIL MEETING MINUTES

APRIL 14, 2025 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: Nicole Mattson
Council Member: Heather Nesemeier
Council Member: Emily Moore
Council Member: Deb White
Council Member: Lisa Borgen
Council Member: Sebastian McDougall
Council Member: Chuck Hendrickson
Mayor: Shelly Carlson

Absent:

2. Pledge of Allegiance

3. Agenda Amendments

4. Consent Agenda

Motion to Approve made by Heather Nesemeier and seconded by Lisa Borgen

Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

5. Recognitions - Presentations

A. Swearing-in of Moorhead Police Chief Chris Helmick

Mayor Shelly Carlson swore-in Moorhead Police Chief Chris Helmick.

B. MoorHeart Recognition: A Place For Hope

Governmental Affairs Director Lisa Bode presented the MoorHeart recognition to A Place for Hope Recovery & Wellness Center. Executive Director Darrell Vasvick accepted the award and shared appreciation on behalf of clients, volunteers, and staff.

6. Approve Minutes

A. March 24, 2025 Meeting Minutes

Motion to Approve March 24, 2025 Meeting Minutes made by Deb White and seconded by Sebastian McDougall

Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

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

Moorhead resident addressed the council regarding wheelchair accessibility on sidewalks at the corner of 14th St. and 12th Ave.

8. *Mayor and Council Appointments

9. Public Hearings (5:45 pm)

A. Public Hearing to Authorize Filing of an Application to the Federal Transit Administration for Receipt of 2025 Federal Operating Assistance

Motion to Open Public Hearing made by Heather Nesemeier and seconded by Emily

Moore Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

Assistant Transit Director of Metro Transit Cole Swingen shared an application request to the Federal Transit Administration for 2025 Federal Operating Assistance.

Motion to Close Public Hearing made by Lisa Borgen and seconded by Sebastian

McDougall Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

B. Resolution to Authorize Filing of an Application to the Federal Transit Administration for Receipt of 2025 Federal Operating Assistance

Motion to Approve Resolution to Authorize Filing of an Application to the Federal Transit Administration for Receipt of 2025 Federal Operating Assistance made by Heather Nesemeier and seconded by Deb White Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

10. Economic Development

- A. *Resolution to Accept MN DEED Redevelopment Grant for the Downtown Moorhead Redevelopment Project and Approve Budget Adjustment #25-011

11. Engineering Department

- A. *Resolution to Award Bid for the 2025 City-wide Striping Project (Eng. No. 25-13-01)
- B. *Resolution to Award Bid for the Moorhead Center Mall Redevelopment Streets & Utility Improvements, Phase 2 (Eng. No. 24-A6-02)
- C. *Resolution to Approve Revisions to the Municipal State Aid Street System
- D. *Resolution to Approve SMART Grant Agreement with USDOT and Related Actions (Eng. No. 25-13-02)
- E. *Resolution to Approve the Memorandum of Understanding for Strengthening Mobility and Revolutionizing Transportation (SMART) Grant
- F. *Resolution to Approve Task Order #23-01 with Bolton & Menk for SMART Grant
- G. *Resolution to Approve Budget Adjustment #25-010 and Construction & Maintenance Agreements with BNSF for Railroad Crossing Improvements
- H. *Resolution to Restrict Parking for Street Improvements on 34th St from 4th Ave S to 3rd Ave N (Eng. No 23-02-01)
- I. *Resolution to Authorize Submission of Grant Applications

12. Community Development Department

- A. First Reading of Ordinance 2025-03 to Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code

Community Development Director Kristie Leshovsky presented the first reading of Ordinance 2025-03.

Motion to Approve First Reading of Ordinance 2025-03 made by Deb White and seconded by Heather Nesemeier

Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

- B. *Resolution to Approve Amendment #1 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Community Center and Public Library – Center for Entrepreneurship
- C. *Resolution to Approve a Conditional Use Permit to Operate a Towing Impound Lot at 2857 22nd Avenue South
- D. *First Reading of Ordinance 2025-04: An Ordinance Amending the Official Zoning Map Rezoning Parcels within Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation

13. Public Works

- A. *Resolution to Approve the 2025 Cass County Vector Control Larval Mosquito Control Agreement

14. Administration

- A. First Reading of Ordinance 2025-05: An Ordinance to Create and Enact Cannabis and Lower-Potency Hemp Edible Retail Business Registration, to Amend and Reenact the Annual Fee Schedule and to Repeal the Cannabinoid Product Ordinance

City Planner Robin Huston presented the proposed first reading of Ordinance 2025-05 regarding the creation and enactment of cannabis and hemp business registration. This ordinance repeals Ordinance 2022-21.

Motion to Approve First Reading of Ordinance 2025-05 made by Heather Nesemeier and seconded by Lisa Borgen

Motion Passed

For: 8; Nelson, Mattson, Nesemeier, Moore, White, Borgen, McDougall, Hendrickson

Against: 0;

Abstain/Recuse: 0;

Absent: 0

15. Mayor and Council Reports

Council member Nesemeier thanked Folkways for the spring Red River Market at Concordia. Council member Nesemeier also stated the Moorhead Airport Fly-In is September 6 and 2025 is the 30th anniversary of the airport. Greater Moorhead Days is happening that week as well.

Council members White, Nesemeier, and Mattson participated in a ride-along with the Moorhead Fire Department. Council member White attended a Moorhead Public Library fundraiser and thanked Swing Barrel Brewing for hosting. Council members White, McDougal, and Moore attended the Clay County Childcare Solutions Workgroup. Council member White took part in the Trans Day of Visibility on March 30 and thanked the Indigenous Association for organizing the event. Council member White and others participated in an annual sled hockey game with Hope Inc and attended Police Chief Shannon Monroe's retirement celebration. She thanked Chief Monroe and Deputy Chief Tory Jacobson for their outstanding service to the community.

Council member Nelson attended the board meeting of the Red River Regional Dispatch Center. Council member Nelson stated National Telecommunicators Week is April 13 to April 19 and thanked all regional dispatch personnel. Council members Nelson and McDougall participated in the Moorhead Fire Department ride-along in March. Council member Nelson also attended Police Chief Shannon Monroe's retirement and recognized new Moorhead Police Chief Chris Helmick.

Mayor Carlson, Lisa Bode and Mike Edinburgh of Magnify Financial presented to the local organization Realtors on a Mission. Mayor Carlson provided an update to the Diversion Finance Committee regarding Minnesota flood requests. She attended the retirement of Darren Dunlap from the FM Chamber of Commerce and thanked Darren for his service in the community. Mayor Carlson took part in the Moorhead Clay County Joint Powers and Metro Flood Diversion Authority board meetings. Mayor Carlson met with Churches United. She and City Manager Mahli participated in a real estate closing with Burlington Northern. The Mayor is attending weekly flood mitigation check-in meetings with the City of Moorhead, Clay County, Chamber of Commerce, and Diversion Authority. Mayor Carlson attended the Coalition of Greater Minnesota Cities Board of Directors meeting. Mayor Carlson also participated in a joint city and county proclamation to prevent, reduce, and end homelessness. Mayor Carlson was part of a community forum with US Senator Amy Klobuchar. Mayor Carlson also read at the Moorhead Public Library's story time and attended the library fundraiser at Swing Barrel.

16. City Manager Reports

City Manager Dan Mahli stated the Moorhead Board of Appeals & Equalization is scheduled to meet on April 17 at 6:30pm at the Hjemkomst Center. City Manager Mahli shared a video recognizing historic flooding in the region and flood mitigation efforts metro-wide.

17. Executive Session

18. New Business

19. Adjourn

Meeting adjourned at 6:29pm.

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:

Park Advisory Board

- Alexander Aldrich, Moorhead resident, is appointed to a term commencing April 29, 2025 and ending January 31, 2026. (At-Large)

Planning Commission

- Wayne Ingersoll, Moorhead resident, is appointed to a term commencing April 29, 2025 and ending January 31, 2027. (Ward 1)

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Approve Various Actions for 2025-2026 Petitioned Sewer & Water Services (Eng. No. 25-A6-1) and Petitioned Concrete Repairs (Eng. No. 25-A7-1)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution accepting petitions, ordering and receiving the Engineer's report, ordering and approving plans & specifications, and ordering improvements for the above-referenced projects.

BACKGROUND/KEY POINTS:

Throughout the construction season, the Engineering Department receives petitions from individual property owners for private work within the right-of-way, consisting of installation or repair of private sewer and water service connections to the public mains, and/or miscellaneous concrete repairs adjacent to their property. These miscellaneous requests are not part of any City underground utility or street project. Typically, the private property owner discovers a problem that requires immediate repair. Historically, the Mayor and Council have approved the use of the special assessment process (Minnesota Statutes §429) as a means of financing the improvements/repairs. This process allows the homeowner to request that the City finance the improvement and for the City to recover the cost through a special assessment to the property. Since the service repairs are typically an emergency (i.e., the property owner cannot occupy the home without having sewer and water service), and the concrete repairs (if not ADA-compliant) can be a significant liability if not promptly corrected upon their discovery, it is not reasonable to delay action until after the next available Council meeting.

Tonight's action will allow City staff to accept petitions for various projects and facilitate the completion of these projects without delay. In accordance with City policy and Minnesota Statutes, private property owners are required to sign a petition requesting that the City finance the improvements and assess 100% of the cost to their property. Sewer service repair guidelines are available on the City's website at www.cityofmoorhead.com. For sewer and water services, the property owner is responsible to solicit quotes and select their preferred contractor for the repair work. For repairs to public sidewalks, City staff typically solicits the quotes and hires the contractor. Staff recommends that this Council Communication be adopted as the preliminary engineering report. This report finds the improvements are feasible to construct and necessary (functioning services are necessary for the property to be occupied and safe sidewalks are necessary for the public good), cost-effective (quotes were solicited and approved), and that they should best be completed as a stand-alone project because it is not reasonable to wait to combine the improvements with other projects. Staff further recommends that the City Engineer be designated as the engineer for the proposed improvements, that the Council order the improvements to be constructed as soon as possible in accordance with the property owner's schedule and in accordance with the standard details and specifications for utility service installation, street patches and miscellaneous concrete repairs that have been prepared by the City Engineer.



City Council Communication

April 28, 2025

FINANCIAL CONSIDERATIONS:

The estimated cost of the sewer and water service repairs is variable, depending on the depth of the service, the scope of the repair and the extent of the street patching, and typically ranges from \$10,000 to \$40,000 per service. The estimated cost of the individual miscellaneous concrete repairs typically ranges from \$500 to \$5,000, depending on the extent of the repairs. The assumed total aggregate project cost is approximately \$400,000, although it can be more or less depending on the number of requests, and will be paid through the PIR Fund and assessed to the benefiting properties.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Bob Zimmerman, Engineering Director

Tom Trowbridge, City Engineer

Attachments:

RESOLUTION

Resolution to Approve Various Actions for 2025-2026 Petitioned Sewer & Water Services (Eng. No. 25-A6-1) and Petitioned Concrete Repairs (Eng. No. 25-A7-1)

WHEREAS, throughout the year, the City of Moorhead receives petitions from 100% of the benefiting property owners for Miscellaneous Sewer & Water Service Installations and Repairs (Eng. No. 25-A6-01) and Miscellaneous Concrete Repairs (Eng. No. 25-A7-01); and

WHEREAS, the City Engineer has prepared a report investigating the general need, cost, and feasibility of typical service installations/repairs and miscellaneous concrete repairs, and determined that each service repair and concrete repair should be completed as a stand-alone project; and

WHEREAS, prior to submitting petitions for the specific improvements, the property owners have investigated the need, cost, and feasibility of constructing the improvements and reviewed this supplementary information with City staff; and

WHEREAS, it is proposed to use the City's standard details that have been prepared by the City Engineer as the plans & specifications for the proposed improvements; and

WHEREAS, it is proposed to finance the improvements through the PIR Fund and to assess the project cost to the benefiting properties in accordance with MSA 429 and the City's Assessment Policy.

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

1. The aforementioned petitions requesting Miscellaneous Sewer and Water Service Installations and Repairs and Miscellaneous Concrete Repairs, upon their review and approval by City staff, are hereby declared to be signed by the required percentage of owners of property affected thereby. This declaration is made in conformity to Minnesota Statutes, Section 429.035.
2. The proposed improvements are hereby referred to the City Engineer. He is instructed to report and advise to the Council, with all convenient speed, in a preliminary way as to whether the proposed improvements are necessary, cost-effective and feasible, should be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.
3. Said report has been received by the Council on April 28, 2025, and determined generally that the improvements are necessary, cost-effective, and feasible, and that they should best be completed as multiple independent projects. Supplementary reports for the specific service improvements are the responsibility of the benefiting property owners and will be reviewed and approved by the City Engineer prior to constructing the improvements.
4. The estimated total cost for the proposed improvements is \$400,000 in aggregate, but could be more or less, dependent upon the number of petitions received.
5. Such improvements are hereby ordered as proposed in the Council resolution dated April 28, 2025.
6. The City Engineer is hereby designated as the engineer for the improvement and shall review the improvements proposed by the individual property owners.
7. The City's standard details for service installations, street patching and miscellaneous concrete repairs are hereby adopted as the plans & specifications for the making of such improvements.

8. The City Council declares its official intent to reimburse itself for the costs of the improvements from the proceeds of a tax-exempt bond.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Approve Amendment to Engineering Services Task Order 24-03 with Houston Engineering, Inc. for the Moorhead Center Mall Redevelopment Project (Eng. #24-A6-02)

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve an amendment to a Task Order with Houston Engineering, Inc. for engineering services for the Moorhead Center Mall Redevelopment Project (Eng. #24-A6-02).

BACKGROUND/KEY POINTS:

On July 22, 2024, the City Council ordered the public street and utility improvements necessary for the redevelopment of the Moorhead Center Mall area. The estimated total project cost for the improvements (including engineering services) is in the range of \$17,000,000 to \$20,000,000 and is planned to be constructed through multiple contracts spread out over at least three construction seasons. City staff does not have the capacity to design and manage such a large construction project in accordance with the project schedule, and authorized a task order with Houston Engineering, Inc. (HEI) in the amount of \$193,000 for engineering services necessary to proceed with Phase 1 of the project.

During construction of Phase 1, contaminated soils were encountered which will require additional inspection and construction administration services, and a portion of the work was delayed until this year in order to coordinate with the construction schedule and avoid traffic control conflicts with the 11th St underpass project. As a result, an amendment will be needed for construction services to complete the Phase 1 improvements. In addition, the City is ready to proceed with the construction of the Phase 2 improvements which will also require an amendment to the task order for final design and construction administration services for Phase 2. City staff solicited proposals for the amended services from HEI, and recommends that the Council approve the amendments.

