

**City of Moorhead
Committee of the Whole
Meeting Minutes
November 15, 2010 at 5:30 PM
City Hall Council Chambers**

Pursuant to due call and notice thereof, a regular meeting of the Committee of the Whole was held in the City Hall Council Chambers, on November 15, 2010, at 5:30 PM.

Roll call of the members was made as follows:

1st Ward Council Member:	Luther Stueland	Present
1st Ward Council Member:	Nancy Otto	Present
2nd Ward Council Member:	Diane Wray Williams	Present
2nd Ward Council Member:	Mark Altenburg	Present
3rd Ward Council Member:	Dan Hunt	Present
3rd Ward Council Member:	Brenda Elmer	Present
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Present
Mayor:	Mark Voxland	Present

Committee of the Whole Meeting

Mayor Voxland called the meeting to order.

1. [Facsimile Weapons Ordinance Discussion](#)

Minutes: Brain Melton, Clay County Attorney, provided the following information:

- Several Minnesota State Statutes restrict legal gun ownership and ways in which persons can carry legal weapons in the public domain.
- The proposed ordinance does not impede on an individuals' Second Amendment Rights to bear arms.
- The ordinance will serve to prevent use of facsimile weapons to intimidate or conduct illegal activities.
- Use of facsimile weapons for illegal purposes is a relatively new phenomenon in the area. Currently there is not a Minnesota State Statue to adequately address this issue.
- The County Attorney's Office believes the proposed ordinance is reasonable and not overly restrictive.
- The proposed ordinance would carry a misdemeanor charge.
- Judges would not likely view the proposed ordinance unfavorably.
- The ordinance is intended to address objects that are fashioned to appear like real weapons, not ones that are intended to be used as toys.
- Unlike laws that regulate legitimate weapons, there are not any current restrictions on how facsimile weapons are carried or transported.

- Adding language to the ordinance defining facsimile weapons as “not an actual weapon” would be reasonable.
- Adding language to the ordinance defining facsimile weapons as “not a toy” may cause difficulty in prosecuting suspects.
- Adding language to the ordinance making it an exception to carry a weapon in a threatening manner “in a person’s own home/domicile” may cause difficulty in prosecuting cases of domestic violence or at private gatherings.
- The ordinance does not criminalize facsimile weapon possession.
- The ordinance specifies that individuals are not to carry a facsimile weapon “on their person” such as in a coat, purse, or clothing. Individuals are allowed to transport via a proper carrying case.

Moorhead Police Chief David Ebinger clarified the following in response to Mayor and Council questions:

- The proposed ordinance is written in a manner so that officers can enforce use of facsimile weapons at a private residence such as in situations of domestic violence or at private gatherings.
- Law enforcement utilizes professional discretion to determine which situations meet the intent of the ordinance.
- The ordinance is intended to address specific threats of public safety.
- Under Minnesota State Statutes, citizens are provided the right to use or threaten deadly force in order to protect themselves or others from serious physical injury or death. This would include use of a facsimile weapon.
- It is anticipated that the proposed ordinance would likely be used to address approximately five cases per year.
- The Police Department expects individuals who plan to use fake weapons as part of producing a film to notify law enforcement of their plans and take reasonable precautions from alarming the general public.

The Mayor and Council Members stated the following:

- It is preferred that the ordinance include a stipulation that no person be allowed to carry a facsimile weapon “in a public place within the City” as opposed to “within the City.”
- Concern was noted that individuals carrying a weapon in their own home could be perceived as criminal.
- It was noted that nothing in the ordinance states that an individual cannot own or transport a facsimile weapon. The ordinance states that it cannot be carried on their person in a threatening manner.
- Concern was noted that changing ordinance language to make an exception for carrying a weapon on private property may limit law enforcement to address serious issues that occur within private

residences.

- It is preferred that the ordinance make an exception for individuals to carry a weapon “in a person’s own home/domicile.”
- There are currently a number of restrictions on a person’s right to bear arms.
- It was noted that law enforcement would need to be contacted in order to address a facsimile weapon situation occurring in a private residence.

City Manager, Michael Redlinger, stated that City staff will meet to summarize suggested changes and bring a proposed ordinance to a future City Council meeting for consideration.

