



CHARTER COMMISSION MEETING AGENDA

December 16, 2020 - 8:00 AM

City Hall Boardroom

Call to Order

Roll Call

Approval of Minutes

1. September 23, 2020 Meeting Minutes

Reports of the Chair, Officers, Commissions and Committees

Public Comment

Unfinished Business

2. Elected Officials Serving on Public Utility Commissions

New Business

3. Approve 2019 Annual Report
4. Next Meeting - January 20, 2021 - 8:00 a.m.

Adjourn



**City of Moorhead
Charter Commission
Meeting Minutes
September 23, 2020 at 8:00 AM
Virtual Meeting**

Roll call of the members was made as follows:

Board Member:	Corey Delorme	Present – Video
Board Member:	Julian Dahlquist	Present – Video
Board Member:	Athena Gracyk	Present – Video – joined approx. 8:06am
Board Member:	Thomas Krabbenhoft	Present – Video
Board Member:	Joel Rehder	Present – Video
Board Member:	James Steen	Present – Video
Board Member:	Mark Voxland	Present – Video
Board Member:	Cathi Chial	Absent
Board Member:	Russell Hanson	Absent
Board Member:	Dave Sederquist	Absent
Board Member:	Eldon Wollman	Absent

Also in Attendance:

Acting City Manager Dan Mahli – In Chambers
City Clerk, Christina Rust – In Chambers
Moorhead Resident Bill Schwandt – Video

Call to Order & Roll Call

Approval of Minutes

1. September 16, 2020 Meeting Minutes

Motion made to Approve September 16, 2020 Meeting Minutes with Mark Voxland and Joel Rehder were in attendance at the meeting made by Julian Dahlquist and seconded by Corey Delorme

Motion Passed

For: 6 - Corey Delorme, Julian Dahlquist, Thomas Krabbenhoft, Joel Rehder, James Steen, Mark Voxland

Absent: 5 - Cathi Chial, Athena Gracyk, Russell Hanson, Dave Sederquist, Eldon Wollman

Unfinished Business

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

Minutes: Two conflict attorney options were shared with the Moorhead Charter Commission. They are Attorney Randy Stefanson and Detroit Lakes City Attorney Charles Ramstad. As part of the service, Mr. Ramstad would assist the Charter Commission with Charter related questions and process, and not give an opinion about amending the City Charter. In contrast, Mr. Stefanson would assist the Commission with Charter questions and process, and also offer an opinion. The Charter Commission discussed the matter.

Motion made for the Charter Commission to Approve Hiring Conflict Attorney Randy Stefanson to Address the Question of Appointment of Elected Officials to the Moorhead Public Service Commission made by Thomas Krabbenhoft and seconded by Joel Rehder

Motion Failed

For: 3 - Thomas Krabbenhoft, Joel Rehder, James Steen

Against: 4 - Corey Delorme, Julian Dahlquist, Athena Gracyk, Mark Voxland

Absent: 4 - Cathi Chial, Russell Hanson, Dave Sederquist, Eldon Wollman

Motion to ask the League of Minnesota Cities what is happening across the State of MN in regard to Elected Officials serving on Water, Power and Light Utility Commissions made by Mark Voxland and seconded by Athena Gracyk

Motion Passed

For: 7 - Corey Delorme, Julian Dahlquist, Athena Gracyk, Thomas Krabbenhoft, Joel Rehder, James Steen, Mark Voxland

Absent: 4 - Cathi Chial, Russell Hanson, Dave Sederquist, Eldon Wollman

Minutes: Acting City Manager Dan Mahli was asked to reach out to the League of Minnesota Cities.

Meeting Adjourned at 9:02am

Respectfully submitted by:

Christina Rust, City Clerk



MEMORANDUM

Date: December 9, 2020

To: Moorhead Charter Commission

From: Dan Mahli, Acting City Manager

Re: Elected Officials Serving on Public Utility Commissions

At the September 23 Charter Commission meeting, commissioners asked that I reach out to the League of Minnesota Cities for information related to elected officials serving on local boards and commissions, specifically, public utility commissions.