FINANCIAL CONSIDERATIONS:

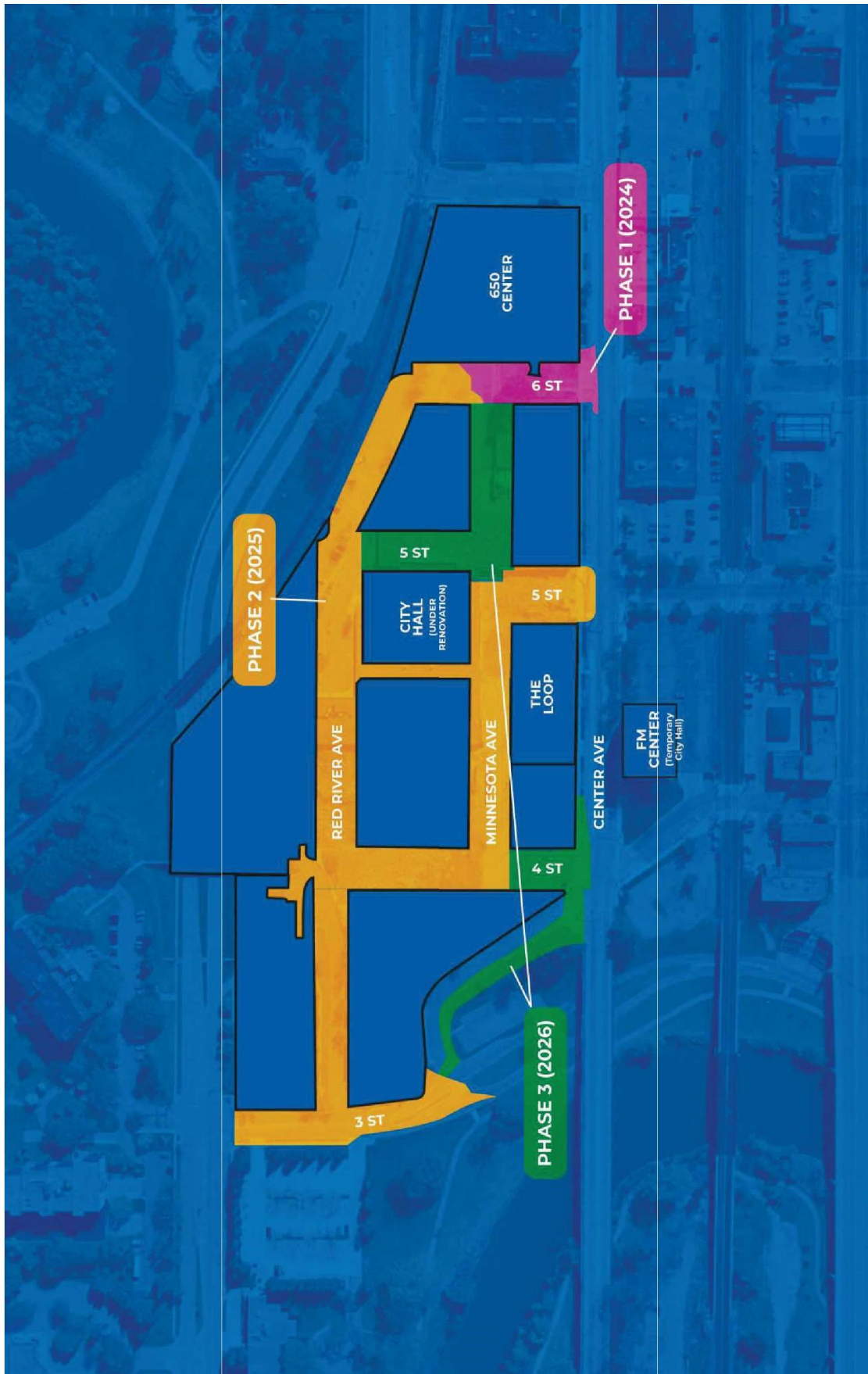
The total amount of the amendments to the task order is \$947,000. This brings the total amount of engineering services to \$1,140,000 which is included in the total budgeted project cost. The project will be financed through the Permanent Improvement Revolving (PIR) fund, and 100% of the project cost will be assessed to the benefiting properties.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Bob Zimmerman, Engineering Director
Tom Trowbridge, City Engineer

Attachments: Map



RESOLUTION

Resolution to Approve Amendment to Engineering Services Task Order 24-03 with Houston Engineering, Inc. for the Moorhead Center Mall Redevelopment Project (Eng. #24-A6-02)

WHEREAS, the approved Capital Improvement Plan includes the Moorhead Center Mall Redevelopment Project (ENG. No. 24-A6-02) to be constructed in 2024, 2025 and 2026; and

WHEREAS, on July 22, 2024, the City Council ordered the public infrastructure improvements needed to serve the proposed redevelopment; and

WHEREAS, pursuant to the resolution authorizing the Master Services Agreements for Engineering Services, City staff approved Task Order #24-03 with Houston Engineering, Inc. (HEI) to provide professional engineering services for the master planning for the overall project and for services specific to the Phase 1 improvements; and

WHEREAS, due to contaminated soils that were encountered on site and the need to coordinate the work with the nearby 11th St underpass project, additional construction administration services will be needed to complete the Phase 1 improvements; and

WHEREAS, the City is ready to proceed to construction on the Phase 2 improvements; and

WHEREAS, HEI has prepared amendments to Task Order #24-03 to provide additional final design and construction engineering services for the Project for an estimated amount of \$947,000; and

WHEREAS, all costs for Task Order #24-03 as amended will be financed through the project and paid through the PIR fund and assessed to the benefiting properties; and

WHEREAS, staff has reviewed the proposed amendments to Task Order #24-03 and recommends approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the amendments to Task Order #24-03 with HEI for additional professional engineering services for the Moorhead Center Mall Redevelopment project is approved and the City Manager is authorized to execute said amendment and future amendments, within the scope of the project budget, as may be needed to complete the project.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Second Reading of Ordinance 2025-03 to Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code

RECOMMENDATION:

The Mayor and City Council are asked to consider Second Reading of Ordinance 2025-03 relating to various updates to the City Code

BACKGROUND/KEY POINTS:

The proposed ordinance includes a variety of both updates and clarifications to Title 3: Public Health and Sanitation and Title 9: Building Regulations of the Moorhead City Code. An overview of updates includes:

Section 1 - Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations
This section includes updates to the Public Nuisances section of the code, including:

- Updates for consistency with other areas of code and clarifications.
- Adding hazardous trees section to Public Nuisances.

Section 2 - Title 9, Chapter 1, Building Code, and Chapter 2, Building Standards
Changes to this section are relating to State Statute and City Code reference updates.

Section 3 - Title 9, Chapter 7, Rental Unit Registration and Inspections

There are a variety of updates and changes to this section, including:

- Name change to the Crime Free Multi Housing program to "R-Home" (Rental Home Owners and managers Education) Program and clarifications to that section.
- New language outlining that standards can be set relating to building and utility inspections. An example would be furnace/boiler inspections by an appropriate company.
- New language outlining that a new rental registration request may be denied if the registration holder currently maintains another/other rental properties that are in continued violation to the rental standards. This denial may be appealed to the City Council.

Section 4 - Title 9, Chapter 8, Property Maintenance
Updates to this section focus on making language clear.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Kristie Leshovsky, Community Development Director

Attachments: Draft Ordinance

ORDINANCE 2025-03

AN ORDINANCE TO AMEND AND REENACT TITLE 3, CHAPTER 3, PUBLIC NUISANCES DEFINED AND CHAPTER 4 SOLID WASTE REGULATIONS; TITLE 9, CHAPTER 1, BUILDING CODE AND CHAPTER 2, BUILDING STANDARDS; TITLE 9, CHAPTER 7, RENTAL UNIT REGISTRATION AND INSPECTIONS; AND TITLE 9, CHAPTER 8, PROPERTY MAINTENANCE OF THE MOORHEAD CITY CODE

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

NEW

~~DELETE~~

SECTION 1. Title 3, Chapter 3, Public Nuisances Defined, and Chapter 4 Solid Waste Regulations, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of this chapter have been omitted from the text below):

3-3-2: PUBLIC NUISANCES DEFINED:

A. General: A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, brush debris, or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed;

D. Public Nuisances Affecting Peace And Safety: The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection A of this Section:

3. All trees, hedges, billboards or other obstructions erected between a height of two feet (2') and eight feet (8') within thirty feet (30') from intersecting curb lines which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

9. All obstructions of streets, alleys, sidewalks, rights of way, or crosswalks and all excavations in or under the same, except as permitted by ordinance.

16. Any living or dead tree or branch thereof within city boundaries located on private property that constitutes a hazard to life, property, or utility systems. A hazard tree or branch shall be a tree with structural defects likely to cause failure of all or part of the tree which would strike a target. A target can be a vehicle, building, utility system, or a place where people gather such as a yard space.

3-3-10: REMOVAL OF SNOW AND ICE:

A. From Sidewalks:

1. Duty Of Owner: The owner of every building fronting upon any street or avenue, and the owner of any unoccupied lot fronting upon any street, shall be held responsible to ensure the public sidewalk and sidewalk crosswalk approach ~~in front of the building or unoccupied lot~~ is cleared of snow and ice by nine o'clock (9:00) P.M. of each day, and cause the same to be kept clear of snow and ice.

3-4-2: DISPOSAL IN CONTAINERS REQUIRED:

B. Dwellings: The City will provide each single dwelling home with one garbage tote. Only totes provided by the City may be used for household garbage. Tote swaps for a larger or smaller tote, as requested by the resident, will be conducted in a timely manner for a reasonable fee, as determined by resolution of the City Council. The volume of the tote dictates the monthly charge, as determined by the City Council as described in subsection 3-4-4A of this chapter. Extra garbage that does not fit into the tote will be collected for an additional charge at a reasonable rate, as determined by resolution of the City Council. Additionally, the City will provide each single dwelling home a blue tote for no-sort recycling. Curbside no-sort recycling service will be provided for an additional charge at a reasonable rate, as determined by resolution of the City Council. All households will pay the monthly recycling fee. Garbage and recycling totes must be stored within the principal structure of the dwelling, or, for exterior storage, placed neatly against either the back or side of the structure with lids fully closed, or stored in such a manner as to: 1) not create a nuisance condition, and 2) comply with all applicable setback requirements and easements. Multiple dwelling housing with individual driveways (such as duplexes and townhomes) will be provided garbage and recycling totes and will receive weekly garbage and recycling service. The garbage and recycling fee structure is noted on the City of Moorhead website. Upon service, extra garbage lying outside of the container will be reasonably charged as an extra fee, as determined by resolution of the City Council. Extra garbage such as televisions, tires and demolition material will not be serviced by the City. Multiple dwelling homes that receive a garbage and recycling tote from the City shall ensure totes are stored within the principal structure of the dwelling, or, for exterior storage, placed neatly against either the back or side of the structure with lids fully closed, or stored in such a manner as to: 1) not create a nuisance condition, and 2) comply with all applicable setback requirements and easements.

SECTION 2. Title 9, Chapter 1, Building Code, and Chapter 2, Building Standards, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the use table have been omitted from the text below):

9-1-3: PERMITS, INSPECTIONS AND FEES:

Permits, inspections, and collection of fees shall be as authorized in Minnesota statutes 362B 16B.62, subdivision 4 and as provided in chapter 1300 of the Minnesota state building code, as such edition, chapter and rules therein may be from time to time amended, supplemented or replaced.

A. Building Permit Fees: The determination of value or valuation under any of the provisions of this section must be made by the building official. The value to be used in computing the building permit fee is the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. (Ord. 2003-3, 5-5-2003)

B. Building, Plumbing, Heating, Ventilating And Air Conditioning Permit Fee Schedule: The fees for building, plumbing, heating, ventilating and air conditioning permits shall be as established by the city's fee schedule. The city may from time to time amend and change the permit fees by an amendment of the fee schedule or passage of a subsequent fee schedule. (Ord. 2003-3, 5-5-2003; amd. Ord. 2007-30, 1-7-2008, eff. retroactive to 1-1-2008)

C. Surcharge: In addition to the permit fees required by subsection B of this section, an applicant for a permit shall pay a surcharge to be remitted to the Minnesota department of administration as prescribed by Minnesota statutes 1984, section 16B.70.

D. Plan Review And Orientation Fees: Plan review or orientation fees shall be charged consistent with Minnesota statutes and the city fee schedule. (Ord. 2003-3, 5-5-2003)

9-2-4: LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS:

5. Overcrowding: Dwelling units shall not be occupied by more occupants than permitted by the definition of "family" in section 10-2-2 4 of this code.

SECTION 3. Title 9, Chapter 7, Rental Unit Registration and Inspections, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the chapter have been omitted from the text below):

9-7-2: DEFINITIONS:

For purposes of this chapter, the following definitions shall apply:

DWELLING: Any building, including a "manufactured home (mobile home)" as defined in section 10-2-2 of this code, which is intended to be used for living or sleeping by human occupants.

RENTAL: The leasing of a rental unit to a nonowner for a fixed or nonfixed period of time, and shall include "lease to buy, contract for deed that is not recorded at the Clay County Records Office, installment sales, purchases", and other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure or a statutory repossession procedure.

RENTAL UNIT: Any room or group of rooms located within a dwelling and forming a single habitable unit. ~~Rental unit also includes a lot in a manufactured home park which is rented to a person or entity to place a manufactured home on the lot, whether or not the manufactured home is owner-occupied or leased.~~ (Ord. 94-10, 7-18-1994, eff. 11-1-1994; amd. Ord. 96-10, 5-6-1996)

9-7-3: REGISTRATION REQUIREMENTS:

No person shall hereafter occupy, allow to be occupied or let to another person for occupancy any rental unit within the city for which a rental unit registration has not been issued by the rental housing division of the city. An application for registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

A. Name, address, email, and phone number of the property owner. If the property is owned by a partnership, the names and addresses of all of the partners. If the property is owned by a corporation, the names and addresses of all shareholders who own ten percent (10%) or more of the corporation's stock.

B. Name, address, email, and phone number of the designated local property manager. There must be an owner or local property manager residing within Clay County, Minnesota or Cass County, North Dakota.

C. The street address of the rental property.

D. The number and types of units within the rental property (dwelling units or sleeping rooms).

E. The maximum number of occupants permitted for each dwelling unit or sleeping room.

F. The name, phone number, email, and address of the person authorized to make or order made repairs or services for the property, if in violation of city or state codes, if the person is different than the owner or local manager.

G. All new rental registration applicants shall submit proof that they have completed the R-Home (Rental Home Owners and Managers Education) Program ~~crime free multi-housing classroom training within ninety (90) days of registering a rental property. Where the training is not completed, they shall sign up to take the next available class.~~

H. The city shall not register a new rental unit unless the owner has paid all property taxes assessed to the property and the property is not delinquent in any other obligations to the city of Moorhead.

I. All rental registration owners and managers are required to submit a corrective plan of action after having a rental property's registration revoked or suspended and shall submit proof that they

have completed crime free multi-housing classroom training within ninety (90) days of reregistering the property.

J. Upon request by the city, the owner of the property shall submit to the city, within ten (10) days of the request, a list of the names and vehicle license plate numbers of the occupants of the rental property. (Ord. 2014-18, 9-8-2014)

9-7-5: MANNER OF REGISTRATION RENEWAL:

A. Registration shall be required annually and be issued prior to annual renewal date. The city shall be required annually to mail registration renewal forms to the property owner or designated local manager thirty (30) days prior to expiration and such renewal forms shall ~~may~~ be returned by mail, ~~at the property owner or designated local manager's risk to the~~ community development housing division of the fire department of the city. (Ord. 2014-18, 9-8-2014)

9-7-6: TRANSFER OF PROPERTY:

A. Every new owner of a rental unit (whether as fee owner or contract purchaser) shall be required to furnish to the housing division the new owner's name, address, email, and phone number, and the name, address, email, and phone number of the owner's designated local manager before taking possession of the rental property upon closing of the transaction.

B. Every new owner of a rental unit (whether as fee owner or a contract purchaser) shall contact ~~call~~ the city to have said property inspected pursuant to section 9-7-11 of this chapter within thirty (30) days of the transfer of the rental property, ~~and shall pay a transfer fee as determined by the city pursuant to section 9-7-8 of this chapter to the city of Moorhead.~~

C. Every owner of property currently being utilized as a single-family housing unit, who is considering converting the property to a rental property, may have the property inspected prior to completing the conversion. The inspection shall be in accordance with section 9-7-11, "Inspections And Investigations", of this chapter. (Ord. 2005-30, 12-5-2005)

9-7-7: POSTING OF REGISTRATION:

Each registration holder shall post the annual registration issued by the city in a conspicuous spot near the front entrance to the rental unit, a public corridor, hallway or lobby of the rental dwelling for which it is issued. Only one registration need be posted for each separate apartment building. Failure to post the registration shall not be grounds for termination of registration, but ~~such~~ violation shall constitute an inspection violation misdemeanor. (Ord. 94-10, 7-18-1994, eff. 11-1-1994)

9-7-10: MAINTENANCE STANDARDS:

A. Every rental unit, other than a manufactured home ~~lot~~, shall be maintained in accordance with the building standards of chapter 2 of this title, the fire code adopted in chapter 5 of this title, the building code adopted in chapter 1 of this title, and in a manner so as not to create a nuisance pursuant to title 3, chapter 3 of this code.

B. Every rental unit which is a manufactured home ~~lot~~ shall be maintained in accordance with the requirements of title 3, chapter 10 of this code, and in a manner so as not to create a nuisance pursuant to title 3, chapter 3 of this code. (Ord. 96-10, 5-6-1996)

C. The designated director of rental registration shall maintain standards for building and utility inspections, including but not limited to inspections relating to maintenance of utility systems within rental units.

