



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, July 28, 2025 @ 6:00 PM

Per MN Statute 13D.02 Subd 1 Council Members or Commissioners may attend the meeting virtually.

Attend by phone: 1-844-992-4726

Meeting Access Code: 2493 304 6534

The public is invited to attend these meetings in person

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Roll Call**

___G. Johnson ___K. Stunek ___ K. Yeager ___T. Erickson___K. Bevans___J. Czczok
___M. O'Day ___Mayor Badeaux

___M. Angland ___M. Higgins ___D. Matten ___M. O'Day

3. **Discussion Items**

A. **Discussion Re: Roles and Responsibilities of the City Council and the Public Utilities Commission**

B. **Accessing Packets Training**

4. **Adjourn**

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MISSION

"Provide high quality, cost effective public services and leadership in creating a sustainable city"



City Council Agenda Request

MEETING DATE: July 28, 2025

TITLE OF ITEM: Discussion Re: Roles and Responsibilities of the City Council and the Public Utilities Commission

AGENDA: Main

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 30 Minutes

SUMMARY OF ISSUE: At the June 16 City Council meeting, Councilman Johnson asked for clarification regarding the roles and responsibilities of the City Council and the Public Utilities Commission.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: With the vacant Public Utilities Director position as a backdrop, questions have surfaced regarding the roles and responsibilities of the two bodies. Comments from City Council members and Public Utility Commissioners are attached to this agenda item to facilitate discussion. City staff seek direction, if any, on how to proceed on a couple of issues.

RECOMMENDED ACTION/MOTION: In reviewing the attached comments/feedback, the following are potential items/issues where the City Council may direct staff:

1. The Charter states, "The Public Utilities Commission shall control, operate and manage the following utilities of the City...". What does control, operate and manage mean? What level of employee oversight is the Commission allowed to exercise for operational needs?

- Does the current language give the Public Utilities Commission overall, and day-to-day, oversight to any and all Public Utilities Department employees? If yes for specific employees, does that apply only to the Public Utilities Director, the Management team, or all employees?

- Does the Commission manage personnel, maintain infrastructure/equipment, implement policies and procedures, execute budgets and operational decision-making, and oversee organizational needs (assets/equipment/personnel), or does it simply mean the Commission's oversight to make sure the organization is working efficiently, within budget, and to keep some autonomy for setting rates?

2. The Charter states, "The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council." What level of authority is the Commission responsible for such as:

- What does necessary help mean? Is the Council required by the Charter to hire every position and the number of staff as recommended by the Commission?

- Is the Commission required to provide a recommendation for new hires, including for the Public

Utilities Director position?

- If no, should the Commission provide a recommendation for specific positions in the Public Utilities Department? Options could be:

- a. Only the Public Utilities Director position
- b. Public Utilities Director and other management-level positions
- c. For all positions within the department
- d. When hiring a Public Utilities Department employee at a higher step than allowed per direction from the Council regarding hiring criteria for step placement

- Should the Commission discuss and provide a recommendation for all new positions and job descriptions for said positions prior to being considered by the Council?

- Should the Commission discuss and provide a recommendation for all vacant positions and job descriptions for said positions prior to being considered by the Council?

3. Are we hiring a permanent full-time Public Utilities Director?

- If yes, when?

- Section 6.01 of the Employee Policy Manual states, "When hiring the Public Utilities Director, the City Council will establish a Work Group to oversee the hiring process and up to two representatives from the BPU Commission Personnel Committee will be included in said Work Group.... Every appointment to municipal service shall be recommended by the City Administrator or designee to the Personnel and Finance Committee and approved by the City Council."

a. Who is ultimately responsible to make the hiring recommendation to the City Council for the Public Utilities Director? Is the Work Group or City Administrator?

b. If City Administrator, is the Work Group basically an advisory board to provide their input?

c. Should the Commission have a standing and active Personnel Committee?

4. Should integration of components of the Public Utilities and Public Works Departments be discussed? Any other departments or functional areas?

5. What action, if any, is needed to clarify the confusion addressed in previous items?

- Is any portion of the current charter unclear or is there any ambiguity?

- Should staff engage with the Charter Commission to consider potential changes? If yes, what language/change would the Council like to see?

- Are changes needed to the Employee Policy Manual?

