



CHARTER COMMISSION MEETING AGENDA
August 03, 2011 - 7:30 AM
City Hall Boardroom

Moorhead City Charter Commission

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - A. May 4, 2011
4. Reports of the Chair, Officers, Commissions and Committees
5. Public Comment
6. Unfinished Business
 - A. Outcome of Proposed Charter Amendments
 - B. Elections by Ward
 - C. Oakport Annexation and Redistricting
7. New Business
8. Adjournment

**Moorhead City Charter Commission
Meeting Minutes
May 4, 2011 – 7:30 AM
City Hall Boardroom (1st Floor)**

Charter Commission Members:

At-Large Representative	Eileen Hastad	Present
At-Large Representative	Russell Hanson	Absent
At-Large Representative	Roger Buscher	Present
At-Large Representative	Ken Tangen	Present
At-Large Representative	Jim Danielson	Present
Ward 1 Representative	Darvin Landa	Present
Ward 1 Representative	Patricia Staples	Present
Ward 2 Representative	Travis Reimche	Present
Ward 2 Representative	Ronald Hagemann	Present
Ward 3 Representative	Tom Krabbenhoft	Present
Ward 3 Representative	Doug Fagerlie	Present
Ward 4 Representative	Yoke-Sim Gunaratne	Present
Ward 4 Representative	Dick Bolton	Present

City Staff:

City Clerk	Jill Wenger	Present
Assistant City Attorney	John Shockley	Present

Charter Commission Meeting

1. Call to Order

Minutes: Charter Commission Chair, Jim Danielson, called the meeting to order.

2. Roll Call

Minutes: Roll call of the Commission members was conducted.

3. Approval of Minutes

A. February 16, 2011

Minutes: It was noted that the spelling of Roger Buscher should be corrected in the February 16, 2011 minutes.

As amended, the minutes of February 16, 2011 were approved by unanimous vote.

4. Reports of the Chair, Officers, Commissions and Committees

A. Brief Self Introductions

Minutes: Those present provided a brief personal introduction.

B. Rotated Seating Discussion

Minutes: Chair Danielson recommended that members of the Commission consider sitting in a different location at each meeting. The group agreed that this practice would enable the group to become better acquainted.

5. Public Comment

Minutes: No citizens addressed the Commission

6. Unfinished Business

A. Mayoral Vacancy Proposal (Moorhead City Charter, Section 2.06)

Minutes: John Shockley provided Commissioners with a draft ordinance to amend and reenact Section 2.06 of the Charter of the City of Moorhead relating to vacancies in the office of Mayor or Council Member.

City staff clarified the following in response to Commission questions:

- A majority of the full Council is required to approve the mayoral appointment. In almost all cases this will require an affirmative vote of five Council Members.
- If a Council Member has a legal conflict with the appointment decision, they would not be counted toward the total number of the full Council for purposes of voting.
- Once appointed to the office of Mayor, the Council Member seat would become vacant. The Charter further describes the procedure for filling a vacancy of a Council Member.

Charter Commission Members noted the following:

- It is preferred that the appointment decision be made by a majority of the full Council as opposed to a majority of a Council quorum.

Motion to Approve made by Ken Tangen and seconded by Dick Bolton

Approve draft ordinance to amend and reenact section 2.06 of the charter of the City of Moorhead relating to vacancies in the office of Mayor or Council Member

Motion Passed

B. Fire hydrant fee discussion (Moorhead City Charter, Section 12.11, Subd. 2)

Minutes: John Shockley provided Commissioners with a draft ordinance to amend and reenact Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead relating to City use of utilities: transfer of funds.

Bill Schwandt, General Manager of Moorhead Public Service (MPS), provided a brief report and clarified the following in response to Commission questions:

- MPS recommends repealing Section 12.11, Subdivision 2 of the Moorhead City Charter as Subdivision 1 of this section states that the City and MPS will negotiate a reasonable rate for all utility products and services. Utility products, by definition, include fire hydrants.
- It is not known why the Charter currently details a fixed rate for fire hydrant fees.
- The hydrant rate currently listed is likely 40 years old and does not adequately account for both water usage and infrastructure costs.
- MPS rates and charges are determined through a “Utility Cost of Service Study” which is typically conducted every 5-7 years. The study provides MPS with reasonable justification for proposed fees.
- Increases in hydrant fee charges to the City would likely be slowly phased in over time.