9-7-12: CONDUCT ON REGISTERED PREMISES:

A. For purposes of this section, a premises is disorderly at which any of the following activities occur:

1. Conduct which constitutes a violation of sections 3-3-2 and ~~3-3-3~~ of this code relating to public nuisances.

8. Conduct which constitutes a violation of section 4-4-9 of this code relating to assaults, or 609.221 et seq., of the Minnesota statutes relating to assaults, ~~including domestic assaults~~, as defined in Minnesota statutes 609.224.

F. A determination that the registered premises have been used in a disorderly manner as described in subsection A of this section shall be made upon a fair preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, but the incident must have resulted in the police or other law enforcement or code enforcement official being called to the rental unit registered premises and a police or code enforcement notice report being prepared.

I. Notwithstanding any other language of this section to the contrary, conduct which otherwise constitutes disorderly use for purposes of this section will not be deemed to be disorderly use for purposes of this section if the police were notified of the disorderly conduct by a tenant residing in the rental unit in which the disorderly conduct is occurring ~~discovered the domestic abuse or other conduct as a result of a call by a tenant of the rental unit in which the disorderly use is occurring~~, or if the use is occurring outside the specific rental unit registered premises, by a tenant of the rental unit which would have otherwise received notice of disorderly use pursuant to the terms of this section. (Ord. 2014-18, 9-8-2014)

9-7-13: FAILURE TO GRANT REGISTRATION, REVOCATION, SUSPENSION OR FAILURE TO RENEW REGISTRATION:

A. The city reserves the right not to register a unit unless the rental unit or units for which registration is sought complies with the requirements of this chapter.

B. Any registration issued under this chapter is subject to the right, which is hereby expressly reserved by the city, to suspend, revoke or fail to renew the same should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this chapter, other than section 9-7-12 of this chapter, or any other ordinance of the city or any special permit issued by the city, or the laws of the state. Provided, however, registration shall not be suspended, revoked or failed to be renewed if the registration holder complies with a compliance order or orders in a timely manner.

A new registration request may be denied by the city should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain other rental dwellings within the City contrary to the provisions of this chapter or any other ordinance of the city or any special permit issued by the city or laws of the state of Minnesota.

C. The city manager or his/her designee, shall notify, in writing, the applicant that his/her registration has been denied, or the registration holder that his/her registration is being suspended, removed or nonrenewed. The suspension, revocation or nonrenewal shall occur thirty five (35) days after the date of the order, or at such later date as set out in the order. The notice shall be served by mailing a copy of the order to the property owner, and the designated local property manager, if any, as indicated in the records on file in the housing division of the fire department of the city.

D. The registration holder, or designated local manager, shall have the right to request a hearing before the city council by filing a written appeal from the order at the office of the city clerk within fifteen (15) days of the date of the order. The timely filing of the written appeal shall stay the enforcement of the order until the appeals process is completed.

E. The registration holder shall receive at least seven (7) days' written notice of the hearing date before the council and, at the hearing, the registration holder, the local managing agent, or an attorney representing the registration holder may present evidence. After the hearing, the council may uphold the decision of the city manager, or his/her designee, reverse the decision of the city manager, or his/her designee, or enter a different order with different conditions if the city council deems it necessary to protect the public health, sanitation, safety or general welfare of

the community at large or the residents of rental units in the city. The city council shall issue written findings of fact and its order within twenty (20) days of the hearing.

F. The decision of the city council may be appealed by the registration holder by filing an appeal or an appropriate writ with the Clay County district court within fifteen (15) days of the date of the order of the city council.

G. A reinstatement fee will be charged to the owner of a rental property the rental registration of which has been revoked. Before issuing a registration certificate any code violations or deficiencies must be corrected prior to inspection and any outstanding fees must be paid in full. (Ord. 2014-18, 9-8-2014)

SECTION 4. Title 9, Chapter 8, Property Maintenance, of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the chapter have been omitted from the text below):

B. Off Street Parking:

1. General Provisions: Off street parking of noncommercial motor vehicles and recreational vehicles must be on a continuous paved surface, consisting of either asphalt or concrete, unless the vehicle is being washed. Parking on gravel surfacing shall be allowed only as specified in subsection 10-20-4F5 of this code.

2. Boulevards: The boulevard portion of the street right of way may not be used for parking.

3. Additional Restrictions:

a. Inoperable/Junk Vehicles: No inoperable/junk vehicle or noncurrently licensed vehicle may be parked on a property (including on the driveway) longer than ninety six (96) hours; except a vehicle enclosed in a building, or a vehicle on the premises of a business enterprise operated in a lawful place and manner, when central to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. This section shall also apply to recreational vehicles and recreational equipment.

b. Commercial Vehicles/Equipment: Commercial vehicles and commercial, industrial, or agricultural equipment are not permitted to park on a lot in a residential district except within an enclosed building.

c. Recreational Vehicle Parking:

(1) Quantity: Unless entirely enclosed within a building, no more than one recreational vehicle may be parked on a residential property at one time. On commercial properties, no more than two (2) recreational vehicles may be parked on a property unless entirely enclosed within a building or on the premises of a business enterprise operated in a lawful place and manner, when central to the operation of such business enterprise, or in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(2) Paved Surface: Motor homes, converted buses, or converted vans may not be kept on an unpaved surface. Other recreational vehicles that do not include motor homes, converted buses, or converted vans, must be parked on a paved continuous surface, consisting of either asphalt or concrete unless located in a rear yard or interior side yard.

(3) Parking Location: Recreational vehicles stored in the RV front yard or RV street side yard of a residential property shall be a minimum of three feet (3') from any property line; however, if the vehicle height exceeds eleven feet (11') and it is parked in the RV front yard, it must be a minimum of eight feet (8') from the side property line. Recreational vehicles stored in the RV side yard or RV rear yard shall be a minimum of three feet (3') from any property line.

(4) Nonconforming/Irregular Shape Lots: For lots which may not comply with existing lot requirements, the zoning administrator or designee may determine front, rear, and side lot designated areas based on building configuration, site visibility, and other applicable factors.

d. Recreational Equipment Parking:

(1). Quantity: Unless entirely enclosed within a building, no more than two (2) recreational equipment items, utility trailers or equipment, and off road vehicles, may be stored on a property at the same time. Exception: If a recreational vehicle is located on the property, only one recreational equipment item may be stored on a property at the same time. If more than one vehicle or equipment item is stored on a trailer, each vehicle or equipment item shall be counted separately, but not the trailer.

(2). Surface and Location: Recreational equipment, utility trailers or equipment, and/or off road vehicles must be on a continuous paved surface unless located in a rear yard or interior side yard and shall be a minimum of three feet (3') from any property line.

(3). Licensure. All recreational vehicles, trailers, or equipment requiring state licensure must be currently licensed and in compliance with all other provisions of this code.

~~—d.— Recreational Equipment: Recreational equipment, utility trailers or equipment, and/or off road vehicles must be on a paved surface unless located in a rear yard or interior side yard. Unless entirely enclosed within a building, no more than two (2) recreational equipment items; utility trailers or equipment; and off road vehicles may be stored on a property at the same time. Exception: If a recreational vehicle is located on the property, only one recreational equipment item may be stored on a property at the same time. If more than one vehicle or equipment item is stored on a trailer, each vehicle or equipment item shall be counted separately, but not the trailer. All recreational vehicles, trailers, or equipment requiring state licensure must be currently licensed and in compliance with all other aspects of this code.~~

e. Other Recreational Vehicle And Recreational Equipment Provisions: All recreational vehicles, trailers, or equipment requiring state licensure must be currently licensed and in compliance with all other aspects of this code. At a residential property, the registered owner of a recreational vehicle must either be the owner of the property upon which it is parked, or use the property as their primary residence. This subsection does not apply to a single recreational vehicle stored on the property as a result of a visiting guest as long as the vehicle complies with the vehicle storage and occupancy limits of section 10-19-8 of this code. (Ord. 2016-18, 11-14-2016)

9-8-4: OUTSIDE STORAGE; RESIDENTIAL:

A. Household storage including lawn maintenance and snow removal equipment and tools, patio furniture, and recreational tools and equipment when not in use, must be kept in a garage, storage building, or screened enclosure within a rear yard, or behind the dwelling so as not to be visible from the street. Furniture built for and intended for indoor use shall not be stored outside of a residential structure.

B. Construction and landscaping material may not be stored outdoors except when such materials are being used for a current project on the premises and such materials are reasonably likely to be used within a sixty (60) day period.

C. Racecars or junk vehicles may not be stored on a residential lot, except inside a building.

D. Storage of firewood is prohibited within the front yard. (Ord. 2004-27, 10-18-2004)

~~E. Junk vehicles unless stored within a building. (Ord. 2005-31, 12-5-2005)~~

9-8-6: REFUSE AND RECYCLING:

All refuse and refuse handling equipment (garbage cans, dumpsters, recycling containers, and similar equipment) must be stored in accordance with 3-4-2. ~~within a principal structure, within an accessory building, or in a screened enclosure, except for single and two-family dwellings, and may not be located within the front yard, as regulated under section 10-19-7 of this code. (Ord. 2004-27, 10-18-2004)~~

9-8-12: VACANT/BOARDED BUILDING REGISTRATION:

I. Vacant/Boarded Building Fees:

1. The owner of a vacant/boarded building shall pay an initial registration ~~annual~~ fee as established by the city's fee schedule. The fee is imposed to defray the administrative costs for registering and processing the building registration form and for the costs of the city in monitoring the building site.

~~2. The first annual fee shall be paid no later than five (5) days after the building becomes vacant or boarded. Subsequent annual fees shall be due on the anniversary date of initial registration. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.~~

3.2. Unpaid fees shall be charged as a special assessment against the real estate upon which the structure is located and shall be a lien upon such real estate. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid ~~and subsequent~~ annual fees.

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

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 4/14/2025
E-Post: 4/18/2025
Second Reading: 4/28/2025
Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2025-03

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2025-03: An Ordinance to Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code; and

WHEREAS, a title and summary for publication of the above Ordinance was submitted to the City Council for its review in accordance with Section 3.07 of the Moorhead City Charter; and

WHEREAS, the City Council has reviewed the Title and Summary for said Ordinance for approval and has determined that the Title and Summary informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Title and Summary for Ordinance 2025-04: Ordinance 2025-03: An Ordinance to Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code is hereby approved. A copy of said Title and Summary was before the City Council and is now of record and on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Clerk is hereby authorized and directed to publish said Title and Summary in accordance with Section 3.08 of the Moorhead City Charter.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

TITLE AND SUMMARY OF ORDINANCE 2025-04

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

An Ordinance to Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code

2. Summary of Ordinance

An Ordinance Amend and Reenact Title 3, Chapter 3, Public Nuisances Defined and Chapter 4 Solid Waste Regulations; Title 9, Chapter 1, Building Code and Chapter 2, Building Standards; Title 9, Chapter 7, Rental Unit Registration and Inspections; and Title 9, Chapter 8, Property Maintenance of the Moorhead City Code

3. Availability of Ordinance

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the Office of the City Clerk, 1st Floor, City Hall, 403 Center Avenue, Moorhead, MN.

The Ordinance was passed by the City Council of the City of Moorhead this 28th day of April, 2025.

First Reading: 04/14/2025

E-Post: 04/18/2025

Second Reading: 04/28/2025

Publication:



City Council Communication

April 28, 2025

SUBJECT:

Second Reading of Ordinance 2025-04: An Ordinance Amending the Official Zoning Map Rezoning Parcels within Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation

RECOMMENDATION:

The Mayor and Council are asked to consider a Second Reading of Ordinance 2025-04: An Ordinance Amending the Official Zoning Map Rezoning Parcels within Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation.

BACKGROUND/KEY POINTS:

During the 2022 Onward Moorhead Comprehensive Plan update, updated future land uses were approved throughout the city to reimagine development and redevelopment for the next 10 years. In order to implement those updates, we must now evaluate all 13,000+ city parcels and make complimentary zoning map changes.

For this group of map amendments, staff focused on the Community Commercial zoning district, which is a general commercial district; the Regional Commercial zoning district, which was for outdated big box commercial; and other parcels designated with a commercial future land use. Staff plans to address citywide rezones in smaller groups as each parcel must be evaluated for rezoning impact. In this group, 546 parcels were evaluated as follows:

Regional Commercial Parcels: All parcels currently Regional Commercial must be rezoned as that zoning district was repealed earlier this year and these parcels are meant to mostly be rezoned to MU-4: Gateway Mixed Use, which is the new mixed use district created to replace the outdated Regional Commercial district. Many of these parcels are along the primary corridors of Highway 10 E and the intersection of Highway 75 S and I-94.

Community Commercial Parcels: The parcels along primary corridors of Main Ave SE, 30th Ave S and Hwy 75 N will mostly remain Community Commercial.

Miscellaneous Commercial Future Land Use Parcels: These parcels had various outdated zoning districts and were rezoned to Community Commercial or Parks Open Space.

The Planning Commission held a public hearing on April 7, 2025 and unanimously recommended approval of the commercial map amendments with no public comment. The complete Planning Commission packet can be found at: City of Moorhead : Planning Commission

The Council approved a first reading of the Ordinance on April 14, 2025.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: 2/3 of Council (6)



City Council Communication

April 28, 2025

Submitted By:

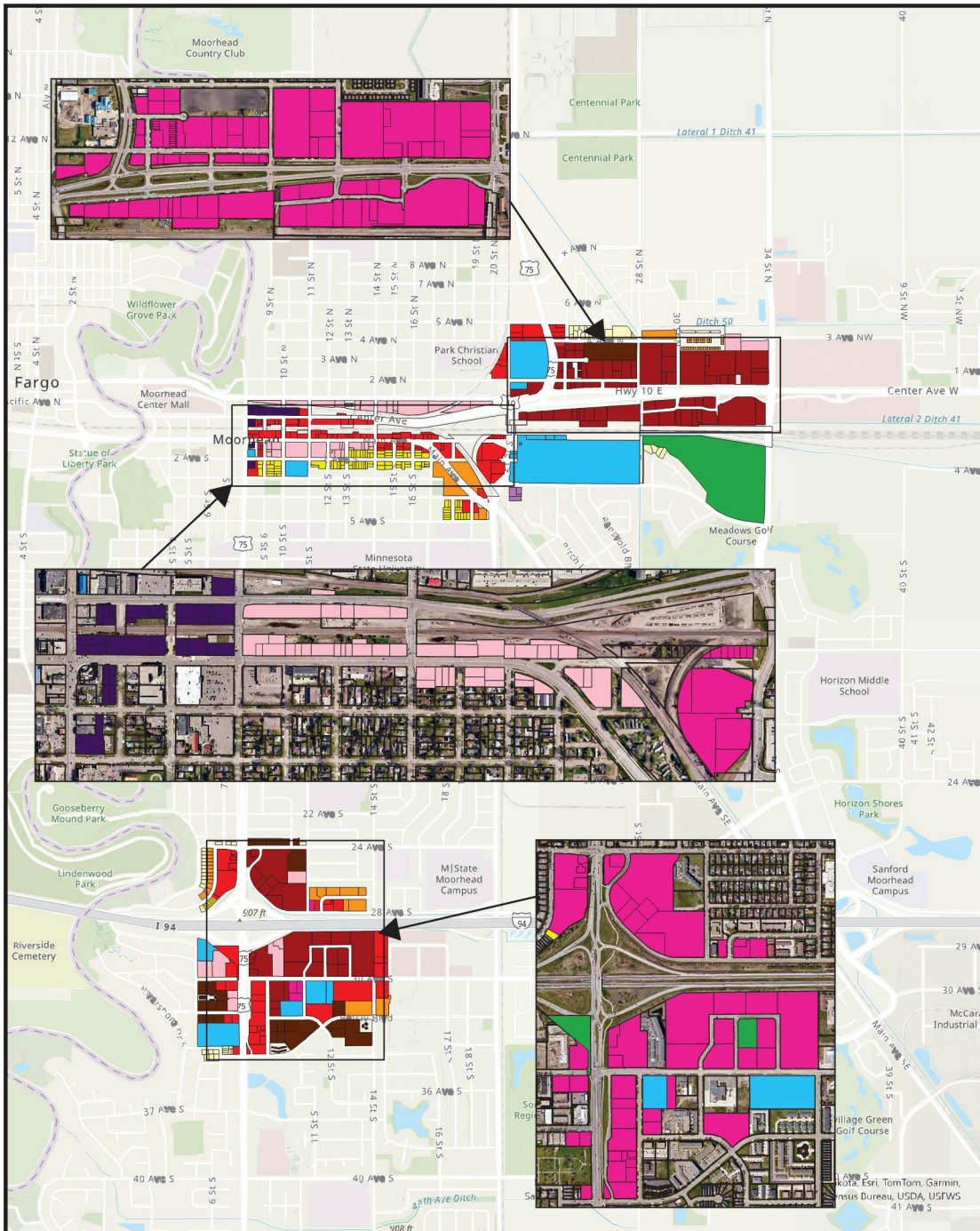
Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