6. Are there any other items City Council would like to see and/or discuss?

FINANCIAL IMPACT: N/A

From: [Kelly Bevans](#)
To: [Toni Gage](#)
Subject: Re: Roles and Responsibilities
Date: Monday, June 23, 2025 11:48:39 AM
Attachments: [image001.png](#)
[image.png](#)

Thanks for the reminder Toni.

Regarding Chapter 5 of the Charter the only part I find unclear is line 4, where the City Council shall employ all necessary help for the Commission to properly perform its duties terms and approve all terms and conditions of employment.
-the phrase 'all necessary help' seems too subjective.

Referring to Mr. Evans' resignation letter:

He accuses the various components of the City and hiring committee of:

- not being forthright regarding integration. (paragraph 3)
- being blocked from performing his job (paragraph 4, no details given)
- general level of unprofessionalism coupled with ignorance and ineptitude in conjunction with frequent shifts in direction, unclear expectations and other aspects of the situation has resulted in a generally negative and oftentimes hostile work environment for me. (paragraph 5, no details given)
- uncouth behavior from some council members and departments... paragraph 6, no details given)
- Council members reducing themselves to personal attack....(paragraph 6, no details given)
- The allowance for other departments to speak for and make promises on behalf of the utilities....(paragraph 6, no details given)
- repeated requests for these to be addressed,...(paragraph 6, no details given. Are there written record of these requests?)
- much time & resources being wasted...(paragraph 7, no details given)
- I have asked for corrective action, professionalism and even common sense on numerous occasions and have been ignored. (paragraph 8, no details given)

My point of highlighting Mr Evans' concerns is that it appears he felt a certain disfunction & malfeasance among City Council, the Public Utilities Commission, and City Staff. Is there anything to Mr. Evans' accusations? Is this, or these issues, something that needs to be addressed prior to hiring a new Public Utilities director?

Finally, I think the issue of integration of certain components of Public Utilities with Public Works should be discussed. I think not discussing them in open session may give the appearance of something to hide & is not good for our citizens and employees. I think this should be done prior to hiring a new Director.

Kelly Bevans
Ward 2, Brainerd City Council.

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From: [Jeff Czczok](#)
To: [Nick Broyles](#)
Cc: [Toni Gage](#); [Dave Badeaux](#)
Subject: Roles and Responsibilities
Date: Monday, June 23, 2025 4:35:28 AM

Good morning, Nick,
Please see my submissions below:

Thanks, Jeff

I believe my description was expressed during the workshop the council held with the commission which I'll reiterate here:

Roles and Responsibilities:

The Public Utilities Commission directs the Utility Director regarding all operations. This is crystal clear in the City Charter, Section 5:
{1. The Public Utilities Commission shall control, operate and manage the following utilities of the City:}

If the Utility Director does not perform as assigned by the Commission, then the City Administrator engages with the Utility Director regarding discipline matters .

The City Administrator does not give operational direction to the Public Utilities Director. This is the exclusive role and responsibility of the Public Utilities Commission.

Hiring Process:

When hiring interviews are conducted and subsequently when an individual is hired, the City's interview group, the City Administrator and any associated individuals such as a consultant, shall at all times provide responsible, forthright and legitimate information to candidates selected for interview.

Mayor, Council and Commission:

Any changes or amendments to Public Utilities Director's responsibilities or duties, shall be shared as soon as possible with all individuals through whatever preferred means the City Administrator chooses.

Always refrain from personal insults, attacks and demeaning comments or actions towards all staff at any level and in any environment.
Even an attempt at humor can easily be misconstrued.

From: [Jeff Czczok](#)
To: [Nick Broyles](#)
Cc: [Toni Gage](#); [Dave Badeaux](#)
Subject: Additional: Roles and Responsibilities
Date: Monday, June 23, 2025 10:59:16 AM

Hi Nick,

Some further items related to Roles and Responsibilities:

Commission and Council Responsibilities as per Charter language:

City Charter states:

4. The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment.

Personnel for vacant positions may be recommended by the Commission to the City Council.

All Commission personnel are subject to the City's personnel policies.

The recent action by council was contrary to the Commission's action regarding hiring a Public Utilities Director.

The Commission voted to hire a FT Utility Director and the Council did not take said action in response to the Commission's action.

Per Charter language:

"The City Council shall employ all necessary help for the Commission to properly perform its duties..."

The Commission is tasked with doing their jobs and part of their job is to determine the number of employees via specific positions they need to do the business of the Public Utilities.

There isn't any leeway when the word "shall" is used, so the Council is required to fulfill the action by the Commission.