2. [Outdoor Warning Sirens Discussion](#)

Minutes: Jeff Wallin, Assistant Fire Chief, provided a brief presentation entitled, “Indoor and Outdoor Warning Systems.”

Jeff Wallin, Acting Fire Chief Rich Duysen, and Byron Sieber, Director of Red River Regional Dispatch Center, clarified the following:

- Information provided by manufacturers indicates that outdoor warning systems are not designed to alert people indoors.
- The City of Moorhead currently has effective outdoor warning coverage.
- There are several alternatives for individuals to be alerted indoors to severe weather.
- Some individuals appear to believe that outdoor warning sirens are intended to warn people indoors. A public education program could be developed to address this misperception.
- Battery back-up systems do activate in cold weather. There may be some limitations in very cold weather environments.
- Currently the system is set up so that all sirens in the Fargo-Moorhead metro area are activated simultaneously. There is now technology available to more specifically target areas.
- Doubling the current outdoor siren coverage in the City would cost approximately \$300,000.
- It is currently unknown how to effectively place additional outdoor warning systems to warn people indoors due to the fact that the systems are not built with this intention.
- Code Red Weather Alert notifications are originated by the National Oceanic and Atmospheric Administration (NOAA) and will likely occur more quickly than alerts via outdoor warning sirens.
- The type of Code Red Weather Alerts received can be individually determined by residents.
- Code Red Weather Alerts and other indoor warning systems instruct

individuals on the reason for the alert whereas outdoor warning sirens do not.

- There are currently no outdoor warning sirens in Oakport Township. The City is aware of this need upon annexation.
- Participation in the Code Red Weather Alert system is low. It was noted that the weather alert system is a separate service from traditional Code Red.
- Individuals can contact the City of Moorhead by phone to sign up for Code Red Weather Alerts.

The Mayor and Council Members stated the following:

- Current siren notification does not appear to meet the needs and expectations of the community.
- It is preferred that outdoor warning sirens be more densely populated throughout the city.
- Information states that outdoor warning sirens do not do a good job of alerting people indoors.
- A comprehensive public education program would be very helpful for residents on the importance of obtaining indoor warning devices.
- People have an opportunity to be notified indoors with currently available systems.
- It could be valuable to add additional sirens as the city grows.
- Purchasing or bidding for the sale of NOAA Weather Radios in bulk may provide reduced rates for Moorhead residents.
- Concern was noted regarding lack of nearby designated safety areas for individuals living in mobile home parks.
- It would be helpful to display a map representing all siren coverage in the Fargo-Moorhead metro area.
- Cost estimates are needed for the proposed recommendations made by the Fire Department.

City Manager, Michael Redlinger, stated that it would be beneficial to convene public safety officials representing the larger metro area to determine a public safety educational plan regarding weather alerting.

3. [City Manager Reports](#)

- Minutes:
- City staff is working in conjunction with the City of Fargo on a joint street closure permit process.
 - City staff and Council Members Otto, Wray Williams, and Hintermeyer are meeting with Moorhead Public Service Commissioners and staff to discuss the transfer/revenue diversification task force.
 - Current labor negotiations are going well.

- Lakes and Prairies Community Action Council would like the City Council to consider a funding request. Information regarding the request will be forwarded to the Mayor and Council Members.

A. [2011 Operating and Capital Budget Discussion](#)

- Minutes:
- City staff continues to work on Council Member requests regarding fee schedule increases.
 - Consideration of Metro Youth Partnership funding will be considered at the November 22, 2010 City Council meeting.
 - City staff has requested a proposed 2011 budget from Moorhead Public Service.
 - The current budget designates a 1% staff wage adjustment for 2011.
 - City staff continues to research a Council Member question related to local tax collection.

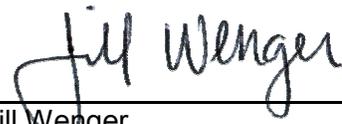
Meeting adjourned at 7:53 p.m.

APPROVED BY:

ATTEST:



Mark Voxland
Mayor



Jill Wenger
City Clerk

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

Respectfully submitted by:
Jill Wenger, City Clerk