Attachments:



Proposed Zoning Map Amendments



Legend: Zoning

RLD1: Residential Low Density 1	CC: Community Commercial	MU4: Gateway Mixed Use	PUD-LINS: PUD/Light Institutional
RLD2: Residential Low Density 2	MU1: Downtown Center Mixed Use	LI: Light Industrial	TZ: Transitional
RLD3: Residential Low Density 3	MU2: Neighborhood Mixed Use	HI: Heavy Industrial	Not Applicable
RMD: Res Medium Density	MU3: Commercial Mixed Use	P: Public Open Space	Proposed Rezone
RHD: Residential High Density		INS: Institutional	

ORDINANCE 2025-04

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP IN ACCORDANCE WITH CHAPTER 3 OF TITLE 10 OF THE MOORHEAD CITY CODE REZONING PARCELS WITHIN THE ZONING DISTRICTS OF COMMUNITY COMMERCIAL AND REGIONAL COMMERCIAL, AND PARCELS WITH A COMMERCIAL FUTURE LAND USE DESIGNATION

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

SECTION 1. The **Official Zoning Map** of the City of Moorhead, Minnesota, in accordance with Chapter 3, Title 10 of the Moorhead City Code, is hereby amended to rezone the following as:

Parcel	Address	Current Zoning	New Zoning
58.060.0080	1001 30TH AVE S	RC	MU-4
58.060.0090	925 30TH AVE S	RC	INS
58.060.0100	3108 9TH ST S	RC	MU-4
58.060.0110	1002 32ND AVE S	RC	MU-4
58.130.0010	3131 24TH AVE S #1	RC	CC
58.130.0020	3131 24TH AVE S #2	RC	CC
58.140.0010	3009 HWY 10 E	RC	MU-4
58.140.0020	3007 HWY 10 E	RC	MU-4
58.140.0030	3005 HWY 10 E	RC	MU-4
58.140.0040	3131 FRONTAGE RD S	RC	MU-4
58.140.0043	3111 Frontage RD S	RC	MU-4
58.140.0044	3101 FRONTAGE RD S	RC	MU-4
58.140.0045	3027 FRONTAGE RD S	RC	MU-4
58.140.0050	3001 FRONTAGE RD S	RC	MU-4
58.161.0010	828 30TH AVE S	RC	MU-4
58.161.0030	800 30 AVE S	RC	MU-4
58.161.0040	802 30TH AVE S	RC	MU-4
58.162.0010	2900 13TH ST S	RC	MU-4
58.162.0020	1250 29TH AVE S	RC	MU-4
58.162.0050	2935 13TH ST S	RC	MU-4
58.162.0060	2920 12TH ST S	RC	P
58.162.0070	2960 12TH ST S	RC	MU-4
58.162.0080	2975 13TH ST S	RC	MU-4
58.163.0010	2915 12TH ST S	RC	MU-4
58.163.0020	1100 30TH AVE S	RC	MU-4
58.163.0030	1120 29TH AVE S	RC	MU-4
58.163.0040	2911 11TH ST S	RC	MU-4
58.163.0050	2951 11TH ST S	RC	MU-4
58.206.0010	2800 2ND AVE N	RC	MU-4
58.207.0010	3000 HWY 10 E	RC	MU-4

58.207.0020	3200 HWY 10 E	RC	MU-4
58.207.0021	3020 HWY 10 E	RC	MU-4
58.207.0022	3108 HWY 10 E	RC	MU-4
58.207.0023	3102 HWY 10 E	RC	MU-4
58.207.0024	3300 HWY 10 E	RC	MU-4
58.207.0025	3250 HWY 10 E	RC	MU-4
58.207.0025	3262 Hwy 10 E	RC	MU-4
58.207.0031	3330 HWY 10 E	RC	MU-4
58.207.0032	3324 HWY 10 E	RC	MU-4
58.207.0033	201 34TH ST N	RC	MU-4
58.207.0050	303 30TH ST N	RC	MU-4
58.207.0051	2920 HWY 10 E	RC	MU-4
58.207.0052	215 30TH ST N	RC	MU-4
58.207.0060	2902 HWY 10 E	RC	MU-4
58.265.0010	0 34TH ST S	RC	ROW
58.304.0030	3315 HWY 10 E	RC	ROW
58.900.9999			ROW
58.304.0035	3301 HWY 10 E	RC	MU-4
58.304.0036	3333 HWY 10 E	RC	MU-4
58.307.0200	302 HWY 75 N	RC	MU-4
58.307.0210	2415 4TH AVE N	RC	MU-4
58.307.0220	2414 3RD AVE N	RC	MU-4
58.307.0230	2408 3RD AVE N	RC	MU-4
58.307.0240	2409 4TH AVE N	RC	MU-4
58.307.0290	2720 2ND AVE N	RC	MU-4
58.307.0300	2710 2ND AVE N	RC	MU-4
58.307.0310	2620 2ND AVE N	RC	MU-4
58.307.0320	2622 2ND AVE N	RC	MU-4
58.307.0330	2600 2ND AVE N	RC	MU-4
58.307.0340	2420 2ND AVE N	RC	MU-4
58.307.0350	2500 2ND AVE N	RC	MU-4
58.307.0370	2406 2ND AVE N	RC	MU-4
58.307.0380	220 HWY 75 N	RC	MU-4
58.307.0390	2320 2ND AVE N	RC	MU-4
58.307.0430	2201 2ND AVE N	RC	MU-4
58.307.0440	123 24TH ST N	RC	MU-4
58.307.0450	2415 2ND AVE N	RC	MU-4
58.307.0460	2411 2ND AVE N	RC	MU-4
58.307.0470	2409 2ND AVE N	RC	MU-4
58.307.0480	2419 2ND AVE N	RC	MU-4
58.307.0490	2615 2ND AVE N	RC	MU-4
58.307.0510	2717 2ND AVE N	RC	MU-4

58.307.0520	2705 2ND AVE N	RC	MU-4
58.307.0530	2735 2ND AVE N	RC	MU-4
58.326.0010	1080 28TH AVE S	RC	MU-4
58.326.0020	960 HOLIDAY DR	RC	MU-4
58.326.0030	950 HOLIDAY DR	RC	MU-4
58.327.0010	906 HOLIDAY DR	RC	MU-4
58.327.0020	920 HOLIDAY DR	RC	MU-4
58.327.0030	940 HOLIDAY DR	RC	MU-4
58.327.0040	800 HOLIDAY DR	RC	MU-4
58.331.0010	3475 28TH AVE S	RC & CC	MU-4
58.344.0010	4000 28TH AVE S	RC	MU-4
58.354.0010	3410 28TH AVE S	RC	MU-4
58.354.0020	2602 34TH ST S	RC	MU-4
58.430.0010	100 21ST ST N	RC	MU-4
58.430.0020	2121 HWY 10 E	RC	MU-4
58.454.0011	2412 8TH ST S	RC	MU-4
58.454.0020	2404 8TH ST S	RC	MU-4
58.470.0010	2800 27TH AVE S	RC	INS
58.470.0015	2950 27th AVE S	RC	CC
58.470.0020	2900 27TH AVE S	RC	P
58.470.0030	3000 27TH AVE S	RC	CC
58.470.0040	3140 27TH AVE S	RC	CC
58.470.0060	2959 24TH AVE S	RC	P
58.470.0070	2675 27TH AVE S	RC	CC
58.470.0080	2755 27TH AVE S	RC	CC
58.470.0090	2845 27TH AVE S	RC	INS
58.470.0100	2925 27TH AVE S	RC	CC
58.470.0110	2995 27TH AVE S	RC	CC
58.470.0120	3015 27TH AVE S	RC	CC
58.470.0130	3035 27TH AVE S	RC	CC
58.470.0140	3065 27TH AVE S	RC	CC
58.470.0150	3085 27TH AVE S	RC	CC
58.470.0160	3145 27TH AVE S	RC	CC
58.535.0010	2801 HWY 10 E	RC	MU-4
58.535.0020	2809 HWY 10 E	RC	MU-4
58.535.0040	2901 FRONTAGE RD S	RC	MU-4
58.535.0050	2921 FRONTAGE RD S	RC	MU-4
58.573.0010	2408 2ND AVE N A	RC	MU-4
58.573.0020	2408 2ND AVE N B	RC	MU-4
58.573.0030	2408 2ND AVE N C	RC	MU-4
58.573.0040	2410 2ND AVE N D	RC	MU-4
58.573.0050	2410 2ND AVE N E	RC	MU-4

58.573.0060	2410 2ND AVE N F	RC	MU-4
58.573.0070	2410 2ND AVE N G	RC	MU-4
58.573.0080	2410 2ND AVE N H	RC	MU-4
58.573.0090	2416 2ND AVE N I	RC	MU-4
58.573.0100	2416 2ND AVE N J	RC	MU-4
58.573.0110	2416 2ND AVE N K	RC	MU-4
58.573.0120	2416 2ND AVE N L	RC	MU-4
58.573.0130	2416 2ND AVE N M	RC	MU-4
58.573.0000		RC	MU-4
58.688.0010	2409 HWY 10 E	RC	MU-4
58.688.0011	2503 HWY 10 E	RC	MU-4
58.688.0020	2525 HWY 10 E	RC	MU-4
58.688.0030	2537 HWY 10 E	RC	MU-4
58.688.0040	2727 HWY 10 E	RC	MU-4
58.900.0850	2311 HWY 10 E	RC	MU-4
58.900.0851	2303 HWY 10 E	RC	MU-4
58.900.0860	2223 HWY 10 E	RC	MU-4
58.900.0870	2409 HWY 10 E	RC	MU-4
58.900.0875	2527 HWY 10 E	RC	MU-4
58.900.1062	2500 34TH ST S	RC	MU-4/TZ
58.900.1069	2777 34 ST S	RC	INS
58.900.1070	3402 28TH AVE S	RC	MU-4
58.900.1151	2300 28TH AVE S	RC	INS
58.900.1160	2000 28TH AVE S	RC	RR
58.900.1161	2012 28TH AVE S	RC	HI
58.900.1165	2010 28TH AVE S	RC	HI
58.900.1402	4400 28TH AVE S	RC	MU-4
58.900.1404	4370 28TH AVE S	RC	MU-4
58.014.0010	3401 8TH ST S	CC	MU-4
58.024.0010	220 8 ST S	CC	MU-1
58.024.0015	815 2ND AVE S	CC	MU-1
58.060.0140	805 30TH AVE S	CC	MU-4
58.060.0155	3100 8 ST S	CC	MU-4
58.060.0160	3110 8TH ST S	CC	MU-4
58.060.0170	3220 8TH ST S	CC	MU-4
58.060.0185	3311 9TH ST S	CC	MU-4
58.060.0190	3333 9TH ST S	CC	MU-4
58.060.0200	3300 8TH ST S	CC	MU-4
58.060.0210	810 BELSLY BLVD	CC	MU-4
58.060.5010	1313 30TH AVE S	CC	INS
58.060.5040	1100 32ND AVE S	CC	MU-4

58.100.0640	2401 8TH ST S	CC	MU-4
58.100.0650	2531 8TH ST S	CC	MU-4
58.100.0655	2405 8TH ST S	CC	MU-4
58.100.0656	2551 8TH ST S	CC	MU-4
58.100.0660	2605 8TH ST S	CC	MU-4
58.100.0661	2600 BROOKDALE RD	CC	RLD-3
58.102.1850	625 30TH AVE S	CC	MU-4
58.102.2160	725 30TH AVE S	CC	MU-4
58.102.2300	711 32ND AVE S	CC	MU-4
58.102.2305	725 32ND AVE S	CC	MU-4
58.187.0010	3224 8TH ST S	CC	MU-4
58.187.0020	3225 9TH ST S	CC	MU-4
58.187.0030	3215 9 ST S	CC	MU-4
58.218.0870	221 21ST ST N	CC	INS
58.218.0880	211 21ST ST N	CC	INS
58.218.0950	210 17TH ST N	CC	INS
58.218.1340	128 16TH ST N	CC	MU-3
58.218.1350	121 18TH ST N	CC	MU-3
58.218.1360	1710 1ST AVE N	CC	MU-3
58.218.1370	1821 2ND AVE N	CC	MU-3
58.218.1380	1805 2ND AVE N	CC	MU-3
58.218.1390	116 18TH ST N	CC	MU-3
58.218.1400	1901 2ND AVE N	CC	MU-3
58.218.1410	1900 1ST AVE N	CC	MU-3
58.262.0010	700 30TH AVE S	CC	MU-4
58.262.0020	0 8TH ST S	CC	P
58.307.0110	415 HWY 75 N	CC	INS
58.324.0020	1020 CENTER AVE	CC	MU-1
58.331.0010	3475 28TH AVE S	CC/RC	MU-4
58.331.0020	4001 28th AVE S	CC	MU-4
58.354.0030	2500 34TH ST S	CC	MU-4
58.354.0040	3418 28 AVE S	CC	MU-4
58.369.0030	2811 MAIN AVE SE	CC	MU-4
58.372.0010	3510 12TH AVE S	CC	INS
58.415.0010	24 8TH ST S	CC	MU-1
58.415.0020	20 8TH ST S	CC	MU-1
58.415.0030	900 MAIN AVE	CC	MU-1
58.415.0040	900 MAIN AVE	CC	MU-1
58.415.0050	924 MAIN AVE	CC	MU-1
58.431.0040	3600 8TH ST S	CC	P
58.575.0340	825 CENTER AVE	CC	MU-1
58.575.0350	821 CENTER AVE	CC	MU-1

58.575.0360	817 CENTER AVE	CC	MU-1
58.575.0370	11 9TH ST S	CC	MU-1
58.575.0380	10 8TH ST S	CC	MU-1
58.575.0440	921-923 CENTER AVE	CC	MU-1
58.575.0450	919 CENTER AVE	CC	MU-1
58.575.0470	901 CENTER AVE	CC	MU-1
58.575.0475	10 9TH ST S	CC	MU-1
58.575.0630	823 MAIN AVE	CC	MU-1
58.575.0640	107 9TH ST S	CC	MU-1
58.575.0650	815 MAIN AVE	CC	MU-1
58.575.0710	820 2ND AVE S	CC	MU-1
58.575.0720	824 2ND AVE S	CC	MU-1
58.601.0130	1507 11TH ST N	CC	INS
58.617.0230	1700 29TH AVE S	CC	INS
58.721.0010	1820 1ST AVE N	CC	MU-3
58.721.0020	1724 1ST AVE N	CC	MU-3
58.721.0030	1702 1ST AVE N	CC	MU-3
58.721.0040	1620 1ST AVE N	CC	MU-3
58.721.0050	1608 1ST AVE N	CC	MU-3
58.721.0110	20 14TH ST S	CC	MU-3
58.721.0120	1516 MAIN AVE	CC	MU-3
58.721.0140	1506 MAIN AVE	CC	MU-3
58.721.0141	1506 MAIN AVE B	CC	MU-3
58.721.0142	1506 MAIN AVE C	CC	MU-3
58.721.0143	1506 MAIN AVE D	CC	MU-3
58.721.0144	1506 MAIN AVE	CC	MU-3
58.721.0150	1624 MAIN AVE	CC	MU-3
58.721.0160	1610 MAIN AVE	CC	MU-3
58.721.0170	1608 MAIN AVE	CC	MU-3
58.721.0180	1602 MAIN AVE	CC	MU-3
58.721.0190	1700-1706 1ST AVE S	CC	MU-3
58.721.0195	0 1ST AVE S	CC	RR
58.721.0200	1708 1ST AVE S	CC	RR
58.721.0210	1800 1ST AVE S	CC	RR
58.721.0230	1920 1ST AVE S	CC	MU-4
58.721.0240	1912 1ST AVE S	CC	RR
58.721.0250	1910 1ST AVE S	CC	RR
58.721.0260	1906 1ST AVE S	CC	RR
58.721.0270	1902 1ST AVE S	CC	RR
58.721.0280	2020 1ST AVE S	CC	MU-4
58.721.0290	2016 1ST AVE S	CC	MU-4
58.721.0300	2012 1ST AVE S	CC	MU-4