Charter States:

"Personnel for vacant positions may be recommended by the Commission to the City Council."

This wording is exclusive to the Public Utilities Commission and leaves the decision to fill a vacancy up to the Commission.

Jeff

From: [Jeff Czczok](#)
To: [Nick Broyles](#)
Cc: [Mike ODay](#); [Toni Gage](#); [Kris Schubert](#)
Subject: P&F discussion regarding utilities integration to Public Works
Date: Wednesday, July 9, 2025 2:04:28 AM

Hi Nick,

After listening to the P&F Committee discussion, I'm providing the minutes from April 7 to clarify the direction that took place regarding moving utilities to Public works.

I heard at least twice during P&F that the action taken on 04/07 was to not discuss this for at least 1 year, however, the motion was to discontinue all discussion.

I've copied the relevant portion of the minutes from 04/07/2025 regarding the action that was taken.

Please provide to the Mayor and Council.

Thanks, Jeff

Discussion on Council Priorities to Staff

Administrator Broyles stated that the Council asked to formally identify priorities to staff. The priorities will be helpful in dividing up resources and to figure out where to emphasize efforts.

Chair O'Day stated that he believes the best place for discussion would be at a workshop.

Member Czczok stated that the City has been pursuing integration of Finance and Public Works. He is not in favor of amending the Charter at this time to do so. There has been a lot of concern and confusion regarding the Public Utilities integrating with Public Works. He wants to provide clear direction to staff.

Member Bevans stated that he will vote no, as he does not believe there is enough information to discontinue discussions. He would like to continue receiving information to better support his decision.

Member Johnson stated that Council can decide at a later date to continue conversations of integration. Maybe taking a break from integration could be a good thing to pursue other priorities.

Member O'Day stated that he agrees with Member Johnson's comments. He has learned a lot from the meetings that have taken place regarding integration. Much of what he has learned is that integration is going to be expensive, it may be more beneficial when financial software needs to be updated. Charter changes only take one Council Member to disagree and then all of the time taken to plan is a waste.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO CEASE AND DESIST DISCUSSIONS OF UTILITY SERVICES TO BE INCLUDED IN THE PUBLIC WORKS DEPARTMENT BEING AMENDED WITH A CHARTER CHANGE.

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, and O'Day voted "aye". Member Bevans voted "nay". The Chair declared the motion carried.

Member Johnson questioned whether the presentation on Finance integration would ever see the light of day.

Member Czeczok stated that the Council Members were provided with the integration document given by Staff to the workgroup. Staff's recommendation was to not integrate, he believes that the Council needs to take the advice of our Department Heads.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON TO NOT CONDUCT A WORKSHOP OR MOVE FORWARD WITH THE INTEGRATION OF FINANCE DEPARTMENTS.

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, and O'Day voted "aye". Member Bevans voted "nay". The Chair declared the motion carried.

Member Johnson clarified that by not hiring a Deputy Administrator for 18 months, the 2026 budget would not include funding for a Deputy Administrator position.

Member Czeczok stated that it seemed that many of the Members at the retreat did not agree that a Deputy Administrator was needed. He wants to give clear direction to staff with this motion.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO NOT PURSUE THE HIRING OF A DEPUTY ADMINISTRATOR FOR AT LEAST THE NEXT 18 MONTHS.

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, and O'Day voted "aye". Member Bevans voted "nay". The Chair declared the motion carried.

Member O'Day asked Council to schedule a workshop of the Council to have a round table discussion on priorities.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO SET A WORKSHOP FOR APRIL 28TH, 2025 AT 6:30 P.M. TO DISCUSS CITY COUNCIL PRIORITIES.

Administrator Broyles gave an overview of the proposed document. He asked for feedback on

the d

From: [Mike Higgins](#)
To: [Toni Gage](#)
Cc: [Nick Broyles](#)
Subject: RE: Roles and Responsibilities
Date: Monday, June 23, 2025 10:53:26 AM
Attachments: [image001.png](#)

*** **Warning:** External sender, use extreme caution with attachments and links ***

Hello, thanks for asking for my input,

My opinion on this would be to not to refill the position. I think BPU runs just fine without it, and we have very strong leadership with Trent, Danny and Charlie.

If we are going to fill the position, I think That person needs to answer to the commission and not the City Administrator, it does not make sense to me to have an employee working for an entity that answers to another entity.

