

**MOORHEAD CHARTER COMMISSION  
MEETING MINUTES/NOTES  
June 20, 2006**

**Members Present:** Jeff Frider, Tammy Norgard, Morrie Lanning, Bill Palma, Jay Haiby, Laurie Hoium, Eileen Hastad, Peter Marinucci, and Rick Stotts

**Members Absent:** Roger Buscher, Larry Nordick, and Betsy Vinz

**Staff Present:** John Shockley, Assistant City Attorney; and Ryan O'Keefe, Assistant to the City Manager

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Jeff Frider, Chair, called the meeting to order at 7:04 a.m.

Mr. Marinucci moved, seconded by Mr. Palma, to approve the minutes from the May 16, 2006 meeting as submitted by staff. Mr. Haiby requested that an amendment be made to the minutes to better reflect the discussion surrounding recall of public officials. The amended minutes were approved by unanimous consent.

The Commission received an update from Mr. Shockley regarding questions posed at the previous meeting. Mr. Shockley discussed his memo, attachment 2 to the Commission's agenda, and asked if any Commissioners had any questions or comments regarding its contents. Mr. Lanning wanted to ensure that the amendment language proposed in Question II of Mr. Shockley's memo would apply only to currently seated, and not to formerly seated, City Council members.

The next item discussed by the Commission was **Item 4, A. Amendment Requests**. Specifically, the Commission discussed **Question 3** which asks:

**Question 3.** "Should the Moorhead City Charter be amended to modify language and/or procedures regarding the filling of Council vacancies?"

Chair Frider suggested that the motions from the previous meeting regarding this question be discussed. Mr. Lanning inquired what the draft language would look like if the Commission reconsidered Mr. Haiby's motion that was removed from consideration at the previous meeting and combined its language with that proposed by Mr. Marinucci and approved by the Commission requiring the public to be notified of all Council vacancies and that any appointments must be made from a pool of qualified applicants. Mr. Shockley proposed the following language to combine those amendments:

Section 2.06. Vacancies. Subdivision 2. When a vacancy in elective office occurs the council must by resolution declare the vacancy to exist, ~~and fill the vacancy by council appointment~~ The council shall give public notice of the vacancy and anybody who is qualified may apply for the position. The Council shall fill the vacancy by council

appointment from the qualified applicants until a special election is held as provided in subdivision 3.

Chair Frider asked if all of the Commissioners were comfortable with the language proposed by Mr. Shockley. Receiving no objections, Chair Frider directed staff to include this amendment with the other proposed amendments for review by the Commission at the next meeting.

**Item 4, B. Filling Council Vacancies in an Emergency/Mass Casualty Situation** was the next item discussed by the Commission. Chair Frider felt that it would be appropriate to solicit direction from the Council regarding this issue. Mr. Lanning stated that preparing for catastrophes and/or pandemics seems to be a bigger issue than just Council vacancies. Ms. Norgard suggested that one possible solution would be to make adjustments to the quorum requirements that would be in effect during emergency and/or mass casualty situations. Chair Frider directed staff to seek the Council's direction regarding this topic.

Chair Frider moved the discussion to **Item 4, C. Restricting Current Council Members From Serving on Charter Commission**. Mr. Marinucci made a motion to approve the suggested language from Question II of Mr. Shockley's memo to the Commission, which states:

Section 13.08. Charter Commission Membership. Current members of the Moorhead City Council cannot serve as members of the Moorhead Charter Commission.

Ms. Hastad seconded the motion. Chair Frider inquired of Mr. Lanning if any City Council Members have ever served on the Council and the Charter Commission concurrently during his time as a City Official. Mr. Lanning responded that none have done so during his elected terms and that it was an unwritten policy that such a situation would be inappropriate. However, having former Council Members serving on the Commission was seen as not only appropriate but even beneficial for the Commission. Mr. Palma also has never seen this situation occur in Moorhead and cannot imagine a Council Member would desire such an appointment as they all currently serve on numerous committees which limits their available time. The motion was then put to a vote by the Commission and was approved by unanimous consent.

The Commission moved to **Item 5 Other Business**. Chair Frider felt the Commission should review the precise language of the approved amendments to the City Charter prior to forwarding them to the City Council. He then directed staff to assemble a copy of each amendment approved by the Commission and to include them in the next agenda packet.

Chair Frider asked if there were any other issues that they would like to discuss. Mr. Marinucci suggested that economic development and city resources devoted towards that purpose would be an issue he would like the Commission to discuss. Specifically, he suggested that the Commission examine some type of means test for economic incentives or setting time limits after which the City's economy should be seeing a reasonable return on its investment. Chair

Frider expressed his concern that this issue was inappropriate for inclusion in the Charter. Ms. Norgard commented that the return on a City's investment cannot be measured just by the quantity of businesses but also by the quality of the City, which will draw in more new residents. Mr. Haiby believes that legal constraints upon economic development activities already exist. Mr. Palma expressed his view that the population growth recently experienced by Moorhead lends support for Ms. Norgard's argument, but he remained concerned about TIFF districts that never seem to expire.

Mr. Lanning suggested that the Commission examine the complexity surrounding the number of required votes necessary for Council action depending upon the action in question. According to Mr. Lanning, the number of votes required for Council action may vary from three affirmative votes up to nine. Chair Frider directed staff to assemble a matrix of the number of affirmative votes required for various Council actions. Mr. Marinucci felt that the City Attorney is available to inform the Council of the required number of affirmative votes necessary for them to take any action, and is therefore unconcerned if the task is complex. However, he would be supportive of instituting a requirement for six affirmative votes for the Council to take any action. Mr. Lanning felt that a problem with super-majorities is that they give enormous power to a minority. Mr. Palma maintains a positive view of the requirement for six affirmative votes arguing that it limits the number of ties the Mayor would be required to break. In addition, Mr. Palma believes that it should require the consent of at least six council members to place the City into debt. Chair Frider directed staff to place this question on the next agenda and to include the above-described voting matrix in the next agenda packet.

The meeting was adjourned at 8:02 a.m. The next meeting is scheduled for July 18th, 2006, at 7:00 a.m. in the Moorhead City Council Chambers.