58.721.0310	2000 1ST AVE S	CC	MU-4
58.721.0320	1998 1ST AVE S	CC	MU-4
58.721.0330	1421 MAIN AVE	CC	MU-3
58.721.0340	1419 MAIN AVE	CC	MU-3
58.721.0350	1415 MAIN AVE	CC	MU-3
58.721.0410	112 14TH ST S	CC	MU-3
58.721.0420	1405 MAIN AVE	CC	MU-3
58.721.0430	1519 MAIN AVE	CC	MU-3
58.721.0440	111 16TH ST S	CC	MU-3
58.721.0510	110 15TH ST S	CC	MU-3
58.721.0520	104 15TH ST S	CC	MU-3
58.721.0530	1615 MAIN AVE	CC	MU-3
58.721.0580	106 16TH ST S	CC	MU-3
58.721.0590	104 16TH ST S	CC	MU-3
58.721.0600	1714 MAIN AVE	CC	MU-3
58.721.0620	1702 MAIN AVE	CC	MU-3
58.721.0630	1715 1ST AVE S	CC	MU-3
58.721.0640	1903 1ST AVE S	CC	RR
58.721.0650	1802 2ND AVE S	CC	MU-3
58.721.0670	123 21ST ST S	CC	MU-4
58.721.0645	0 1st Ave S	CC	MU-4
58.721.0671	2001 1ST AVE S	CC	ROW
58.721.0680	203-215 21ST ST S	CC	MU-4
58.721.0682	0 21ST ST S	CC	MU-4
58.721.0685	201 21ST ST S	CC	MU-4
58.721.1270	1910 4TH AVE S	CC	MU-3
58.721.1275	0 21ST ST S	CC	ROW
58.721.1276	0 21ST ST S	CC	ROW
58.721.1277	0 21ST ST S	CC	ROW
58.721.1278	0 21ST ST S	CC	ROW
58.721.1850	1813-1825 4TH AVE S	CC	MU-3
58.721.1990	410 19TH ST S	CC	MU-3
58.721.2040	1900 1ST AVE S	CC	RR
58.721.2050	1924 1ST AVE S	CC	MU-4
58.721.9000	0 21ST ST S	CC	ROW
58.721.9001	0 21ST ST S	CC	ROW
58.732.0260	1110 28TH AVE S	CC	MU-4
58.732.0270	1130 28TH AVE S	CC	MU-4
58.732.0280	2704 12TH ST S	CC	MU-4
58.732.0290	1132 28TH AVE S	CC	MU-4
58.847.0010	1335 CENTER AVE	CC	MU-3
58.847.0020	1321 CENTER AVE	CC	MU-3

58.847.0030	1301 CENTER AVE	CC	MU-3
58.847.0040	1225 CENTER AVE	CC	MU-3
58.847.0050	1201 CENTER AVE	CC	MU-3
58.847.0060	1021 CENTER AVE	CC	MU-1
58.847.0068	0 CENTER AVE	CC	MU-1
58.847.0070	1001-1011 CENTER AVE	CC	MU-1
58.847.0090	1030 MAIN AVE	CC	MU-1
58.847.0120	1010 MAIN AVE	CC	MU-1
58.847.0130	1002-1004 MAIN AVE	CC	MU-1
58.847.0140	1330 MAIN AVE	CC	MU-3
58.847.0150	1328 MAIN AVE	CC	MU-3
58.847.0190	1308 MAIN AVE	CC	MU-3
58.847.0210	1306 MAIN AVE	CC	MU-3
58.847.0220	1304 MAIN AVE	CC	MU-3
58.847.0230	1302 MAIN AVE	CC	MU-3
58.847.0240	1214-1230 MAIN AVE	CC	MU-3
58.847.0260	1210-1212 MAIN AVE	CC	MU-3
58.847.0270	1204 MAIN AVE	CC	MU-3
58.847.0280	1120 MAIN AVE	CC	MU-3
58.847.0290	1116 MAIN AVE	CC	MU-3
58.847.0300	1104 MAIN AVE	CC	MU-3
58.847.0310	1102 MAIN AVE	CC	MU-3
58.900.0755	0 CENTER AVE	CC	MU-3
58.900.0906	1208 CENTER AVE	CC	MU-3
58.900.1062	2500 34TH ST S	CC	MU-4 & TZ
58.900.1111	2505 12TH AVE S	CC	LI
58.900.1740	1500 11TH ST N	CC	MU-2
58.950.0060	0 MAIN AVE	CC	MU-3
58.950.0090	1312 MAIN AVE	CC	MU-3
58.950.0260	1500 MAIN AVE	CC	MU-3
58.950.0580	1118 MAIN AVE	CC	MU-3
58.900.1934	1304 15TH AVE N	CC	MU-2
58.900.0190	2305 15TH AVE N	INS	CC
58.799.0080	1470 25 ST S	LI	P
58.900.0130	1901 15TH AVE N	LI	P
58.900.0135	2001 15TH AVE N	LI	CC
58.900.0200	2300 8TH AVE N	RLD3	CC
58.214.0010	2200 8TH AVE N	RLD3	CC
58.244.0060	1709 11TH ST N	RMD	CC
58.244.0070	1705 11TH ST N	RMD	CC
58.244.0080	1703 11TH ST N	RMD	CC

58.244.0090	1701 11TH ST N	RMD	CC
58.244.0100	1040 17TH AVE N	RMD	CC
58.900.1700	3803 8TH ST S	RMD	CC
58.900.1745	1921 11TH ST N	RMD	CC
58.900.1746	1901 11TH ST N	RMD	CC
58.900.1747	1819 11TH ST N	RMD	CC
58.900.0136	0 15TH AVE N	N/A	P
58.900.9999		N/A	P

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

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 04/14/2025
E-Post: 04/18/2025
Second Reading: 04/28/2025
Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2025-04

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2025-04: An Ordinance Amending the Official Zoning Map in accordance with Chapter 3 of Title 10 of the Moorhead City Code Rezoning Parcels within the Zoning Districts of Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation; and

WHEREAS, a title and summary for publication of the above Ordinance was submitted to the City Council for its review in accordance with Section 3.07 of the Moorhead City Charter; and

WHEREAS, the City Council has reviewed the Title and Summary for said Ordinance for approval and has determined that the Title and Summary informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Title and Summary for Ordinance 2025-04: An Ordinance Amending the Official Zoning Map in accordance with Chapter 3 of Title 10 of the Moorhead City Code Rezoning Parcels within the Zoning Districts of Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation is hereby approved. A copy of said Title and Summary was before the City Council and is now of record and on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Clerk is hereby authorized and directed to publish said Title and Summary in accordance with Section 3.08 of the Moorhead City Charter.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

TITLE AND SUMMARY OF ORDINANCE 2025-04

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

An Ordinance Amending the Official Zoning Map in accordance with Chapter 3 of Title 10 of the Moorhead City Code Rezoning Parcels within the Zoning Districts of Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation.

2. Summary of Ordinance

An Ordinance which Amends the Official Zoning Map in accordance with Chapter 3 of Title 10 of the Moorhead City Code Rezoning Parcels within the Zoning Districts of Community Commercial and Regional Commercial, and Parcels with a Commercial Future Land Use Designation.

3. Availability of Ordinance

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the Office of the City Clerk, 1st Floor, City Hall, 403 Center Avenue, Moorhead, MN.

The Ordinance was passed by the City Council of the City of Moorhead this 28th day of April, 2025.

First Reading: 4/14/2025

E-Post: 4/18/2025

Second Reading: 4/28/2025

Publication:



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Approve Agreements Relating to 2025 Community Garden Grants

RECOMMENDATION:

The Mayor and City Council are asked to approve agreements relating to the 2025 Community Garden Grant program.

BACKGROUND/KEY POINTS:

The City of Moorhead requested applications for the 2025 Community Garden Grant program on March 18, 2025. This grant is intended to help support organizations and individuals who would like to start or continue to operate a community garden on private land. Community garden plots were required to be open and available to the public. The garden could either be free or have a minimal cost to join/reserve a plot of land. Grant funds must be used to help directly support the community garden. Potential funding could be for seeds, raised beds, weed control, eliminating/reducing membership fees, soil preparation, etc.

Three applications were received, and all three submissions are recommended for funding:

- 1. Brookdale Baptist Church (\$500)** – 1401 40th Ave S. They have had an established community garden for approximately 7 years. Grant will be utilized for seeds, produce plants, tools, and soil.
- 2. Salem Evangelical Free Church (\$500)** – 1111 30th Ave S. They have had an established community garden for approximately 2 years. Grant will be utilized for improved signage, a night light to deter theft, and supplies/tools.
- 3. Grateful Community Garden (\$500)** – 2900 5th St S. They have had an established community garden for approximately 8 years. Grant will be utilized for fencing for pest/animal control purposes.

These grants are supported by the Onward Moorhead Comprehensive Plan Goal 5.3 c – Development policies that support individual and community projects such as native landscapes, rain gardens, local food production, and pollinators.

Grant recipients will be required to submit a brief annual report by November 10, 2025.

FINANCIAL CONSIDERATIONS:

The total costs for implementation of the three grants is \$1,500 which is within the existing 2025 budget.

Voting Requirements: 3/4 of Council (6)



City Council Communication

April 28, 2025

Submitted By:

Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

Ethan Johnk, Assistant City Planner

Attachments: Draft Resolution

RESOLUTION

Resolution to Approve Agreements Relating to 2025 Community Garden Grants

WHEREAS, the City Council approved the 2022 Onward Moorhead Comprehensive Plan which encourages developing policies that support individual and community projects such as local food production; and

WHEREAS, the City of Moorhead requested grant applications to fund community gardens on privately held land using funds from the 2025 Community Garden Grant program; and

WHEREAS, the applicants submitted proposals for utilizing funds to operate 2025 Community Gardens that will be used to support local food production; and

WHEREAS, the three submissions recommended for funding include:

- Brookdale Baptist Church – 1401 40th Ave S (\$500)
- Salem Evangelical Free Church – 1111 30th Ave S (\$500)
- Grateful Community Garden – 2900 5th St S (\$500)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Mayor and City Manager are authorized and directed to execute Agreements and any related Amendments for the three 2025 Community Garden Grant projects.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Authorize Towing Contract with Ed's Towing Service Co.

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution authorizing the Moorhead Police Department to agree to the terms and conditions of the Police Towing Contract with Ed's Towing Service, Co.

BACKGROUND/KEY POINTS:

The current Towing Contract with Ed's Towing Service, Co., will expire on April 30, 2025. They have been providing the tow service since May 1, 2021. Ed's Towing Service, Co., and Aggressive Towing & Recovery, were the two companies to submit bids for the 2025-2027 contract. The City requires a contracted towing service for towing City-owned vehicles. The Police Department requires a towing service that has adequate equipment and staff for impounding vehicles and clearing vehicles at accident scenes twenty-four hours per day. Ed's Towing Service, Co. reports equipment inventory and staff to meet these requirements of the contract.

FINANCIAL CONSIDERATIONS:

See Schedule A – Fees

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Sandy Timian, Office Manager

Attachments: Schedule A - Fees



Ed's Towing Service, CO.

2848 22nd Ave S, Moorhead MN 56560

Phone: 218-233-7740 Fax: 218-291-3340

Email: Dispatch@edstowing.com

www.edstowing.com

3/28/25

Dear Moorhead Police Department,

On behalf of everyone at Ed's Towing, we want to extend our sincere thanks for your partnership and trust over the past four years. It has been an honor to serve the City of Moorhead and support your officers by providing dependable and timely towing services.

We are proud to maintain an average response time of 15.9 minutes, and we will continue striving to meet and exceed that standard as we move forward. Our team is committed to delivering efficient, professional service every time we're called.

We truly value the relationship we've built with the Moorhead Police Department and look forward to continuing to support your mission in keeping our community safe.

Best regards,

Moypa Khan
President
Ed's Towing and Recovery

SCHEDULE A - FEES		
(All fees will have addition of sales tax where applicable)		
<i>Ed's Towing</i> <i>3/28/25 11:10 am</i> TOW ACTIVITY	CHARGES	
	May 1, 2025	May 1, 2026
Impound fee per vehicle, per tow truck	\$53	\$60
Disabled vehicle tow per vehicle (City Requested - Private or City Owned)	\$80	\$95
Service Call – Department Requested Services (Not impound Lot Related)	\$44	\$44
Service Call - (owner show up charge is the responsibility of vehicle owner not the City)	\$55	\$55
Use of Dolly (Documented Reason)	\$25	\$25
Use of Winch (Documented Reason) per tow unit	\$30	\$30
Flat Bed (Documented Reason)	\$69	\$79
Towing City of Moorhead Police Dept. vehicles (within 10 mile radius of city)	Free	Free
Towing other city vehicles up to 1 ton trucks	\$54	\$54
Towing all City vehicles outside the ten (10) mile radius	\$3.50/Loaded Mile	\$3.50/Loaded Mile
Towing City 1 ton or greater trucks	\$99/Hr	\$99/Hr
Hourly Fee - (Auction Prep, monthly lot organization, etc)	\$30	\$30
Hourly fee- On site - 2nd hr (First hour included in basic charge.)	\$49	\$49
Motorcycles	\$79	\$79
Change flat tires on city police vehicles 24/7/365	Free	Free
Daily fee, contracted lot storage for private owned or city owned vehicles, at city request.	\$35	\$35
Snow Dig Out (per vehicle)	\$30	\$30

RESOLUTION

Resolution to Authorize Towing Contract with Ed's Towing Service Co.

WHEREAS, the current towing contract expires on April 30, 2025, bids were received, and it is requested Ed's Towing Service Co., be awarded the 2025-2027 contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City Council does hereby authorize and direct the Mayor and City Manager to enter into a contract substantially in the form presented with Ed's Towing Service Co. The final version of the Agreement that will be executed may include any additional changes to the form presented that are deemed necessary by the City Attorney and the City Manager.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2025 Lead Service Line Replacement Project

RECOMMENDATION:

The Moorhead Public Service Commission respectfully requests the Mayor and Moorhead City Council approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2025 Lead Service Line Replacement Project.

BACKGROUND/KEY POINTS:

On January 21, 2025, the Commission approved Task Order No. 11 with Apex Engineering Group, Inc. (Apex), to complete the engineering and funding administration services associated with Moorhead Public Service's (MPS') 2025 Lead Service Line Replacement Project (Project). MPS' Water Division proposes completing a project to replace approximately 30 private portions of lead service lines. In 2024, MPS began a pilot project that established the foundation of lead service line replacement projects and allowed for budget planning on future year-round projects. Since the spring of 2022, MPS has submitted applications to be included on the Project Priority List for funding through the Minnesota Public Facilities Authority (MPFA) Drinking Water Revolving Fund (DWRF). Funding for lead service line replacements has become available through a combination of the Bipartisan Infrastructure Law and State of Minnesota matching funds. MPS has prepared applications to seek funds to replace identified lead service lines.

MPS and Apex are currently in the process of submitting the DWRF Lead Service Line Replacement application to the MPFA for the Project. The MPFA requires that several items be submitted, including the attached Resolution of Application approved by the Moorhead City Council.