Thanks you

Mike Higgins

Brainerd Industrial Center
1801 Mill Ave
Brainerd MN, 56401

Email: MikeH@brainerdindustrialcenter.com

Office: 218-454-3960 ext. 3

Cell: 989-429-2006

Not have the position filled. I th

From: [Dolly Matten](#)
To: [Nick Broyles](#)
Cc: [Toni Gage](#)
Subject: RE: City Charter Chapter Re: PUC
Date: Friday, June 20, 2025 11:04:59 AM
Attachments: [image001.png](#)
[Roles of Commission and Council.docx](#)

*** **Warning:** External sender, use extreme caution with attachments and links ***

Please see attached.

Dolly Matten
Greater Lakes Association of REALTORS®
15344 Pearl Drive Baxter, MN 56425
218-828-4567

Settlement Resources: [facts.realtor](#) [Settlement FAQ's](#)
Local Market Stats: <https://greaterlakesrealtors.com/market-statistics/>

From: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Sent: Tuesday, June 17, 2025 10:19 AM
To: Dolly Matten <dolly@greaterlakesrealtors.com>; Mike ODay <moday@ci.brainerd.mn.us>
Cc: Toni Gage <tgage@ci.brainerd.mn.us>; mike.angland <mike.angland@widseth.com>
Subject: RE: City Charter Chapter Re: PUC

Dolly,

I understand your question. However, Council voted to have all comments to me by noon on 23 Jun and I cannot deviate from that direction. The Commission can certainly discuss on 24 Jun if you desire, but I will need all individual comments by noon on 23 Jun as directed by Council.

Regards
Nick



Nick Broyles, MPA | City Administrator
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218.828.2307 | nbroyles@ci.brainerd.mn.us

From: Dolly Matten <dolly@greaterlakesrealtors.com>
Sent: Tuesday, June 17, 2025 9:48 AM

To: Nick Broyles <nbroyles@ci.brainerd.mn.us>

Cc: Toni Gage <tgage@ci.brainerd.mn.us>

Subject: RE: City Charter Chapter Re: PUC

*** **Warning:** External sender, use extreme caution with attachments and links ***

Is it possible to get back to you by Tuesday the 24th? That way, the commission can have an open discussion about it at their board meeting.

Dolly Matten
Greater Lakes Association of REALTORS®
15344 Pearl Drive Baxter, MN 56425
218-828-4567

Settlement Resources: [facts.realtor](#) [Settlement FAQ's](#)
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CHAPTER FIVE PUBLIC UTILITIES COMMISSION

1. The Public Utilities Commission shall **control, operate and manage** the following utilities of the City: a. Water works system, including the filtration plant, water towers and distribution system. b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, but not including the gravity fed wastewater collection system, which is operated by the Public Works Department. c. Electric generation and distribution system. d. Except as provided above, all other public utilities that are hereafter owned by the City.
2. Such Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the Commission.
3. The Secretary of the Commission or his/her designee shall attend all meetings of the Commission and keep a record of all proceedings. The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.
4. **The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.**
5. Subject to state law, the Commission shall have power to fix all rates to be paid by consumers of water, wastewater and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.
6. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings. No water or wastewater utility listed in Paragraph 1 may be extended beyond the existing service territories unless the City Council shall so order the same by a resolution passed by a majority vote of all its members. With respect to water and wastewater utilities, the "service territories" are defined as those areas of the City served by existing mains and laterals. Service lines from mains and laterals to customer structures may be extended under the sole authority of the Public Utilities Commission. The service territory for the electrical utility is established by the Minnesota Public Utilities Commission. Any extension of the electrical utility outside the service territory by contract with another utility shall be approved by the City Council. Any extension of the electrical utility within the service territory, or any contract with another utility to provide power within the Commission's service territory, shall be approved by the Commission.
7. The Commission shall, at the first meeting of the City Council, in December of each year, present an operating budget for the following year as well as a five year capital improvement plan outlining anticipated future capital expenditures. The budget shall set forth all expenditures that can be anticipated for the operation of the Commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for the Commission to make such expenditures, subject to the provisions of this Charter. The Commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the Commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.
8. The Commission's Finance Director shall keep a complete set of accounting records showing in detail all the business and financial affairs and transactions of the Commission and shall receive and safely keep all funds belonging to the Commission in a bank or depository designated by the City Council. All funds shall be deposited in the name of the Commission, and all investments shall be subject to state law and the City of Brainerd Investment Policy. The Commission shall make financial transfers to the City in amounts as specified in Brainerd Public Utilities Policy 2003-01, as amended and approved by the City Council.

