



# **AIRPORT COMMITTEE MEETING AGENDA**

## **March 19, 2014 - 8:00 AM**

### **City Hall Boardroom**

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#### **Call to Order**

#### **Roll Call**

#### **Approval of Minutes**

1. December 11, 2013 Charter Commission Minutes

#### **Reports of the Chair, Officers, Commissions and Committees**

2. Introduction of New Member/Administer Oath of Office

#### **Public Comment**

#### **Unfinished Business**

3. Role of Legal Counsel in Relations to Charter Commission

#### **New Business**

4. Approval of Moorhead City Charter Commission 2013 Annual Report
5. Set 2014 Meetings of the City Charter Commission
6. Election of Officers: Chair, Vice Chair, Secretary

#### **Adjourn**





**City of Moorhead**  
**Moorhead Charter Commission**  
**Meeting Minutes**  
**December 11, 2013 at 8:00 AM**  
**City Hall Boardroom**

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**Roll call of the members was made as follows:**

Board Member:	James Danielson	Arrived at 8:11 am
Board Member:	Francine Gilmore	Present
Board Member:	Eldon Wollman	Present
Board Member:	Kenneth Tangen	Present
Board Member:	Russell Hanson	Arrived at 8:24 am
Board Member:	Darvin Landa	Absent
Board Member:	James Steen	Present
Board Member:	Ronald Hagemann	Present until 9:10 am
Board Member:	Athena Gracyk	Absent
Board Member:	Douglas Fagerlie	Present
Board Member:	Thomas Krabbenhoft	Present
Board Member:	Richard Bolton	Present
Board Member:	Yoke-Sim Gunaratne	Present until 9:20 am

**Call to Order**

Minutes: Chair Bolton called the meeting to order.

**Roll Call**

Minutes: Roll call of the Commission members was noted.

**Approval of Minutes**

August 7, 2013 Minutes

Minutes: Douglas Fagerlie noted the correction of 9:20 am instead of pm for the adjourned time along with adding "maximum" of 25% of gross revenues is transferred.

Motion to approve minutes of August 7, 2013 as amended by Fagerlie seconded by Landa; motion approved by unanimous vote.

**Reports of the Chair, Officers, Commissions and Committees**

Introduction of New Members & Administered Oaths of Office

**Public Comment**

John Bolger, Moorhead Public Service Attorney, submitted a memo in response to John Shockley, City Attorney, memorandum to the Charter Commission. MPS believes the

system that we have now works, two members of the City Council and two members of the MPS Commission are meeting to discuss the transfer.

John Shockley, City Attorney, provided a brief history on this issue and provided a possible interpretation of the MN Statute 645.16. The Charter Commission has not made any indication of any possible change.

Council Member Otto announced that it's a balance of power, having the word "net" in the Charter gives MPS all the power, they set their rates to pay for expenditures, if there are no extra funds, the City does not receive that transfer. The City brings in the businesses, we do the lobbying, and until recently it was a partnership.

Motion to remove from the table made by Danielson seconded by Krabbenhoft; motion approved by unanimous vote.

Motion was made to not make any changes to the Charter at this time made by Steen, seconded by Landa; motion approved by unanimous vote.

### **Unfinished Business**

Update on Even Year Election Charter Change

Minutes: Michelle French, City Clerk, provided a brief update on the results of the election. John Shockley, City Attorney, explained the next steps to implementing the change.

Charter Commission members thanked Kenneth Tangen on the leadership role on the election.

Update on Council Authority and Moorhead Public Service Commission Authority

### **New Business**

Role of Legal Counsel in Relation to Charter Commission

Minutes: Motion to table made by Tangen seconded by Fagerlie; motion approved by unanimous vote.

### **Adjourn at 9:45 am**

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

*Respectfully submitted by:*  
*Michelle French, City Clerk*



## Memorandum



# MOORHEAD CHARTER COMMISSION 2013 Annual Report

The Moorhead City Charter Commission met four times in 2013 – February 6, May 1, August 7, and December 11. The topics discussed by the Charter Commission and any outcomes reached on these matters are outlined below.

### **Election of officers**

Chair – Richard Bolton

Vice Chair – Russell Hanson

Secretary – Ronald Hagemann

### **Fire Hydrant Fees**

The Mayor and City Council suggested that the Moorhead Public Service Commission review and adopt the MOU before the City Council approves the recommended City Charter change.

MPS staff requested minor changes to the proposed MOU. As of this date, MPS has not provided the City Attorney with proposed amended language. Once the MOU is accepted by MPS and the Council, the Mayor and Council intend to remove any references to hydrant fees from the Moorhead City Charter.

### **Continuity of Government**

On February 11, 2013, the Moorhead City Council held a public hearing of Ordinance 2013-02, An Ordinance to Create and Enact Section 2.12 of the Charter of the City of Moorhead Relating to Continuity of Government. No citizens addressed the Mayor and Council during the public hearing. It was explained that first consideration of the ordinance would take place on February 25, 2013 when the Mayor and all Council members were present for the vote. The public hearing was held open.

On February 25, 2013 the public hearing was continued. No citizens addressed the Mayor and Council during the public hearing. The first consideration of Ordinance 2013-02 was held. The motion failed by a vote of 5-4. For: Luther Stueland, Heidi Durand, Mark Altenburg, Mike Hulett, Mark Voxland; Against: Nancy Otto, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz. Charter amendments must be approved by a unanimous vote of the Mayor and all Council members.

