

**City of Moorhead
Committee of the Whole
Meeting Minutes
August 16, 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 August 16, 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	Absent

Committee of the Whole Meeting

1. [Facsimile Weapons Ordinance Discussion](#)

Minutes: Michael Redlinger, City Manager, stated that the facsimile weapons ordinance was brought before the Mayor and City Council for first consideration at the July 12, 2010 City Council meeting. The Council tabled the item for further discussion.

Chief David Ebinger and Deputy Chief Shannon Monroe of the Moorhead Police Department provided an overview of the ordinance and its anticipated usefulness as a tool for the Police Department.

City staff clarified the following in response to Mayor and Council questions:

- Moorhead Police officers have encountered a variety of situations involving facsimile weapons and have requested an ordinance that would attach criminal sanctions when individuals carry such a weapon on their person. The ordinance would carry a misdemeanor charge.
- Minnesota State Statutes do not provide for the prohibition of carrying facsimile weapons except for a ban on school property.
- A Minnesota State Statute addressing the use of facsimile weapons to cause terroristic threats is a difficult standard to meet. This ordinance would carry a lesser charge.
- Those individuals with a permit to carry a weapon would also have the ability to carry a facsimile weapon. This ordinance is not intended to restrict a person's right to carry a firearm with a valid permit.
- The purchase of facsimile weapons is not restricted. Individuals that do not or cannot meet the requirements to carry a firearm can

purchase a facsimile weapon.

- This ordinance does not restrict citizen rights on private property. It addresses conduct on public property only.
- The Police Department has not encountered any negative experiences with individuals who have a permit to carry a firearm but have had a number of negative incidents with individuals carrying facsimile weapons.
- Before prosecuting a person under the facsimile weapons ordinance there would be several steps of review including police department supervisors and the Clay County Attorney's Office.

The Mayor and Council Members stated/noted the following:

- Officers that are involved in fatal shootings can experience devastating affects in their personal and professional lives. It is important to reduce the risk of officers taking the life of an individual carrying a facsimile weapon.
- Carrying a firearm is a right established by the US Constitution.
- Concern was noted that those individuals that have been convicted of a crime could easily purchase a facsimile weapon without fear of arrest and could use a facsimile weapon to conduct a crime.
- Every citizen has a right to protect their person and family from serious physical injury or death.
- A facsimile weapon could be used in a defensive manner in order to prevent violent crime.
- Passing more laws and restrictions will not prevent illegal acts by criminals, but may cause problems for legally abiding citizens to protect themselves.
- The constitutional right to carry a firearm is not intended to include facsimile weapons.
- A concern was noted about the dangers posed to youth in possession of a facsimile weapon who do not fully understand how officers are required to respond in a situation involving weapons.
- If passed, information regarding this ordinance should be provided to kids, parents, and the general public.
- A ban on facsimile weapons should occur at the state level, not local.
- Moorhead would be the only City within Clay County to enact a facsimile weapon ordinance, causing inconsistency throughout the county.
- Officers regularly use their discretion when enforcing City ordinances.

Redlinger stated that another Committee of the Whole discussion on this topic will be scheduled sometime during the fall. For this meeting City staff will provide:

- Further clarification and prosecutorial perspective on the Minnesota State Statute regulating the use of facsimile weapons to conduct terroristic threats;
- Suggested changes to the ordinance's definitional language; and
- Additional explanation on private vs. public classification.

2. [City Manager Reports](#)

Minutes: Redlinger noted that Mayor Voxland was absent from the City Council meeting due to a scheduled meeting with U.S. Senator Kent Conrad to discuss permanent flood protection.

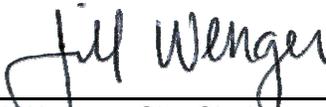
Meeting adjourned at 7:20 p.m.

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