Charter Clarification/Discussion of Roles and Responsibilities.

“**Operational Authority**” (Control, operate and manage) – needs to be defined since it clearly seems to be interpreted differently depending on which seat you are occupying.

- Is it: managing personnel, maintaining infrastructure/equipment, implementing policies and procedures, executing budgets and operational decision-making, and overseeing the organizational needs (assets/equipment/personnel?) Or does it simply mean commission oversight to make sure organization is working efficiently, within budget, and to keep some autonomy for setting rates?
- Section 4 of City Charter – additionally; maybe we need some clarification of “City Council employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment”

Interpretation of the intent: Council has ultimate control over hiring (to approve employment details, wages, & benefits) and employment policies in order to maintain consistency in personnel practices & accountability across all city departments.

Since BPU Commission is responsible for the oversight of the operations – it would make sense that the staffing **needs** fall within that role. “To participate in staffing recommendations necessary for the operations of the organization to function” just makes sense since commissions input helps ensure that hires align with the operational needs, system demands, and the organization’s goals.

Brainerd Public Utilities Commission (BPU)

- **Operational Authority and Oversight**
- **Budgets and Rates** (subject to review by the City Council)
- **Autonomy:** Operates independently **but** within the framework of the City Charter and in coordination with city leadership. The commission is accountable to the City Council as well as to the public.

Brainerd City Council

- **Oversight Role:** The City Council provides general oversight of BPU commission to ensure alignment with broader city goals and fiscal responsibility, and of course, legal compliance.
- **Coordination:** Ensures utility operations support overall city planning, development, and public interests.

From: [Mark O'Day WW Thompson](#)
To: [Toni Gage](#)
Cc: [Nick Broyles](#)
Subject: PUC/CITY CHARTER
Date: Wednesday, July 16, 2025 8:40:42 AM

1. It seems the confusion pertains to Chapter 5, Section 4 of the Charter. I believe this was rewritten a couple years ago. When I was President of PUC I met with City Administrator Jennifer Bergman. She was having problems with Public Utilities staff filling out employee performance reviews correctly. She thought that one person needed to be responsible for all employees that was Human Resource related (Hiring process, Benefit Coordination, Performance Reviews, Disciplinary Action, Employee Termination, Union Negotiations). I agreed with her and still think this is the correct way. There was no discussion of who is whose boss. This discussion is what led to the Charter change. Unfortunately the Charter language is somewhat unclear.
2. If the PUC is to control, operate & manage the utilities, the commission has to have the supervision and guidance under their control in order to carry out the duties given to them in the Charter.
3. The PUC is given a lot of responsibility for being appointed & not elected. The autonomy of given to the PUC by Charter is for a good reason. The City Council is supposed to Levy Taxes for revenue. PUC is supposed to manage utilities to give residents the best possible rates. This is to keep the City Council from raising funds through utility profits in lieu of property taxes. Also the reason funds cannot be commingled.
4. I am not interested in a interim Public Utilities Director. We can operate as is in the short term. The long term need is to hire a new Public Utilities Director

From: [Mike ODay](#)
To: [Toni Gage](#)
Cc: [Nick Broyles](#)
Subject: Re: City Charter Chapter Re: PUC
Date: Monday, June 23, 2025 9:39:39 AM
Attachments: [image001.png](#)
[image002.png](#)

Nick,

After looking through this over the weekend it seems to me that there shouldn't be much confusion at all with what is written in the charter. Nowhere in the charter is it mentioned that the commission has employees, manages employees, or directs employees to do anything on a day-to-day basis. Chapter 5, section 4 of the charter says the following:

4. The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.

The commission exists by state statute to perform the duties of handling business decisions of the utilities. It is important to have smart, competent individuals on that commission since the budget is large, and those business decisions can be somewhat complicated at times, as well as having serious impacts effecting the city as a whole.

As for the employees that fall under the department of Brainerd Public Utilities, I'm not sure where anyone could honestly believe that they answer the PUC and not the council or the administrator. I look forward to learning where that confusion is embedded. By all means I am happy to hear and learn more about specific examples of instances when there is some gray area on who a public utilities director would answer to. The same goes for any other employee within the public utilities department. I just don't see where the confusion is coming from. In my opinion rather than changing the charter, I think we just need to have a clear interpretation from the council moving forward. That interpretation should include the following:

1. The public utilities director answers to the administrator and the city council. Each and every employee that works under the public utilities director should follow the organization chart if they are confused as to who they report to first, but ultimately they report to the public utilities director, the administrator, and the council.
2. Business decisions of the department of public utilities are handled by the public utilities commission. The focus of business decisions needs to be on financial responsibility in conjunction with prioritization of project planning, as well as any motions made by the city council as they relate to said related business.