Some of the stated reasons that there was not support for the proposed amendment were as follows:



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- There was preference to address the issue of Continuity of Government by resolution instead of a Charter change.

Because the proposed Charter amendment failed the first reading, a second reading will not be conducted; however, the Charter could elect to bring forward this proposal again, or offer a different proposal related to Continuity of Government in the future.

On May 28, 2013, the Moorhead City Council approved Resolution 2013-0528-6 with a 5-3 vote. For: Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, and Mark Hintermeyer. Against: Luther Stueland, Brenda Elmer, and Steve Gehrtz.

On June 27, 2013, I received a memorandum from Michael Redlinger, City Manager, designating Scott Hutchins, Deputy City Manager, as the Emergency Interim Successor.

### Even Year City Election

The first reading of the Proposed Charter Amendment relating to General Elections was held at the June 25, 2012 City Council Meeting. The motion failed by a vote of 1-7. For: Luther Stueland; Against: Nancy Otto, Heidi Durand, Mark Altenburg, Mike Hulett, Brenda Elmer, Mark Hintermeyer, Steve Gehrtz.

Some of the stated reasons that there was not support for the proposed amendment were as follows:

- Odd year City General Election establishes a maximum focus on City issues.
- Odd year City General Election is non-partisan.
- Voters coming to the polls for the City General Election are more informed.

Because the Proposed Charter Amendment failed the first reading, a second reading will not be conducted; however, the Charter could elect to bring forward this proposal again, or offer a different proposal related to General Elections in the future.

For the 2013 Election, the City of Moorhead being one of the 12 second class cities to hold an odd year election was asked to participate in an ePollbook pilot. Council Member Altenburg contacted the City Clerk about changing to even year elections due to the high costs of odd year elections and the possibility of mandated ePollbooks. The City Clerk provided a brief presentation on what the City of Moorhead voter turnout has been in both odd and even year elections, potential costs, and next steps.

The Charter Commission brought the odd/even year change to the vote of the people on the November 5, 2013 ballot. Results on Election Night: **Total Votes: Yes: 3137 No: 2386**

The Charter Amendment will become effective on December 5, 2013. See Minn. Stat. § 410.12, subd. 4. The City Council has the authority to enact an ordinance which would provide for the orderly



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transition of elected officials' terms from odd to even numbered years. Minn. Stat. § 205.07, subd. 1. State law leaves open the form of an orderly transition ordinance. The City Council could enact an orderly transition ordinance that would shorten the terms of all current and newly elected council members to three year terms, resulting in the current sitting City Council members positions expiring on 12/31/2014 and the newly elected council members and mayors terms expiring in 12/31/2016.

In the event that the City Council **does not adopt** an ordinance governing the transition, state law provides that the term of the incumbent is by default extended to the subsequent even year. Id. The default rule would mean that those elected officials whose terms were previously expected to expire on 12/31/2015 would be extended to 12/31/2016. Similarly, under the default rule, those newly elected officials whose terms were anticipated to expired on 12/31/2017 would be extended to 12/31/2018. Thus, if the City Council desired to simply follow the default rule, the only ordinance amendment that would be needed would to 1-5-3, changing the reference from odd to even.

If the City Council desired to shorten the terms of the current City Council members it would need to enact and have publication of the amendment to 1-5-3 by or before March 8, 2014, in order to allow current sitting City Council members to run for re-election in November of 2014.

On January 27, 2014, a motion was made by Steve Gehrtz and Seconded by Nancy Otto to decrease the Council terms by one year. Motion failed with a 2:6 vote. For: Nancy Otto and Steve Gehrtz. Against: Mari Dailey, Jim Haney, Heidi Durand, Mike Hulett, Brenda Elmer, and Chuck Hendrickson. Thus,

At any time after December 5, 2013, the City Council will need to amend Section 1-5-3 of the Moorhead City Code to amend the section to provide for *even* year elections in accordance with the amended Moorhead City Charter.

On February 10, 2014, the Frist Reading of Ordinance No. 2014-02: an Ordinance to Amend and Reenact Section 1-5-3 of the Moorhead Municipal Code Relating to Mayor and Council Elected in Even Numbered Years. Motion was made by Heidi Durand and Seconded by Jim Haney. Motion Passed 6:2. For: Mari Dailey, Jim Haney, Heidi Durand, Mike Hulett, Brenda Elmer, and Chuck Hendrickson. Against: Nancy Otto and Steve Gehrtz.

On February 24 and March 10, 2014, the Second Reading of Ordinance No. 2014-02 has been tabled. The second reading of the Ordinance will be reconsidered on March 24, 2014.

### **Council Authority and Moorhead Public Service Commission Authority**

Two representatives from the City and two representatives from MPS have been meeting to discuss the relationship between the City and MPS, the transfer and other related matters. Once they have completed these discussions a report of the results of those discussions will be brought back to the Charter Commission.



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### **Role of Legal Counsel in Relation to Charter Commission**

The costs of the legal services to the Charter Commission are included within the services covered by the monthly retainer rate. The City Attorney's role for the Charter Commission is to assist the Charter Commission in drafting, framing and developing charter amendments or revisions. The City Attorney also works with the District Court regarding formal appointments to the Charter Commission and provides research of legal questions when directed. At this time of this report the Charter Commission is still reviewing the role of legal counsel.

Respectfully submitted:

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\_\_\_\_\_, *Charter Commission Chair*

Date \_\_\_\_\_