As part of the MPFA program, a loan and/or grant agreement with the MPFA will be required for the Project, as well as project specifications that must be submitted to the Minnesota Department of Health and MPFA. Since all services within the Project are private, the agreement with MPFA will ultimately result in a reimbursable grant covering 100 percent of the Project costs. These costs include construction, administrative, and engineering expenses required to complete the Project. The MPFA-financed amount is estimated to be \$718,000, or the as-bid cost of the Project.

FINANCIAL CONSIDERATIONS:

Not Applicable

Voting Requirements: Majority of Quorum

Submitted By:

Dan Mahli, City Manager

Travis Schmidt, General Manager

Attachments: None

RESOLUTION

Resolution to Approve the Resolution of Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund Application for Moorhead Public Service's 2025 Lead Service Line Replacement Pilot Project

WHEREAS, Moorhead Public Service (MPS) has submitted applications to be included on the Project Priority List for funding through the Minnesota Public Facilities Authority (MPFA) Drinking Water Revolving Fund; and

WHEREAS, funding for lead service line replacements has become available through a combination of the Bipartisan Infrastructure Law and State of Minnesota matching funds; and

WHEREAS, the MPFA requires that several items be submitted, including a Resolution of Application approved by the Moorhead City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that MPS, a public utility of the City of Moorhead, Minnesota, is hereby applying to the Minnesota Public Facilities Authority for a grant from the Drinking Water Revolving Fund for a lead service line replacement project as described in the application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that MPS, a public utility of the City of Moorhead estimates the MPFA-financed amount to be \$718,000, or the as-bid cost of the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, that the City of Moorhead has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation and maintenance of the project for its design life.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Approve the 2025 Vendor of Asphalt Emulsions for Street Maintenance

RECOMMENDATION:

The Mayor and City Council are asked to consider a resolution to approve the 2025 Vendor of Asphalt Emulsions for Street Maintenance.

BACKGROUND/KEY POINTS:

Each year the City of Moorhead Public Works Street Division performs maintenance on asphalt roadways. The annual chip sealing program covers approximately 200,00 SY and requires the use of asphalt emulsions. Public Works staff desires to have a vendor that can provide the product and support operations.

On March 23, 2025, a Request for Proposals (RFP) for Asphalt Emulsions was published and closed on April 15, 2025. A total of one (1) vendor provided bid information. Public Works staff reviewed the proposals and determined Flint Hills Resources provided the best product based on the RFP requirements.

Public Works staff recommends selection of Flint Hills Resources to provide asphalt emulsions at \$631.00 per ton for the 2025 maintenance season.

FINANCIAL CONSIDERATIONS:

The estimated annual cost for asphalt emulsions is \$175,000. The purchase is budgeted in the annual street maintenance budget.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Paul Fiechtner, Public Works Director
Nichole Parr, Administrative Assistant

Attachments:

RESOLUTION

Resolution to Approve the 2025 Vendor of Asphalt Emulsions for Street Maintenance

WHEREAS, the City of Moorhead performs street maintenance including the annual chip sealing program. This maintenance activity requires the purchase of asphalt emulsions materials; and

WHEREAS, the City of Moorhead wishes to purchase the material at the best available price and availability for the street maintenance program. A Request for Proposals (RFP) was published on March 23, 2025 to locate a qualified vendor of asphalt emulsions. Flint Hills Resources provided a proposal that meets the requirements for the RFP; and

WHEREAS, the City of Moorhead wishes to purchase asphalt emulsions from Flint Hills Resources for the 2025 street maintenance season.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead Minnesota that the Mayor and City Manager are authorized to sign a purchase agreement between the City of Moorhead and Flint Hills Resources for the purchase of asphalt materials.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Second Reading of Ordinance 2025-05: An Ordinance to Create and Enact Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, to Amend and Reenact the Annual Fee Schedule Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and to Repeal Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products

RECOMMENDATION:

The Mayor and City Council are asked to consider a Second Reading of Ordinance 2025-05: An Ordinance to Create and Enact Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, to Amend and Reenact the Annual Fee Schedule Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and to Repeal Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products.

BACKGROUND/KEY POINTS:

- May 30, 2023, Governor Walz signed new legislation into law legalizing adult-use recreational cannabis, which also incorporates and clarifies previously approved medical cannabis and cannabinoid laws.
- July 1, 2023 - legalized adult possession and home cultivation of cannabis
- August 1, 2023 - lifted criminal penalties for adult possession and home cultivation of cannabis, and legalized drug paraphernalia statewide
- February 26, 2024 – City repeals ordinance banning sales of drug paraphernalia and adds cannabis and hemp-related uses to the Zoning Code (Ordinance 2024-02).

Subsequent Zoning Code updates included:

- February 24, 2025: Ordinance 2025-01 clarified that existing breweries will continue to be able to “produce” cannabis or low-potency hemp edibles on site.
- February 24, 2025: Ordinance 2025-03 moved Cannabis Microbusiness and Mezzobusiness Licenses, which permit retail sales, cultivation and production of edibles from permitted uses only in Light Industrial and Heavy Industrial to provisional uses that require a City permit to operate in all commercial, mixed use and industrial zoning districts.
- April 14 & 28, 2025 – Consideration of Ordinance 2025-05: the proposed ordinance would set retail business registration standards and fees. The ordinance also repeals and replaces the previous ordinance relating to business licensing of Cannabinoid Products.

The City Manager assembled a cannabis work group to study [Minnesota Statute Chapter 342, Cannabis](#) comprised of staff from Moorhead Police, City Attorney’s Office, City Prosecutor, City Clerk’s Office, City Manager’s Office and the Community Development Department. The new law permits cities to regulate cannabis-related businesses by the following options:

Option 1. If the State issues a license, cities cannot currently prohibit the operation.



City Council Communication

April 28, 2025

Because the city had to immediately respond to this new law, the first item addressed was to update the Zoning Code for prospective businesses to know where they can and cannot locate within the city. This step is complete.

Option 2. Cities that have not delegated required retail sales registration to their County must require registration of all licensed retail businesses for local ordinance and age verification compliance purposes.

This option is addressed by this proposed ordinance where the City requires all retail operators to register with City, have their site inspected for building/fire code requirements and age-verification measures, and pay a fee.

Option 3. Cities may adopt reasonable restrictions on the time, place and manner of operation.

a. If they so choose, cities may only prohibit operation within 1,000 feet of a school or within 500 feet of a daycare, residential treatment facility or an attraction within a public park that is regularly used by minors, including a playground or athletic field.

b. Cities may also limit cannabis retailer operations to no fewer than one registration for every 12,500 residents (i.e., maximum of 3 retail businesses for Moorhead) but does not prohibit cities from allowing licensed retailers in excess of minimums.

In 2024, the work group did not recommend license limits or buffers based on: the state was already capping some licenses, low commercial vacancy rates, the difficulty at which it is to operate a cannabis business, zoning protections, difficulty of enforcement of buffers to daycares as their use would need to be denied if a cannabis retailer was already within 500 ft of their proposed location and the plan to treat cannabis retail no differently than alcohol retail. Staff has been communicating no caps or buffers to the business community since that time. Staff will monitor license-holders and if issues arise, amendments to this ordinance could be considered.

The work group also studied other considerations related to the new cannabis law:

1. Public consumption – not recommending any changes based on difficulty of enforcement/higher priorities for MPD.

2. Smoking in parks – The Parks Advisory Board updated the Parks/Outdoor Facilities Policy to address cannabis and vaping in February 2024 (attached).

3. Cannabis special events – these events require a State Cannabis License and will be added to the existing special events permitting process. These events will be further evaluated for improvements/fee adjustments once events occur.

Lastly, it is timely to approve the proposed registration ordinance this month as State licensing for cannabis and lower-potency hemp edible businesses is expected to begin by the end of April.



City Council Communication

April 28, 2025

Since the first reading, based on further consideration of provisions that currently apply to existing lower-potency hemp retailers*, staff is proposing to amend the proposed hours of operation as follows:

Original proposed language:

2-5F-5: RESTRICTIONS

- A. ~~Hours of operation. Cannabis or lower-potency hemp edible retail businesses are limited to retail sales between the hours of 10:00 a.m. and 10:00 p.m. Monday to Sunday as provided by M.S. § 342.27.~~

Updated proposed language:

- A. Hours of operation. As provided by M.S. § 342.27:
1. Licensed cannabis retail sales are limited to 10:00 a.m. - 10:00 p.m. Monday to Sunday.
 2. Licensed lower-potency hemp edible retail sales are limited to 8:00 a.m. – 2 a.m. Monday to Saturday* and 10:00 a.m. – 2:00 a.m. Sunday.

*Same hours as they have been operating since 2022.

FINANCIAL CONSIDERATIONS: Through the registration process, cities have the ability to charge fees and assess fines for these businesses. Registration fees are based on statute and cannot be increased but may be lowered. Also, cities may impose the initial registration fee plus the renewal fee for the first year (e.g., a Cannabis Retailer would pay \$1,500 the first year and \$1,000 per year annually thereafter).

The following fees and fines are proposed as follows:



City Council Communication

April 28, 2025

Business License & Permits	
Cannabis and Lower-potency Hemp Edible Retail Business Registration Fees & Violation Fines	
Registration Fees per State License Type	
Cannabis Retailer	
Initial Registration Fee	\$500.00
Renewal Registration Fee	\$1,000.00
Cannabis Microbusiness	
Initial Registration Fee	\$0.00*
Renewal Registration Fee	\$500.00
Cannabis Mezzobusiness	
Initial Registration Fee	\$500.00
Renewal Registration Fee	\$1,000.00
Medical Cannabis Combination Business	
Initial Registration Fee	\$500.00
Renewal Registration Fee	\$1,000.00
Lower Potency Hemp Edible Retailer	
Initial Registration Fee	\$125.00
Renewal Registration Fee	\$125.00
Violation Fines	
Selling without a valid registration	\$2,000.00 each occurrence
First violation - other than selling without valid registration	\$2,000.00 each occurrence
Second violation - other than selling without valid registration at the same location within five years of the first violation	\$2,000.00 each occurrence
Third violation – other than selling without valid registration at the same location within five years of the first violation	\$2,000.00 each occurrence
Fourth violation - other than selling without valid registration at the same location within five years of the first violation	\$2,000.00 each occurrence

*Note: the City is unable to charge a fee for this license type because the State does not charge a fee (and the City fee cannot exceed the State fee). Staff will monitor if this changes at the State level in the future.

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager

Robin Huston, City Planner / Zoning Administrator

Attachments: Cannabis Glossary
Smoking and Vaping in Parks/Outdoor Facilities Policy
Draft Ordinance

GLOSSARY OF CANNABIS-RELATED TERMS

Cannabinoid means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.

Cannabis Business means any of the following 10 State license types:

1. **Cannabis Cultivator** - activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.
2. **Cannabis Delivery Service** - transports and delivers cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumable products to customers.
3. **Cannabis Event Organizer** - organizes temporary cannabis events lasting no more than four days.
4. **Cannabis Manufacturer** - creation of cannabis concentrate and manufacture of cannabis products and hemp-derived consumer products for public consumption.
5. **Cannabis Mezzobusiness** can do the following:
 - A. grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant for use as adult-use cannabis flower or for use in adult-use cannabis products:
 - i. indoor facility may cultivate up to 15,000 square feet of plant canopy,
 - ii. outdoor location may cultivate up to one acre of mature, flowering plants unless the Office of Cannabis Management increases that limit;
 - B. grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant for use as medical cannabis flower or for use in medical cannabinoid products;
 - C. make cannabis concentrate;
 - D. make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
 - E. manufacture artificially derived cannabinoids;
 - F. manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;
 - G. process medical cannabinoid products;
 - H. purchase immature cannabis plants and seedlings and cannabis flower from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;
 - I. purchase cannabis concentrate, hemp concentrate, and synthetically derived cannabinoids from a cannabis microbusiness, another cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
 - J. purchase hemp plant parts and propagules from a licensed hemp grower licensed under chapter 18K (industrial hemp development);

- K. purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K (industrial hemp development);
- L. package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- M. sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers.

6. Cannabis Microbusiness can do the following:

- A. grow cannabis plants from seed or immature plant to mature plant and harvest cannabis flower from a mature plant:
 - i. indoor facility may cultivate up to 5,000 sf of plant canopy,
 - ii. outdoor location may cultivate up to one-half acre of mature, flowering plants unless the Office of Cannabis Management increases that limit;
- B. make cannabis concentrate;
- C. make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- D. manufacture artificially derived cannabinoids;
- E. manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;
- F. purchase immature cannabis plants and seedlings and cannabis flower from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler;
- G. purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K (industrial hemp development);
- H. purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K (industrial hemp development);
- I. purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from another cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, or a cannabis wholesaler for use in manufacturing adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products;
- J. package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- K. sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers;
- L. operate an establishment that permits on-site consumption of edible cannabis products and lower-potency hemp edibles.

7. Cannabis Retailer – sales of all cannabis-related items including sale of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.

8. Cannabis Testing Facility - obtains and tests immature cannabis plants and seedlings, cannabis flower, cannabis products, hemp plant parts, hemp concentrate, artificially derived cannabinoids,

lower-potency hemp edibles, and hemp-derived consumer products from other cannabis-licensed businesses.

9. Cannabis Transporter - transports immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, lower-potency hemp edibles, and hemp-derived consumer products from other cannabis-licensed businesses.

10. Cannabis Wholesaler - sales and imports of all cannabis-related items including cannabis plants, cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

Hemp business means either of the following:

- (1) lower-potency hemp edible manufacturer; or
- (2) lower-potency hemp edible retailer.

Hemp business does not include a person or entity licensed under chapter 18K (industrial hemp development) to grow industrial hemp for commercial or research purposes or to process industrial hemp for commercial purposes.

Home/Personal Cultivation of hemp or cannabis flower means:

- A. Up to eight cannabis plants, with no more than four being mature, flowering plants may be grown at a single residence, including the curtilage or yard, without a license to cultivate cannabis provided that cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked space that is not open to public view.

Home/Personal Extraction or Sale of hemp or cannabis flower and products means:

- A. Separation or extraction of cannabis concentrate or hemp concentrate at a residence is not permitted.
- B. Sale of hemp, cannabis flower and other products at a residence is not permitted.

Lower-potency hemp edible means any product that:

- (1) is intended to be eaten or consumed as a beverage by humans;
- (2) contains hemp concentrate or an artificially derived cannabinoid, in combination with food ingredients;
- (3) is not a drug;
- (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
- (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
- (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
- (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and
- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.

Medical Cannabis Business means any of the following 4 State license types:

1. Medical Cannabis Cultivator can do the following:

- A. Grow cannabis plants within the approved amount of space up to 60,000 square feet of plant canopy from seed or immature plant to mature plant;

- 1.A medical cannabis cultivator may exceed the limit of 60,000 square feet of plant canopy if it was legally cultivating medical cannabis with a greater plant canopy as of April 1, 2023;

- B. Harvest cannabis flower from a mature plant;
- C. Package and label cannabis flower as medical cannabis flower;
- D. Sell medical cannabis flower to medical cannabis processors and medical cannabis retailers;
- E. Transport medical cannabis flower to a medical cannabis processor located on the same premises;
- F. Perform other actions approved by the Office of Cannabis Management.

2. Medical Cannabis Processor can do the following:

- A. Purchase medical cannabis flower, medical cannabinoid products, hemp plant parts, and hemp concentrate from medical cannabis cultivators and other medical cannabis processors;
- B. Purchase hemp plant parts from industrial hemp growers;
- C. Make cannabis concentrate from medical cannabis flower;
- D. Make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- E. Manufacture medical cannabinoid products;
- F. Package and label medical cannabinoid products for sale to other medical cannabis processors and to medical cannabis retailers; and
- G. Perform other actions approved by Office of Cannabis Management. .

3. Medical Cannabis Retailer can do the following:

- A. Purchase medical cannabis flower and medical cannabinoid products from medical cannabis cultivators and medical cannabis processors and
- B. Sell or distribute medical cannabis flower and medical cannabinoid products to any person authorized to receive medical cannabis flower or medical cannabinoid products.