This model works great for the park board. It should work the same way for our public utilities commission. If a member of the PUC starts to try to direct employees of the city council on daily tasks or general direction of their duties, that presents a problem. I believe the commission members should be directing those types of thoughts to the city administrator or the council.

As a separate but related discussion, if we are talking about making a change to this part of the charter, I would suggest changing chapter 5, section 1.b. which says the following:

b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, but not including the gravity fed wastewater collection system, which is operated by the Public Works Department.

I would recommend changing it to the following:

b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, and any gravity fed wastewater collection system.

Before making this change, I would be curious to learn what effects this would have on any of our unions, or if there would be any increased conflict in that regard.

-Mike O'Day

From: Kevin Yeager <kyeager@ci.brainerd.mn.us>
Sent: Tuesday, July 15, 2025 4:01 PM
To: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Subject: Request for comments regarding Utilities Commission

Nick,

I have looked over the materials and read the comments received to date. Here is what I am thinking.

First, someone, somewhere, needs to attempt to clarify the language in the charter, there seems to be some differing opinions regarding what the charter implies. To me that's a great place for Joe to weigh in, perhaps he has already, and I am out of the loop or missed it. If that can be done, conversation over.

Generally speaking, during my tenure serving the city the "trend" has been to strip the hiring/ firing process from the commissions to create a more unified city working structure and to mitigate the risks of unfair/ unbalanced hiring and compensation practices.

I generally support this model, but I also hold the opinion that if we want community members to continue to serve (in most cases for free) on our boards and commissions, we cannot continually strip those commissions of every fiber of their decision-making domains. It's easy to feel like commission and board work is pointless if the city council ultimately controls every aspect anyway. I've certainly felt that way in the past.

So In closing, I'm mixed. Further exploration is needed, but its possible that this is just another discussion with no right answer, just versions of wrong.

Kevin

CHAPTER FIVE

PUBLIC UTILITIES COMMISSION

1. The Public Utilities Commission shall control, operate and manage the following utilities of the City:
 - a. Water works system, including the filtration plant, water towers and distribution system.
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 - c. Electric generation and distribution system.
 - d. Except as provided above, all other public utilities that are hereafter owned by the City.
2. Such Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the Commission.
3. The Secretary of the Commission or his/her designee shall attend all meetings of the Commission and keep a record of all proceedings. The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.
4. The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.
5. Subject to state law, the Commission shall have power to fix all rates to be paid by consumers of water, wastewater and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.
6. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings.

No water or wastewater utility listed in Paragraph 1 may be extended beyond the existing service territories unless the City Council shall so order the same by a resolution passed by a majority vote of all its members. With respect to water and wastewater utilities, the "service territories" are defined as those areas of the City

served by existing mains and laterals. Service lines from mains and laterals to customer structures may be extended under the sole authority of the Public Utilities Commission.

The service territory for the electrical utility is established by the Minnesota Public Utilities Commission. Any extension of the electrical utility outside the service territory by contract with another utility shall be approved by the City Council. Any extension of the electrical utility within the service territory, or any contract with another utility to provide power within the Commission's service territory, shall be approved by the Commission.

7. The Commission shall, at the first meeting of the City Council, in December of each year, present an operating budget for the following year as well as a five year capital improvement plan outlining anticipated future capital expenditures. The budget shall set forth all expenditures that can be anticipated for the operation of the Commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for the Commission to make such expenditures, subject to the provisions of this Charter. The Commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the Commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.
8. The Commission's Finance Director shall keep a complete set of accounting records showing in detail all the business and financial affairs and transactions of the Commission and shall receive and safely keep all funds belonging to the Commission in a bank or depository designated by the City Council. All funds shall be deposited in the name of the Commission, and all investments shall be subject to state law and the City of Brainerd Investment Policy. The Commission shall make financial transfers to the City in amounts as specified in Brainerd Public Utilities Policy 2003-01, as amended and approved by the City Council.

City of Brainerd, Minnesota—Organizational Chart

8/3/2023

