

Pursuant to due call and notice thereof, the joint workshop of the Brainerd City Council and Public Utilities Commission was called to order at 6:00 P.M. by Council President O'Day.

Upon roll call the following Members were noted as present: Bevans, Czeczok, Johnson, Stunek, Yeager, Erickson, and Mike O'Day. Mayor Badeaux was also noted as present. Commissioners present Angland, Higgins, and Matten. Commissioner Mark O'Day was noted as absent.

Discussion of Roles and Responsibilities of the City Council and the Public Utilities Commission

Administrator Broyles stated that several conversations have been had regarding potential ambiguity of roles and responsibilities surrounding the Public Utilities Director position. The same information from the July 21st meeting and additional comments were available in the packet.

Member Czeczok stated that he read what Chair O'Day submitted, there were some similarities on their opinions. A lot of the conversation will surround the interpretation of the Charter. Employing a Utility Director is recommendation of the Utility Commission.

Chair O'Day stated that his interpretation would not require the Commission to make many changes. He sees the focus of the Commission as the management of the projects and infrastructure. The way the Charter is written is clearer than everyone believes. Employees are under the City Council. Clear communication is key. His opinion is that a Charter change is not required.

Member Johnson stated that he agrees with Chair O'Day's interpretation. The Public Utility Director answers to the City Administrator. All operational decisions are made by the Public Utilities Commission but those decisions flow through the Public Utilities Director and City Administrator. The language in the Charter for the Park Board and Public Utilities Commission are very similar. The Park Board makes all of the operational decisions in the Parks, but all of the employees answer to the City Council through the City Administrator. This is the same for the Public Utilities Commission regarding its operation and employees. Our Public Utility Director's boss is the City Administrator.

Commissioner Higgins stated that in his opinion there is only two issues that need to be addressed. The first, being that the Commission should control all of the underground pipe including the gravity fed sanitary sewer. The amount of money that will be expended in the next ten years for the Waste Treatment Facility will be wasted if the Public Utility does not control the sanitary sewer. The second, the interpretation of "the City Council shall employ all necessary help for the Commission to properly perform its duties...". He does not interpret the statement the same way as other Members, he believes that "help" is an overly broad word.

Chair O'Day stated that he does not see the ambiguity that Mr. Higgins presented. The intent of the Charter Commission was that the City does employ the employees.

Member Czeczok stated that it is up to the City Council to interpret the Charter by a majority vote.

Attorney Langel stated that, yes, the Council could conduct a vote to determine the interpretation of the statement. He stated that the previous version of the Charter stated "The Commission shall have the power to appoint and employ all necessary help...". The only

change made to the statement was to add that the City Council shall employ necessary help for the Commission. The word employ means the same thing that it has for the last forty years. The Charter was update due to a clarification that needed to be made for state employment laws, pay equity, and personnel policies not being applied consistently. Public Utility department employees are City employees and are subject to the same rules.

Commissioner Angland stated that there has been confusion regarding day to day operation. The Commission wants to ensure that they are making strategic hires and employing staff to meet the needs of customers. He asked if there is a way to deliver information to the City Council to ensure that the Commission's needs are being met by the City Council. In discussing the organizational chart with Administrator Broyles and HR Director Schubert has helped to clear the communication for positions.

Chair O'Day stated that he doesn't believe that there have been staffing recommendations by the Commission that have not been met, aside from the current hiring of the Public Utilities Director. However, the City Council determined it needed to address issues prior to hiring a new director.

Member Johnson stated that as a practice, if the Commission has had a recommendation for a change or employee hirings have gone straight to the consent calendar. If things were to start becoming concerning, the Council can address a hiring if need be. The Council trusts that the Commission are doing an effective job with hiring. As far as he is aware, the Public Utilities Director hiring was recommended by the Commission to hire. The Council did discuss the hiring process coupled with the length of time served and the resignation letter submitted raised a lot of questions that needed to be figured out prior to hiring a Director. The council is in the process of doing so.

Member Yeager stated that he was a part of the Park Board and Charter Commission when this change was made. The Park Board at the time worked autonomously with their employees previous to the change. Attorney Langel's statement regarding risk was accurate. In his opinion, the long term healthiness of Commissions and Council depends on open communication regarding obstacles, staffing, and needs. He was a proponent to bring the employees back to the City centrally because Commissions acting autonomously creates risk when staffing affects the entire City.

Member Czczok clarified that hiring Public Utility employees are not typically controversial.

Mayor Badeaux stated that the process to determine the organization of the Park Board has ultimately worked out.

Commissioner Matten stated that when the Charter was changed, she felt the statement in paragraph 4 of the Charter was vague. The City Council has the final approval of hiring. The Commission would like to be involved in hiring the Director Position. The personnel committee for the Commission isn't to establish wages, rather to establish that positions are needed and positions are clear. She is a firm believer that the City Administrator should oversee all Department Heads to ensure that all departments are functioning at a legal level and follow policy. Consistency is important, but language needs to be improved in the Charter.

Member Johnson stated that his interpretation of the statement is slightly different. If the statement still said "the Commission shall" no one would say that they are confused about what that means. It goes back to not just approving hiring and firing. Public Utility department employees are City employees managed by the City organizational chart, under the City Administrator. The management, oversight, and discipline of all employees comes from the City Administrator's office.

Chair O'Day stated that he believes that the ambiguity comes from keeping "the commission to properly perform its duties".

Member Czczok stated that he would like to direct staff to come back to another meeting with an interpretation based on the current discussion. It would give clarity and would not require changing the Charter.

Member Yeager asked how an interpretation is passed on to future generations.

Member Johnson stated that the last interpretation was regarding the Arboretum, and was included in a City Council meeting.

Administrator Broyles stated that clarity of expectations is critical. As long as there is a clear expectation of the rules of engagement going forward staff will follow Council's direction.

Member Johnson asked about the sanitary sewer management.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO COME BACK TO A FUTURE MEETING WITH A RESOLUTION CLARIFYING ITEM FOUR OF CHAPTER FIVE OF THE CITY CHARTER BASED ON DISCUSSION.

Member Bevans asked for clarification on the organization chart of the Public Utilities. He stated that there is only one organizational chart for the City of Brainerd. He cautioned everyone to refer to the City of Brainerd as one entity because otherwise it creates confusion. He stated that the City may have gotten into the situation that it is in right now, because people are interpreting statements in correctly.

Commissioner Matten stated that by looking at the organizational chart, it suggests that Boards and Commissions are above the City Administrator. She suggested adjusting the positioning of the organizational chart.

Packet Distribution Training

Technology Director Strong gave a short training on how the future packets will be distributed.

Member Yeager asked about bookmarks still working.

Commission Matten stated that the City of Brainerd website is difficult to find.

The Chair adjourned the meeting at 6:55 p.m.



Nicholas W. Broyles
City Administrator