



**CHARTER COMMISSION MEETING AGENDA**  
**September 23, 2020 - 8:00 AM**  
**Virtual Meeting**

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**Call to Order**

**Roll Call**

**Approval of Minutes**

1. September 16, 2020 Meeting Minutes

*Majority of Quorum*

**Unfinished Business**

2. Hiring a Conflict Attorney for the Charter Commission to Address the Question of Appointment of Elected Officials to the Moorhead Public Service Commission

**Adjourn**





**City of Moorhead  
Charter Commission  
Meeting Minutes  
September 16, 2020 at 8:00 AM  
Virtual Meeting**

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

Board Member:	Russell Hanson	Present – video
Board Member:	Thomas Krabbenhoft	Present – video
Mayor:	Johnathan Judd	Present – video
Board Member:	Julian Dahlquist	Present – video
Board Member:	Eldon Wollman	Present – video
Board Member:	Corey Delorme	Present – video
Board Member:	Athena Gracyk	Absent
Board Member:	Dave Sederquist	Absent
Board Member:	Cathi Chial	Absent
Board Member:	Mark Voxland	Absent
Board Member:	Joel Rehder	Absent
Board Member:	James Steen	Present – in chambers

**Also in Attendance:**

Acting City Manager, Dan Mahli – in chambers  
Resident, Bill Schwandt - video  
City Clerk, Christina Rust – in chambers

Call to Order and Roll Call

Approval of Minutes

1. June 19, 2019 Meeting Minutes

**Motion to Approve Consent Agenda made by Corey Delorme and seconded by Thomas Krabbenhoft**

Motion Passed

For: 6

Absent: 5

Reports of the Chair, Officers, Commissions and Committees

There were no reports from the chair, officers, commissions, or committees.

Public Comment

There was no public comment.

Unfinished Business

There was no unfinished business.

## New Business

### 2. Statement Related to the Declared Conflict from the City Attorney's Office

Minutes: City Clerk Christina Rust read the following declared conflict from the City Attorney received by City Manager Chris Volkens and sent to Chair Jim Steen on March 14, 2020.

*Upon review of the proposed actions or charter amendments that would be required regarding agenda items 3, 4 and 5, the Moorhead City Attorney determined that he and his office had a conflict for the following reasons:*

*Item 2 would require the City Attorney to prepare a Charter Amendment that would impact both the legal authority of both the Moorhead City Council and the Moorhead Public Service Commission. As a result, it is appropriate to have an external attorney provide advice to the Charter commission on this issue. With respect to Item 3, reductions in the water and electric utility transfer rate may have serious impacts on; (1) the amount of general property taxes collected by the City; (2) the previously negotiated transfer agreement(s) between MPS and the City; and (3) the MPS utility bond issues previously issued by the City on behalf of MPS. Please note that since MPS is not a separate political subdivision, the City must issue bonds for MPS as per the Charter. The City Attorney also serves as bond counsel for the City, so charter amendments relating to the water and electric utility transfer can have implications for both the Moorhead City Council and Moorhead Public Service Commission. As a result it is appropriate to have an external attorney provide advice to the Charter commission on this issue. Finally, a Charter Amendment relating to City Council member Per Diems directly relates to City Council member reimbursements for City Council member attendance at meetings outside of the City of Moorhead and is intended to reimburse City Council members for mileage and other expenses incurred while attending other required meetings. As a result, working on such an amendment would place the City Attorney in a potential conflict with the City Council.*

### 3. Appointment of Elected Officials to Moorhead Public Service Commission

Minutes: Chair Steen read a City of Moorhead resolution from the 1890's related to the municipal utility and shared information from the League of Minnesota Cities. Corey Delorme asked that the information be sent to all members to review. Chair Steen offered to reach out to an attorney and asked Acting City Manager Dan Mahli to assist in identifying an attorney to work with the Charter Commission. Charter Commission members would like to make a decision on legal representation and set a meeting for September 23, 2020.

**Motion to immediately hire legal counsel to guide the charter made by Thomas Krabbenhoft and seconded by Corey Delorme**

Motion Passed

For: 5

Against: 1 Julian Dahlquist

Absent: 5

4. Set December 16, 2020 as Annual Meeting

Minutes: Election of Officers was set to take place in December. However, the City Charter states election of officers must take place during the first meeting of the year, which is this current meeting.

**Motion to approve officers as they are until the annual meeting made by Corey Delorme and seconded by Eldon Wollman**

Motion Passed

For: 6

Absent: 5

5. Other Business

Minutes: Chair Steen stated in February of 2019 the City Council approved per diems for City Council members. There was discussion about per diems being an operational or City Charter matter.

**Motion to adjourn at 8:59 am**

Respectfully submitted by:  
Christina Rust, City Clerk

DRAFT