4. Medical Cannabis Combination Business License can do the following:

- A. Grow cannabis plants from seed or immature plant to mature plant and harvest adult-use cannabis flower and medical cannabis flower from a mature plant;
- B. Make cannabis concentrate;
- C. Make hemp concentrate, including hemp concentrate with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent as measured by weight;
- D. Manufacture artificially derived cannabinoids;
- E. Manufacture medical cannabinoid products;
- F. Manufacture adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for public consumption;
- G. Purchase immature cannabis plants and seedlings and cannabis flower from a cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, a cannabis wholesaler, a medical cannabis cultivator, or another medical cannabis combination business;

- H. Purchase hemp plant parts and propagules from an industrial hemp grower licensed under chapter 18K;
- I. Purchase cannabis concentrate, hemp concentrate, and artificially derived cannabinoids from a cannabis microbusiness, a cannabis mezzobusiness, a cannabis manufacturer, a cannabis wholesaler, a medical cannabis processor, or another medical cannabis combination business;
- J. Purchase hemp concentrate from an industrial hemp processor licensed under chapter 18K;
- K. Package and label medical cannabis and medical cannabinoid products for sale to medical cannabis processors, medical cannabis retailers, other medical cannabis combination businesses, and patients enrolled in the registry program, registered designated caregivers, and parents, legal guardians, and spouses of an enrolled patient;
- L. Package and label adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, and hemp-derived consumer products for sale to customers;
- M. Sell medical cannabis flower and medical cannabinoid products to patients enrolled in the registry program, registered designated caregivers, and parents, legal guardians, and spouses of an enrolled patient;
- N. Sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, hemp-derived consumer products, and other products authorized by law to other cannabis businesses and to customers; and
- O. Perform other actions approved by the Office of Cannabis Management.

Additional definitions for the new law can be found at: [Sec. 342.01 MN Statutes](#)



Park Advisory Board Memorandum

February 27, 2024

SUBJECT: Approve Changes to Smoking in Parks / Outdoor Facilities Policy to include Cannabis and Vaping

RECOMMENDATION:

Park Board is being asked to approve changes to the current Parks *Smoking in Parks/Outdoor Facilities* policy that would add language on smoking and vaping cannabis and hemp products.

BACKGROUND/KEY POINTS:

There is currently a policy in the Parks and Recreation manual outlining the guidelines for smoking in parks and outdoor facilities. The recommended changes would add cannabis, hemp and vaping to the list of what is prohibited near children.

On May 30, 2023, new legislation was signed into law that legalized adult-use of recreational cannabis in Minnesota. The regulation for the use, sales and licensing is still being developed in the various Cities across Minnesota. The law does allow for the Cities to regulate various aspects of cannabis and hemp sale and use, allowing for cities to adopt reasonable restrictions in regard to proximity to children. (See attached City ordinance currently being considered by the Moorhead City Council)

Addressed in this policy are:

- Lists the outdoor park facilities and locations where smoking and vaping all substances is prohibited.
- Identifies signage and notification requirements suggested to help make users aware of the policy.
- Identifies guidelines for staff when designating a special event as a "Smoke-Vape Free Event".
- Since this is not an ordinance it is not enforceable by police. In the past there has been no issue with enforcing the existing policy through a simple request to the offenders.
- Penalties for noncompliance with Park Staff would be administered within the Park Department such as removal from a program attending, requesting that they leave the event or park, request that their rental be terminated, not allowing future rentals due to noncompliance etc.
- Lays out a process for those penalized to request a review by the Parks Director or Park Advisory Board.

FINANCIAL CONSIDERATIONS: None

Submitted By:

Holly Heitkamp, Parks and Recreation Department Director

Attachments: Draft Policy – Smoking in Parks / Outdoor Facilities

WHEREAS, the City of Moorhead Park Advisory Board believes that tobacco, hemp and cannabis use in the proximity of children and adults engaging in or watching outdoor recreation activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, secondhand smoke/vape is especially harmful to children and even brief exposures can be harmful to children. Ingestion of nicotine can cause nicotine poisoning and eating one or more cigarettes or three or more cigarette butts is considered potentially toxic or poisonous to children.

WHEREAS, the mission of Moorhead Parks and Recreation is to improve the quality of life for its citizens by providing a comprehensive system of parks, recreation, cultural, and human service programs that encourage health, fitness, relaxation, and cultural enrichment, as well as providing opportunities for conservation, education, and community involvement.

WHEREAS, the City of Moorhead Park Advisory Board has a unique opportunity to create and sustain an environment that supports a norm through a tobacco/cannabis-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City of Moorhead's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the City of Moorhead Parks and Recreation Board determines that the prohibition of tobacco, hemp and cannabis use at the City's recreation facilities serves to protect the health, safety and welfare of the citizens of our City.

WHEREAS, the City of Moorhead's current Smoking Ordinance prohibits smoking in all buildings but the Ordinance is silent on outdoor parks space.

THEREFORE, BE IT RESOLVED, after careful consideration of above statements, the following Tobacco/Hemp/Cannabis Policy is adopted for Moorhead Parks and Recreation:

No person shall smoke or vape tobacco, hemp, cannabis or related products or dispose of pipe ash, cigarette butts, or any other tobacco, hemp or cannabis-related waste in the following areas:

1. Inside any City owned building including recreation facilities.
2. The grounds/parks surrounding the following facilities:
 - a. Moorhead Municipal Pool and Wading Pools
 - b. Neighborhood Recreation Centers
 - c. Playgrounds, and skating rinks
 - d. Restrooms, Bleachers and Concession Facilities

- e. Matson, Southside Regional Park, and Centennial Athletic Complex's
 - f. Log Cabin at Memorial Park, and Picnic Shelters
 - g. Dog Park
 - h. Walking Tracks
3. In addition, Parks and Recreation staff reserves the right to designate an event as a "Smoke-Vape Free Event." In deciding whether an event shall be considered a Smoke-Vape Free Event, the Recreation Staff should consider the following:
- (a) The age of the likely attendees or participants. The Staff shall specifically consider whether the majority of the expected attendees or participants are seven teen years of age or younger.
 - (b) The risk of exposure to children and non-smokers/vapers at the event.
 - (d) The location of the event. If the event is located on property which is not owned by the City of Moorhead, Staff shall specifically consider whether the property owner desires to prohibit smoking.
 - (e) Any other negative or positive impact on the event.

Staff shall, when possible, include on any advertising for the event inform citizens that the event is "Smoke-Vape Free", including but not limited to websites, calendars, and posters.

4. Enforcement
- a. Appropriate signs shall be posted in the above specified areas.
 - b. The community, especially facility users and staff, will be notified about this policy as per their user agreements.
 - c. Parks and Recreation staffs are responsible for monitoring the areas for compliance.
 - d. Any person found violating this policy may be subject to immediate ejection from the recreation area for the remainder of the event.
 - e. Since this is not an ordinance there is no punitive enforcement possible.
 - f. Complaints that a particular event or facility is designated as Smoke-Vape Free shall be referred by Staff to the Parks and Recreation Department Director and the Park Advisory Board.

ORDINANCE 2025-05

AN ORDINANCE TO CREATE AND ENACT TITLE 2, CHAPTER 5, ARTICLE F, CANNABIS AND LOWER-POTENCY HEMP EDIBLE RETAIL BUSINESS REGISTRATION, TO AMEND AND REENACT THE ANNUAL FEE SCHEDULE OF THE APPENDIX OF THE MOORHEAD MUNICIPAL CODE RELATING TO CANNABIS AND LOWER-POTENCY HEMP EDIBLE RETAIL BUSINESS REGISTRATION FEES AND VIOLATION FINES AND TO REPEAL TITLE 2, CHAPTER 5, ARTICLE E, SALES OF EDIBLE CANNABINOID PRODUCTS

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

SECTION 1. Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration of the Moorhead Municipal Code is hereby created and enacted to read as follows:

ARTICLE F. CANNABIS AND LOWER-POTENCY HEMP EDIBLE RETAIL BUSINESS REGISTRATION

2-5F-1: PURPOSE AND AUTHORITY

2-5F-2: DEFINITIONS

2-5F-3: REGISTRATION

2-5F-4: REGISTRATION FEE

2-5F-5: RESTRICTIONS

2-5F-6: ENFORCEMENT

2-5F-7: SANCTIONS FOR VIOLATIONS

2-5F-8: PENALTY

2-5F-9: SEVERABILITY

2-5F.1: PURPOSE AND AUTHORITY

The purpose of this section is to implement the provisions of M.S. Chapter 342 by requiring registration and regulations of cannabis and lower-potency hemp edible retail businesses in accordance with Minnesota law. The city recognizes that the unregulated use of cannabis and lower-potency hemp products pose risks to the health, safety, and welfare of its residents, particularly those under the age of 21.

The City Council has the authority to adopt this ordinance pursuant to:

- A. M.S. § 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis and lower-potency hemp edible retail businesses provided that such restrictions do not prohibit the establishment or operation of cannabis and lower-potency hemp edible retail businesses.
- B. M.S. § 342.22, requires that cannabis retailers, medical cannabis retailers, medical cannabis combination businesses, cannabis microbusinesses with a retail operations endorsement, cannabis mezzobusinesses with a retail operations endorsement, and lower-potency hemp edible retailers register with the city before making retail sales to customers or patients, and the city is authorized to perform compliance checks of every such registered cannabis.

2-5F-2: DEFINITIONS

Unless otherwise noted in this section, the words and phrases contained in M.S. § 342.01 and the rules promulgated by the Office of Cannabis Management pursuant shall have the same meanings in this city code.

CANNABIS RETAIL BUSINESS. A business that is licensed or required to be licensed by the State of Minnesota as a cannabis retailer, cannabis mezzobusiness with retail operations endorsement, cannabis microbusiness with retail operations endorsement, or medical cannabis combination business operating a retail location, and lower-potency hemp edible retailers.

CANNABIS RETAILER. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis or lower-potency hemp products to a consumer and not for the purpose of resale in any form.

COMPLIANCE CHECK. The system used by the city to investigate and ensure that those authorized to sell products subject to licensing and registration are following and complying with the requirements of this Article and state law. Compliance checks involve the use of persons under the age of 21 who purchase or attempt to purchase such products.

ISSUING AUTHORITY. City of Moorhead.

LOWER-POTENCY HEMP EDIBLE. As defined under M.S. § 342.01, subd. 50.

LOWER-POTENCY HEMP EDIBLE RETAILER. A hemp business, as defined by M.S. § 342.01, subd. 34, that holds a valid lower-potency hemp edible retail license.

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, herein referred to as "OCM".

PERSON OR REGISTRANT. One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation; a trust or any other business organization.

RETAIL REGISTRATION. An approved registration issued by the issuing authority to a state-licensed cannabis or lower-potency hemp edible retail business.

RETAIL SALE. Any transfer of goods for money, trade, barter, or other consideration for cannabis or lower-potency hemp edible products.

SELF-SERVICE OR AUTOMATED SALE. Any sale, including online sales, of a cannabis or lower-potency hemp product that is accessible to the public without the personal assistance of an employee of the licensed establishment.

STATE LICENSE. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis and lower-potency hemp edible retail businesses.

2-5F-3: REGISTRATION

No person shall operate a cannabis or lower-potency hemp edible retail business or may make any sale, without first being registered by the issuing authority pursuant to M.S. § 342.22.

- A. Application submittal. Registration shall be made by fully completing and submitting to the issuing authority the registration form provided by the city. The registration form shall contain the following information:

1. Full name and date of birth of the registrant.
 2. Mailing address, email address, and phone number for the registrant.
 3. Legal name of the cannabis or lower-potency hemp edible retail business to be registered.
 4. A copy of the cannabis or lower-potency hemp edible retail business' current license or license preapproval issued by OCM .
 5. The address, full name of the property owner, and parcel ID of the property on which the cannabis or lower-potency hemp edible retail business is to operate.
 6. Signature of the registrant or the authorized agent of the legal entity registrant.
 - a. If the registrant is a legal entity, the following information shall be provided for the person designated as the general or primary manager on site: the full name, date of birth, mailing address, contact phone number, email address; and
 7. Any additional information the city deems necessary.
- B. Application approval. The registration shall not be approved or renewed if the applicant is unable to meet the requirements of this section. A retail registration will be approved and in effect and only so long as the following requirements are met:
1. The registrant holds a valid license or license preapproval issued by OCM to the cannabis or lower-potency hemp edible retail business.
 2. The registrant paid the total sum of the initial registration fee and first year renewal fee as required in 2-5F-4 of this City Code and in the amounts set forth in the Annual Fee Schedule of the Appendix of the Moorhead Municipal Code;
 3. The property where the cannabis or lower-potency hemp edible retail business is located is current on all property taxes and assessments; and
 4. If the registration form is incomplete, the retail registration shall be not issued and the issuing authority will provide the applicant notice of the deficiencies.
 5. Prior to issuance of a retail registration, the issuing authority and any other required or assigned city staff shall conduct a preliminary compliance check to ensure that the cannabis or lower-potency hemp edible retail business is compliant with the zoning code, building code, and performance standards for cannabis or lower-potency hemp edible retail businesses established in this section and elsewhere in this city code. Pursuant to M.S. § 342.13, within 30 days of receiving a copy of a state license application from OCM, the issuing authority shall certify whether the registrant complies with city code.
- C. Renewal of registration. A retail registration shall be renewed when OCM renews the license of the business, provided that the cannabis or lower-potency hemp edible retail business submits to the city a renewal registration form provided by the city, the information and documentation required by this section (same as new application), and payment of the applicable renewal cannabis or lower-potency hemp edible retail business registration fee established in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code.

- D. Change in location. If a state-licensed cannabis or lower-potency hemp edible retail business seeks to move to a new location within the city, it shall submit a new application for retail registration for the new location prior to the relocation. No additional registration fee or renewal fee shall be required for a change in location.
- E. Registration is non-transferable. A retail registration issued under this section shall not be transferred to another person or to a different cannabis or lower-potency hemp edible retail business.
- F. Display of license and registration. Licenses issued by the OCM and retail registrations issued by the city shall be displayed in plain view for the public in the licensed premises.

2-5F-4: REGISTRATION FEE

No retail registration shall be approved or renewed under this section until the applicable registration or renewal fee is paid in full. Fees shall be non-refundable upon payment and submission of a complete application for registration or renewal.

Registration and renewal fees shall be as set forth in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code. The initial and renewal registration fees shall be the maximum allowable as provided by M.S. § 342.22 and all fees in all other respects shall comply with the requirements of state law. The initial registration fee shall include the fee for the initial registration and the first annual renewal. Any renewal fee imposed thereafter shall be charged at the time of the second renewal, as established in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code.

2-5F-5: RESTRICTIONS

A. Hours of operation. As provided by M.S. § 342.27:

1. Licensed cannabis retail sales are limited to 10:00 a.m. - 10:00 p.m. Monday to Sunday.
2. Licensed lower-potency hemp edible retail sales are limited to 8:00 a.m. – 2 a.m. Monday to Saturday and 10:00 a.m. – 2:00 a.m. Sunday.

- B. Age verification. No cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products shall be sold to any person under 21 years of age. Registrants shall verify by means of government issued photographic identification, as required by M.S. § 342.27, subd. 4, that a purchaser is at least 21 years of age. Registrants shall post signage advising of the minimum legal age for purchases. Notice of the legal sale age and verification requirement shall be posted prominently and in plain view.
- C. Mobile sales and delivery. All retail sales of cannabis and lower-potency hemp products must be conducted within a building and within the licensed and registered premises. A licensed or registered cannabis retail business must hold a cannabis delivery service license under M.S. § 342.41 prior to conducting cannabis and lower-potency hemp edible delivery services in the city.
- D. Zoning. The registered business shall comply with all provisions of this chapter and with zoning regulations in Title 10 of this City Code. The registered business shall comply with all Minnesota laws and licensing conditions regulating cannabis and lower-potency hemp edible retail businesses.

- E. Display and storage. The display and storage of cannabis flower, cannabis products, lower-potency hemp edible products shall be in accordance with M.S. § 342.27.
- F. Self-service or automated sale. No person shall provide any cannabis or lower-potency hemp edible product to any person by means of self-service or automated sale. All retail sales shall be done with the assistance of an employee.
- G. Samples prohibited. No person shall distribute samples of any cannabis or lower-potency hemp edible product free of charge or at a nominal cost.