Michael Redlinger, City Manager, provided a brief report and clarified the following in response to Commission questions:

- The hydrant fee outlined in the Charter is a very unique provision and does not exist with other fees and charges. This fixed rate does not appear to belong in a governance document such as the Charter.
- At an operational level finance directors from the City and MPS meet annually to determine reasonable utility fees and charges.
- At a policy level City Council Members and MPS Commissioners grant final approval over rates.
- City staff supports repeal of Section 12.11, Subdivision 2 of the Moorhead City Charter.

John Shockley, Assistant City Attorney, stated that “reasonable agreement” by court definition means that the negotiated amount of rates and charges would be considered realistic by a group of average, random people.

Motion to Approve made by Darvin Landa and seconded by Ronald Hagemann
Approve draft ordinance to repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead relating to City use of utilities: transfer of funds
 Motion Passed

C. Discussion Items

i. Elections by Ward

Minutes: Charter Commission Members noted the following:

- Compared to other cities, it appears rare that Moorhead elects two representatives from each of the four Wards and no at-large representatives.
- Also unique to Moorhead is the provision of a non-voting Mayor.

- It was noted that inclusion of at-large representatives to the City Council could be beneficial.

City staff clarified the following in response to Commission questions:

- The City Council must unanimously agree to any change in the City Charter or the proposed change could be determined by public vote.

Several Commissioners indicated that provisions of Council representation requirements and mayoral voting should be further considered by the Charter Commission. It was requested that City staff provide the Charter Commission with information from other comparable cities regarding:

- Council size
- Voting structure
- Ward and/or at-large representation requirements
- Historical background on the rationale for current Moorhead City Council Ward representation requirements
- Any state mandated rules regarding the composition of city councils

ii. Oakport Annexation and Redistricting

Minutes: Charter Commission Members noted the following:

- The City will need to be mindful of Oakport's upcoming annexation during the redistricting process.

City staff clarified the following in response to Commission questions:

- Official annexation of Oakport will be January 1, 2015.
- The population at annexation is estimated at over 2,000.
- The City is not required to redistrict its Ward and Precinct boundaries until after the State completes its legislative redistricting in 2012.

It was requested that City staff provide the Charter Commission with the following information:

- Relevant data from the 2010 U.S. Census.
- Information from the Secretary of State's Office regarding the redistricting process.

7. New Business

Minutes: No new business was presented for discussion.

8. Adjourn

Minutes: Meeting adjourned at 8:46 a.m.

*Respectfully submitted by:
Jill Wenger, City Clerk*

DRAFT

City of Moorhead
City Council Meeting
EXCERPT OF MEETING MINUTES
June 13, 2011 at 5:30 PM
City Hall Council Chambers

Pursuant to due call and notice thereof, a regular meeting of the City Council Meeting was held in the City Hall Council Chambers, on June 13, 2011, 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

Public Hearings

11. Public Hearing on the Proposal of Moorhead City Charter Amendments by the Charter Commission

Minutes: Public hearing opened at 6:18 p.m.

Jill Wenger, City Clerk, provided a brief overview of the proposed Charter amendments.

No citizens addressed the Mayor and Council.

Public hearing closed 6:19 p.m.

- A. Resolution to Approve Second Reading of Ordinance 2011-07, An Ordinance to Amend and Reenact Section 2.06 and to Repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead

Minutes: The Mayor and Council Members stated the following:

- It is preferred that Ordinance 2011-07 be divided and considered separately and that second consideration of the repeal of Subdivision 2 of Section 12.11 be postponed until the City and Moorhead Public Service (MPS) discuss hydrant fee rates as part of all utility fees and charges.
- It was requested that City staff provide information to the Mayor and Council regarding hydrants outside of the City's taxing authority.

City staff clarified the following in response to Mayor and Council questions:

- MPS will be conducting a cost analysis to capture the true cost for hydrant water usage and infrastructure expenses.

- The City and MPS staff meet annually to negotiate utility fees and charges between the two entities.

