

**City of Moorhead
Committee of the Whole
Meeting Minutes
November 14, 2011 at 5:00 PM
1st Floor Boardroom**

Pursuant to due call and notice thereof, a regular meeting of the Committee of the Whole was held in the 1st Floor Boardroom, on November 14, 2011, at 5:00 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 beginning at 5:04 p.m.
4th Ward Council Member:	Mark Hintermeyer	Present
4th Ward Council Member:	Greg Lemke	Absent
Mayor:	Mark Voxland	Present

Committee of the Whole Meeting

City Attorney and Prosecutorial Services Discussion

Minutes: Mayor Voxland called the meeting to order.

Prosecutorial Services Discussion

The Mayor and Council Members stated the following:

- The Clay County Attorney's Office appears to be best prepared to provide prosecutorial services due to their current location, access to technology, and quality of service.

City staff and Michelle Winkis Lawson, Chief Assistant Attorney with the Clay County Attorney's Office, clarified the following in response to Mayor and Council questions:

- The Clay County Attorney's Office employs two attorneys and two secretaries to provide City of Moorhead prosecutorial services. These staff members also provide prosecutorial services to the cities of Hawley, Barnesville, Glyndon, and Dilworth.
- Due to Moorhead's significant caseload, this staffing level would remain consistent even without services to smaller Clay County communities.
- Payments received by the City of Moorhead from these smaller communities assists to offset prosecutorial service expenses and maximize resources.
- The figure used to calculate costs assessed to smaller Clay County communities are based on caseload percentage.

The Mayor and Council requested further information on prosecutorial service contract overages in previous years.

The City Manager was directed to conduct negotiations with the Clay County Attorney's office for a prosecutorial services contract.

City Attorney Services Discussion

Michael Redlinger, City Manager, stated that it is staff's recommendation that Ohnstad Twichell be retained at the City Attorney. Based solely on the requirements provided in the Request for Qualifications (RFQ), the staff review panel rated Ohnstad Twichell the highest by a significant margin as compared to the other candidates. Redlinger clarified the following in response to Mayor and Council questions/comments:

- Any change in City Attorney services would require a thoughtful transition plan.
- There would be added costs to compensate two firms during a transition period.
- The Council may want to consider retaining Ohnstad Twichell for some matters, such as litigation cases, even if another firm is selected.

The Mayor and Council Members stated the following:

- It appears that Ohnstad Twichell has the most significant municipal experience and is the only candidate qualified to serve as bond counsel.
- Concern was noted that Flaherty and Hood would not retain an office in Moorhead to provide City Attorney services.
- Wold Johnson appears to have adequate municipal experience.
- It may be too costly to employ two firms during a transition period.
- A change in City Attorney services may cause disruption to City staff.
- Concern was noted regarding Ohnstad Twichell's representation of both Moorhead and West Fargo in Fargo-Moorhead Diversion Project matters and potential competing interests.

The Mayor and Council directed the City Manager to seek clarification on the following:

Ohnstad Twichell

- Could John Shockley be assigned as the principal attorney from Ohnstad Twichell and would this assignment reduce City Attorney service costs?
- Would Ohnstad Twichell be willing to serve as bond counsel if another firm is selected as City Attorney and what would be the

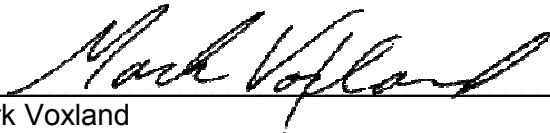
itemized cost for this service?

- What is the estimated number of hours that would be required to transition files if another firm is selected as City Attorney and would Ohnstad Twichell consider a retainer beyond December 2011 to assist in a transition?

Wold Johnson

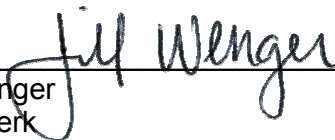
- Does Wold Johnson have the ability to represent the City of Moorhead and conduct all legal services related to the Fargo-Moorhead Diversion Project?

APPROVED BY:



Mark Voxland
Mayor

ATTEST:



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*