2-5F-6: ENFORCEMENT

- A. The City Clerk, in coordination with the Moorhead Police Department, is responsible for the administration and enforcement of this Article. Violations of this ordinance can occur regardless of whether or not a registration is required for a regulated activity listed in this Article.
- B. Age verification compliance checks. All cannabis and lower-potency hemp edible retail businesses licensed by OCM and registered by the city shall be open to inspection by the city during regular business hours of the business. From time to time, but no less than once per calendar year, the city will conduct unannounced age verification compliance checks to ensure compliance with the provisions of M.S. Chapter 342 and this article. All age verification compliance check failures will be reported to OCM.

2-5F-7: SANCTIONS FOR VIOLATIONS

- A. Suspension of registration. A suspension of a retail registration issued under this Article shall take place in accordance with M.S. § 342.22. The issuing authority may suspend a retail registration if it violates this Article or poses an immediate threat to the health or safety of the public. The issuing authority shall immediately notify the cannabis or lower-potency hemp edible retail business in writing of the grounds for the suspension.
 - 1. Public hearing. Prior to suspension of a retail registration, the issuing authority shall provide written notice to the registrant and a public hearing before the City Council. The notice shall give at least ten calendar days' notice of the time and place of the hearing and shall state the nature of the charges against the registrant.
 - 2. Reinstatement. The issuing authority may reinstate a retail registration if OCM determines the violation(s) have been resolved or if OCM revokes or suspends the state-license for a period less than the suspension issued by the City Council.
- B. Notification to OCM. The issuing authority shall immediately notify the OCM in writing the grounds for the suspension.
- C. Civil penalties. Subject to M.S. § 342.22, subd. 5(e) the city may impose a civil penalty for a violation of this Article, not to exceed \$2,000 for each occurrence.
 - 1. Any state-licensed cannabis or lower-potency hemp edible retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of \$2,000 for each violation.
 - 2. For a first violation, other than sale without a retail registration, the fine as set forth in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code.

3. For a second violation, other than sale without a retail registration, at the same location within five years of the first violation, the fine set forth in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code.
4. For a third violation, other than sale without a retail registration, at the same location within five years of the first violation, the City Council shall suspend the retail registration after a public hearing for a minimum of seven calendar days and impose a civil penalty set forth in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code; and
5. For a fourth or subsequent violations at the same location within five years of the first violation, the City Council shall suspend a retail registration after a public hearing for 30 calendar days unless OCM suspends the license for a longer period, impose a civil penalty as set forth in Annual Fee Schedule of the Appendix of the Moorhead Municipal Code for each additional violation, or impose any combination of these sanctions.

2-5F-8: PENALTY

Any violation of the provisions of this Article or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Nothing in this Article shall be construed to limit the city's other available remedies for any violation of law, including without limitation, criminal, civil, and injunctive relief.

2-5F-9: SEVERABILITY

If any part, term, or provision of this Article is held by a court of competent jurisdiction to be invalid, preempted by state law, or unconstitutional, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this article, which remaining portions shall continue in full force and effect.

SECTION 2. The Annual Fee Schedule of the Appendix of the Moorhead Municipal Code is hereby amended and reenacted to read as follows (unchanged portions of the table have been omitted from the text below):

Business License & Permits	
Cannabis and Lower-potency Hemp Edible Retail Business Registration Fees & Violation Fines	
Registration Fees per State License Type	
Cannabis Retailer	
Initial Registration Fee	\$500.00
Renewal Registration Fee	\$1,000.00
Cannabis Microbusiness	
Initial Registration Fee	\$0.00
Renewal Registration Fee	\$500.00
Cannabis Mezzobusiness	
Initial Registration Fee	\$500.00
Renewal Registration Fee	\$1,000.00
Medical Cannabis Combination Business	
Initial Registration Fee	\$500.00
Renewal Registration Fee	\$1,000.00

Lower Potency Hemp Edible Retailer	
Initial Registration Fee	\$125.00
Renewal Registration Fee	\$125.00
Violation Fines	
Selling without a valid registration	\$2,000.00 each occurrence
First violation - other than selling without valid registration	\$2,000.00 each occurrence
Second violation - other than selling without valid registration at the same location within five years of the first violation	\$2,000.00 each occurrence
Third violation – other than selling without valid registration at the same location within five years of the first violation	\$2,000.00 each occurrence
Fourth violation - other than selling without valid registration at the same location within five years of the first violation	\$2,000.00 each occurrence

SECTION 3. Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products of the Moorhead Municipal Code is hereby repealed and struck in its entirety.

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

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

First Reading: 04/14/2025
E-Post: 04/18/2025
Second Reading: 04/28/2025
Publication:

RESOLUTION

Resolution to Approve Title & Summary of Ordinance 2025-05

WHEREAS, the City Council of the City of Moorhead did pass Ordinance 2025-05: An Ordinance to Create and Enact Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, To Amend and Reenact the Annual Fee Schedule of the Appendix of the Moorhead Municipal Code Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and to Repeal Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products; and

WHEREAS, a title and summary for publication of the above Ordinance was submitted to the City Council for its review in accordance with Section 3.07 of the Moorhead City Charter; and

WHEREAS, the City Council has reviewed the Title and Summary for said Ordinance for approval and has determined that the Title and Summary informs the public of the intent and effect of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota that the Title and Summary for Ordinance 2025-05: An Ordinance to Create and Enact Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, To Amend and Reenact the Annual Fee Schedule of the Appendix of the Moorhead Municipal Code Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and to Repeal Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products is hereby approved. A copy of said Title and Summary was before the City Council and is now of record and on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota that the City Clerk is hereby authorized and directed to publish said Title and Summary in accordance with Section 3.08 of the Moorhead City Charter.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk

TITLE AND SUMMARY OF ORDINANCE 2025-05

The following Ordinance is hereby published by Title and Summary:

1. Title of Ordinance

An Ordinance Creating and Enacting Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, Amending and Reenacting the Annual Fee Schedule of the Appendix of the Moorhead Municipal Code Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and Repealing Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products.

2. Summary of Ordinance

An Ordinance which Creates and Enacts Title 2, Chapter 5, Article F, Cannabis and Lower-Potency Hemp Edible Retail Business Registration, Amends and Reenacts the Annual Fee Schedule of the Appendix of the Moorhead Municipal Code Relating to Cannabis and Lower-Potency Hemp Edible Retail Business Registration Fees and Violation Fines and Repeals Title 2, Chapter 5, Article E, Sales of Edible Cannabinoid Products.

3. Availability of Ordinance

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the Office of the City Clerk, 1st Floor, City Hall, 403 Center Avenue, Moorhead, MN.

The Ordinance was passed by the City Council of the City of Moorhead this 28th day of April, 2025.

First Reading: 04/14/2025

E-Post: 04/18/2025

Second Reading: 04/28/2025

Publication:



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Award Bid for Bus Shelter Rehabilitation and Installations Project Eng. #9600408

RECOMMENDATION:

It is respectfully requested that the Mayor and Council consider a resolution to award the bid for Bus Shelter Rehabilitation and Installations Project Eng. #9600408 to Roers Construction of Fargo, ND, at a price not to exceed \$69,270.

BACKGROUND/KEY POINTS:

On March 19th, 2025 an advertisement for bids was posted for the rehabilitation and installation of passenger shelters at 3 locations as follows:

- US 10 Frontage RD Near Target (Bus Stop #109)
- 32nd Ave S near Lakeland Mental Health (Bus Stop #113)
- 5th St S near Moorhead Public Library (Bus Stop #122)

Subsequent to advertisement for bids, five bids were received. The bid price of \$69,270 exceeded the engineering estimate but is within available grant funds.

FINANCIAL CONSIDERATIONS:

These projects were previously approved as part of the City's Capital Improvement Plan and budget. The total project cost of \$69,270 will be funded primarily through grant support, with 80% covered by the Federal Transit Administration and the State of Minnesota. The remaining 20% will be funded locally through the Mass Transit Account.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager

Mike Rietz, Assistant City Manager

Attachments:

RESOLUTION

Resolution to Award Bid for Bus Shelter Rehabilitation and Installations Project Eng. #9600408

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

	Total
Roers Construction	\$69,270.00
Ti-Zack Concrete	\$69,389.18
Opp Construction	\$73,863.20
Midwest Seeding	\$103,200.00
Urban Companies	\$143,995.00
Engineer Estimate	\$63,519.00

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 quote with respect to the proposed improvement was received from Roers Construction of Fargo, ND. Said quote is in all respects in accordance with the plans and specifications prepared under the direction of the City Engineer. Thus, said quote is hereby in all things approved and accepted.
2. The project will be financed through Federal Transit Administration and State of Minnesota grant funds, the local share match contained in the Mass Transit Fund.
3. The Mayor and City Manager are hereby authorized and directed to enter into a Contract with Roers Construction of Fargo, ND, for the Transit Shelter Improvements (Eng Project #9600408) according to the plans and specifications on file in the office of the City Engineer.
4. 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% (\$3,463.50) of the total contract amount.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Authorize Deposit of Appraised Values for FM Area Diversion in eminent domain case identified as City of Moorhead v. Nelson Family Limited Liability Partnership et. al., Civ. No. 84 CV-24-284

RECOMMENDATION:

The Mayor and City Council are asked to consider authorizing the deposit of Appraised Values directly to landowners if the property is unencumbered or with the Court Administrator for properties encumbered by competing property interests.

BACKGROUND/KEY POINTS:

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

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

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

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



City Council Communication

April 28, 2025

A necessity hearing was held on December 17, 2024. The Court determined the City of Moorhead had satisfied its public use and necessity requirements. The Court entered an order to transfer the flowage easement property rights to the City of Moorhead upon the deposit of the amount of the appraised value of the property rights being acquired. The deposit can be made through a payment directly to the landowner or by depositing the sum of the appraised value with the Court Administrator. It is necessary to obtain authorization from the City Council now to deposit the appraised values at this time. The table below outlines the deposit amounts (appraised values) for the property rights associated with the first round of necessity hearings in Wilkin County, for which the City of Moorhead is the condemning authority. The table below also notes who payment should be made to for each property.

Wilkin County Deposit Amounts for Civ. No. 84-CV-24-28

OIN	Appraised Value	Deposit Paid to
7102	\$110,000	Myron P. Ihland and Mary B. Ihland, Trustees of the Myron and Mary Ihland Joint Revocable Living Trust dated December 7, 2023, and any amendments thereto
5177	\$36,400	Leroy V. Deutscher and Linda L. Deutscher
1312	\$143,018	Paul L. Johnson and Lila J. Johnson
1324	\$38,200	Court Administration
1310 9153	\$37,792	Michael F. Rufer and Darla L. Rufer
1297	\$2,500	Court Administration
1294 1265 1266	\$121,854	Court Administration
1306	\$1,305	David Israelson
5206 5208	\$14,621	Estate of Norman D. Ellickson; Janet I. Ellickson, Trustee of the Revocable Inter Vivos Trust of Janet I. Ellickson, dated January 14, 2022; and Karen S. Ellickson, as Successor Trustee of the Norman D. Ellickson Living Trust, dated February 16, 1977
5170 5174	\$7,719	Estate of Gary D. Johnson; Janis Johnson; and James C. Johnson and Carol R. Johnson, Trustees under



City Council Communication

April 28, 2025

OIN	Appraised Value	Deposit Paid to
		Johnson Family Revocable Living Trust dated December 20, 2007
1303 9120	\$75,465	Court Administration
1267 1268	\$703,770	Kelly S. Blilie and Stefanie Blilie
5173 5169	\$4,487	Bruce F. Nelson Family Limited Liability Partnership
1253	\$6,591	Ronald Kragerud; Pamela Trowbridge; Keith Kragerud; and Jeffrey Kragerud
1262	\$68,375	Ronald Kragerud; Keith Kragerud; Jeffrey Kragerud; and Steven C. Trowbridge and Pamela M. Trowbridge
7203	\$3,610	Estate of Orlyn P. Kragerud; Ronald Kragerud; Keith Kragerud; Jeffrey Kragerud; and Steven C. Trowbridge and Pamela M. Trowbridge
5188	\$5,100	Court Administration
Total	\$1,380,807	

FINANCIAL CONSIDERATIONS:

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

Voting Requirements: Majority of Council

Submitted By:

Dan Mahli, City Manager
Kathryn McNamara, City Attorney

Attachments:

RESOLUTION

Resolution to Authorize Deposit of Appraised Values for FM Area Diversion in eminent domain case identified as City of Moorhead v. Nelson Family Limited Liability Partnership et. al., Civ. No. 84 CV-24-284

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

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

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

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

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

The City of Moorhead is hereby authorized to make the following deposits directly to landowners if the property is unencumbered or with the Court Administrator for properties encumbered by competing property interests. These deposits are made in connection with the eminent domain action pending in Wilkin County District Court identified as City of Moorhead v. Nelson Family Limited Liability Partnership et. al., Civ. No. 84-CV-24-284.

Wilkin County Deposit Amounts for Civ. No. 84-CV-24-284

OIN	Appraised Value	Deposit Paid to
7102	\$110,000	Myron P. Ihland and Mary B. Ihland, Trustees of the Myron and Mary Ihland Joint Revocable Living Trust dated December 7, 2023, and any amendments thereto
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1312	\$143,018	Paul L. Johnson and Lila J. Johnson
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5170 5174	\$7,719	Estate of Gary D. Johnson; Janis Johnson; and James C. Johnson and Carol R. Johnson, Trustees under Johnson Family Revocable Living Trust dated December 20, 2007
1303 9120	\$75,465	Court Administration
1267 1268	\$703,770	Kelly S. Blilie and Stefanie Blilie
5173 5169	\$4,487	Bruce F. Nelson Family Limited Liability Partnership
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7203	\$3,610	Estate of Orlyn P. Kragerud; Ronald Kragerud; Keith Kragerud; Jeffrey Kragerud; and Steven C. Trowbridge and Pamela M. Trowbridge
5188	\$5,100	Court Administration
Total	\$1,380,807	

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk



City Council Communication

April 28, 2025

SUBJECT:

Resolution to Approve Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Center Mall Demolition

RECOMMENDATION:

The Mayor and City Council are asked to consider approval of a Resolution to approve Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager at Risk Services for the Moorhead Center Mall Demolition.

BACKGROUND/KEY POINTS:

This resolution sets the Guaranteed Maximum Price for the final phase of demolition of the mall, which is a not-to-exceed price. This will allow the demolition of the section of the mall that is east of the City Hall tower to be completed. The contractor is ahead of schedule on the current phase of demolition west of the City Hall tower, so they would like to begin a portion of that final phase in the next week or so. They will demolish the United Sugars and Allen Evans portions of the mall now and then complete the remainder of the demolition when Downtown Chiropractic moves to their new location later this year.

FINANCIAL CONSIDERATIONS:

The Guaranteed Maximum Price in Amendment #2 of the CMAR agreement for Mall demolition is \$740,857. This includes: Costs to demolish the mall east of City Hall, backfilling of the basements, disconnection of plumbing, HVAC and electrical systems. Also included are the costs for and site mobilization, project management and site supervision during the demolition. Associated costs for permit fees, builders risk, performance and payment bond, general liability insurance, pre-construction services, construction contingency and Construction Manager fee (1.95% fee as set in the contract). The source of funds for this project is a \$1M DEED Grant.

Voting Requirements: 3/4 of Council (6)

Submitted By:

Dan Mahli, City Manager
Mike Rietz, Assistant City Manager

Attachments:

RESOLUTION

Resolution to Approve Guaranteed Maximum Price Amendment #2 to the Agreement with McGough Construction Co., LLC for Construction Manager At Risk Services for the Moorhead Center Mall Demolition

WHEREAS, the City of Moorhead hired a construction manager at risk for pre-construction and construction services for the Moorhead Center Mall Demolition; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead, Minnesota the Mayor and City Manager are hereby authorized and directed to execute Amendment #2 with McGough Construction Co., LLC for Guaranteed Maximum Price not to exceed \$740,857.

PASSED: April 28, 2025 by the City Council of the City of Moorhead.

APPROVED BY:

ATTEST:

Michelle (Shelly) A. Carlson, Mayor

Christina Rust, City Clerk