

**City of Moorhead
Committee of the Whole
Meeting Minutes
April 19, 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 April 19, 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

1. [Human Rights Commission Presentation: Domestic Partner Registry](#)

Minutes: Michael Redlinger, City Manager, stated that both agenda items for this meeting were placed on the agenda at the request of the Moorhead Human Rights Commission. He added that City staff would like feedback from the Mayor and Council on further direction following the presentations and discussion.

Octavio Gomez, Chair of the Moorhead Human Rights Commission, spoke briefly about the mission of the Human Rights Commission and stated that drafting an ordinance for a domestic partner registry would provide many benefits.

Mark Chekola, Moorhead resident, urged the Council to support a domestic partner registry. He stated that individuals who identify themselves as gay, lesbian, bisexual, transgender, or questioning (GLBTQ) find little support or recognition. This ordinance would serve as a way to document relationships and could be extremely useful for couples wishing to access medical information and participate in medical decisions with their partner.

Chris Whitsel, Moorhead resident, stated that he supports an ordinance for a domestic partner registry. He and his partner chose to live in Moorhead, MN over Fargo, ND because they believed it was a more inclusive and safe community. They have purchased a home in Moorhead and conduct their shopping, banking, and religious activities in Moorhead.

Joshua Boschee, President of the Pride Collective & Community Center, stated that his organization focuses on the social and health needs of those in the GLBTQ community. He stated that they have a growing community membership and hold several events each year. He added that their organization is looking to Moorhead to advance equality and inclusion by adopting a domestic partner registry ordinance, as Minnesota has a rich

history of advancing social justice issues.

Boschee stated that similar ordinances have been adopted in Minneapolis, St. Paul, and Duluth. Registration is managed by City staff and has been a modest revenue generator in these cities. The ordinance would be inclusive beyond same sex couples. He stated that language in the ordinance clarifies that it would include any two people of legal age in a committed relationship.

Boschee added that an ordinance of this type would provide a clear definition of domestic partnership often needed by small businesses looking to offer medical benefits for domestic partners.

Boschee clarified the following points for Council:

- He believes that the ordinance is better suited to be addressed by the City of Moorhead, rather than Clay County.
- An ordinance would not mandate local businesses to offer medical benefits for domestic partners, nor would it require local businesses to accept the City's definition of domestic partnership.
- Approval of the ordinance would not obligate the City to offer health benefits for domestic partners.
- Documentation of dissolution of a partnership would also be handled through the registry.
- Several large employers in the area provide health benefits for domestic partners.
- The registry would be a public document and the contents would be available as a matter of public record.
- The State of Minnesota does not have a statewide domestic partnership registry.
- A registry would provide clear documentation that the relationship is serious and that individuals are not taking advantage of local businesses offering benefits for domestic partners.

The Mayor and Council requested that Redlinger provide Council with domestic partnership registry ordinance and fee information from Minneapolis, St. Paul, and Duluth. Redlinger will draft a letter to the Clay County Board of Commissioners outlining the City Council's recommendation that the Board consider a Countywide registry program.

2. [Human Rights Commission Presentation: Separation Ordinance Presentation](#)

Minutes: Octavio Gomez, Chair of the Moorhead Human Rights Commission, stated that the commission is in support of the creation of a separation of power ordinance prohibiting the Moorhead Police Department from participation in the United States Immigration and Customs Enforcement 287(g) Memorandum of Agreement.

A group called "Strengthening Community Trust in Law Enforcement" has encouraged local law enforcement to support them in the development of a separation of powers ordinance. He introduced the following group members who were present to share their stories and perspectives: Raul "Papo" Fernandez, Executive Director of Centro Cultural de Fargo/Moorhead; Fidela Jones; Ihsan "Suna" Ohsman; and Lysa Ringquist, People Escaping Poverty Project.

The presenters shared the following information:

- Their group has been working to strengthen trust between immigration groups and law enforcement. The effort began with members who have been questioned by law enforcement on their immigration status.
- Eighty other cities have passed separation of power ordinances in their municipalities.
- An ordinance would begin to build community trust with the City, thereby improving City infrastructure and schools.
- This is not just an immigrant issue, but one that affects all people of color.
- Immigrants and persons of color are less likely to call for help or report crimes and they often live in fear in many areas of their life.
- There is an eroding trust between local law enforcement in communities of color.
- The population of people of color in Moorhead is expected to more than triple between 2000 to 2030. As a community, Moorhead needs to prepare for this growth.
- Local law enforcement has stated that they do not enforce immigration laws. This ordinance would formalize that policy.
- An ordinance would allow the public to be educated on a clear separation of powers, thereby building trust with local law enforcement.

Police Chief David Ebinger of the Moorhead Police Department (MPD), shared the following information with the Mayor and Council:

- MPD is in strong opposition to a separation of powers ordinance.
- Law enforcement inquiry into a person's citizenship status is a legitimate part of police investigation. Officers are required to verify the identity of individuals to ensure the person is not a fugitive or under arrest warrant.
- Local law enforcement relies on collaboration and assistance with Federal partners, particularly in drug trafficking cases. A separation of powers ordinance would seriously interfere with investigations in these types of cases.
- An ordinance would create an environment where MPD would be less effective, thereby causing serious harm to citizens in the community.
- The department has a transparent complaint process. Individuals can anonymously report any incidents of police misconduct and it will be fully investigated.
- MPD does not use Immigration and Customs Enforcement (ICE) officers to conduct translation.
- MPD does not enforce immigration law; however officers are required to inform applicable agencies if they become aware of an illegal immigrant.
- MPD recognizes the value of working to build better trust and decrease fear with some portions of the community. The department does not feel an ordinance is the best way to achieve these goals. MPD would like to engage immigrant and multicultural communities to collectively work on this goal along with other area law enforcement agencies.

The Mayor and Council requested that Chief Ebinger draft an internal document outlining their informal policy wherein officers do not generally ask citizens their immigration status, only if it is pertinent to the investigation. The Chief was also encouraged to reach out to the community in cooperation with other local law enforcement agencies.

3. City Manager Reports

Minutes: Redlinger stated that the Downtown Community Partnership will be promoting an "Adopt-a-Flowerbasket" program for businesses to assist the City in beautifying the downtown area.

City staff continues to work with the Board of Directors of the Rourke Art Museum to reach a long-term lease agreement and roof repair repayment schedule for the Mayor and Council to consider. Negotiations are moving in a positive, productive direction.

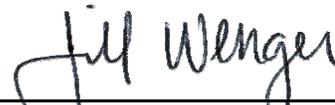
The Board of the YMCA has informed City staff that there may not be a YMCA facility built in Moorhead in the near future. The Board continues to evaluate their mid-to long-range plans, but remains committed to a future YMCA facility in Moorhead. The City may decide to consider other opportunities for the land originally designated for the purpose of hosting the facility.

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