It was requested that City staff provide the Mayor and Council with a briefing memo following discussion with MPS regarding revised hydrant fees.

Motion to Approve made by Diane Wray Williams and seconded by Dan Hunt
Split Ordinance 2011-07 to remove the Repeal of Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead
Motion Passed

For: 8

Motion to Approve made by Mark Altenburg and seconded by Diane Wray Williams
Resolution to Approve Second Reading of Ordinance 2011-07, An Ordinance to Amend and Reenact Section 2.06 of the Charter of the City of Moorhead

Motion Passed: **2011-0613-4**

For: 8

Motion to Approve made by Luther Stueland and seconded by Diane Wray Williams
Resolution to Approve Second Reading of Ordinance 2011-07, An Ordinance to Repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead

Motion to Table made by Mark Hintermeyer and seconded by Nancy Otto

Motion to Table Approved

For: 8

B. Resolution to Approve Title and Summary of Ordinance 2011-07

Minutes: It was noted that the Title and Summary of Ordinance 2011-07 should be amended based on the revised resolution.

Motion to Approve made by Mark Altenburg and seconded by Dan Hunt
Resolution to Approve Title and Summary of Ordinance 2011-07 as amended

Motion Passed: **2011-0613-5**

For: 8

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

Respectfully submitted by:
Jill Wenger, City Clerk

**ELECTIONS BY WARD
City Comparisons**

City	Population (2010)	Districts / Wards	Mayor Votes	Total Council Size	Elected at Large	Elected by Ward	<i>Reps per Ward</i>	Other
Blaine	57,186	3	Yes	6	0	6	2	
Bloomington	82,893	4	Yes	6	2	4	1	
Brooklyn Center	30,104	0	Yes	4	4	0	0	
Brooklyn Park	75,781	3	Yes	6	0	6	2	
Coon Rapids	61,476	5	Yes	6	1	5	1	
Crystal	22,151	4	Yes	6	0	4	1	2 by Section*
Fridley	27,208	3	Yes	4	1	3	1	
Mankato	39,308	5	Yes	6	1	5	1	
Minnetonka	49,734	4	Yes	6	2	4	1	
Moorhead	38,065	4	Yes (if tie)	8	0	8	2	
Plymouth	70,576	4	Yes	6	2	4	1	
Richfield	35,228	3	Yes	4	1	3	1	
St. Louis Park	45,250	4	Yes	6	2	4	1	
White Bear Lake	23,797	5	No	5	0	5	1	
Winona	27,592	4	Yes	6	2	4	1	

* Section 1 - Ward 1 & 2; Section 2 - Ward 3 & 4

MEMORANDUM

TO: Moorhead City Charter Commission
FROM: John T. Shockley
DATE: June 16, 2011
RE: Annexation of Oakport/Ward Boundaries



I. QUESTION PRESENTED

What will the effect of the 2015 Oakport annexation be on Moorhead ward boundaries?

II. SHORT ANSWER

Moorhead city ward boundaries will be adjusted in accordance with state law in 2021 or 2022. See Minn. Stat. § 204B.135 and Minn. Stat. § 205.84.

III. LAW AND ANALYSIS

The City of Moorhead has previously annexed land into the city. After annexation occurs, the city clerk, in accordance with election laws, establishes a new precinct within the annexed area until formal redrawing of ward boundaries occurs in conformance with Minnesota state law.

By statute, second, third and fourth class¹ cities may only redistrict after the Minnesota legislature has redistricted in years ending 1 or 2, which follow the national census. Minn. Stat. § 204B.135. The annexation of Oakport will occur in 2015. The next US census will occur in 2020 and the Minnesota legislative redistricting will occur thereafter. Thus, in 2021 or 2022, the city of Moorhead, in accordance with state law, will redraw its ward boundaries. Minn. Stat. § 205.84. Thus, the issue of the annexation of Oakport and the redrawing of ward boundaries is somewhat automatic not requiring any action by the City of Moorhead until 2021 or 2022.

JTS:klt

From the desk of:
John T. Shockley
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, ND 58078-0458
TEL (701) 282-3249
FAX (701) 282-0825

¹First class cities are required to redraw ward boundaries if a ward changes by more than five percent in number of citizens.