As a general summary, while the League of Minnesota Cities does not have a person that specializes in the specific area of elected city council members serving on public utility commissions, it is clear that the question can be a source of conflict between city councils and public utility commissions. That said, we did connect with League Staff Attorney Kevin Toskey to find information (ktoskey@lmc.org & 651-281-1292). First, the League Handbook for MN Cities goes over independent boards and commissions in depth on pages 29-33:

- www.lmc.org/resources/handbook-for-minnesota-cities-chapter-6-elected-officials-and-council-structure-and-role/

The long & short, there are commissions that have some independent authority and others that are advisory only. Any city can create an advisory board on certain issues (parks, finance, environment, human rights, arts & culture, etc.) and prescribe membership requirements by ordinance. Public utility commissions formed by statutory cities are subject to Minnesota Statute 412.341, which mandates a 3-person PUC. No more than one member can be a city council member. Home rule charter cities like Moorhead are not bound by this law, and may create their own PUCs with membership, terms, etc, dictated by the city charter, as Moorhead does.

If the city has the legal authority and wishes for council members to serve on these types of boards (which it appears Moorhead does at this time), most charter provisions appear to limit council member membership to one, at the most two, council members. There may also be difficulty when council members serve on commissions and what happens when their council term ends.

If you would like more information, please let me know. Thank you.



MOORHEAD CHARTER COMMISSION

2019 Annual Report

The Moorhead City Charter Commission met three times in 2019 - January 15th, March 20th and June 19th. The topics discussed by the Charter Commission and any outcomes reached on these matters are outlined below.

Election of officers

Chair – James Steen

Vice-Chair – Joel Rehder

Secretary – Julian Dahlquist

January 15, 2019

Election of Officers/Approval of Minutes/Annual Report/Commission Reports:

Election of officers took place followed by approval of minutes from February 7, 2019 meeting and approval of the Charter Commission 2018 Annual Report.

Commissioners reviewed and discussed issues/concerns during their time on the Commission.

Unfinished Business:

Membership of the Charter Commission has changed effective January 31, 2019 to 11 members, with three at-large positions and two positions from each Ward.

New Business:

Chamber of Commerce Membership - Commission reviewed information presented by the City Manager, Attorney General's office, League of MN Cities and the City Attorney regarding the possibility of amending the Charter in order for the City to be a member of the Chamber of Commerce. More information was needed prior to voting so issue was tabled.

Primary Elections - The Commission reviewed a memo from the City Manager regarding the possibility of amending the Charter in order for the City to hold primary elections. It was noted that this discussion arose from a request from a City resident. The Commission also reviewed MN Statutes 205.65 and 205.13. There was a consensus to table this issue to the next regular meeting.

March 20, 2019

Approval of Minutes

Approval of Minutes and note that City staff will ensure outlook invites are sent to the Charter Commission members promptly and prior to all future meetings.

Unfinished Business

Primary Elections - Charter Commission will table discussion until the next meeting. Requested the City Attorney's office research more on Primary Elections.

Chamber of Commerce Membership – Discussion and presentation of benefits took place. Motion for the City Attorney's office to draft an amendment for further discussion.

June 19, 2019

Approval of Minutes/Oath of Office

Kent Tangen and Darvin Landa termed out and will not be replaced due to the change in membership. Oath of Office administered to Cathi Chial and Dave Sederquist.

Unfinished Business

Chamber Membership Amendment - Charter Commission members had detailed discussion regarding the amendment; and adding language to allow other organizations. Motion to add language and send proposed amendment to City Council made and passed.

Primary Elections – Information presented to the Commission regarding possible City Primary elections for seats of Council and the Mayor; which would occur with the State Primary Election. Issue is tabled until more information is gathered and Commissioners are able to speak with residents.

New Business

Request to have Mayors voting rights added to the next meeting agenda.

Respectfully submitted:

Charter Commission Chair

Date_____