



CHARTER COMMISSION AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Wednesday, August 20, 2025 @ 4:30 PM

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. **Oath of Office**
 - A. **Swearing In of James Norwood**
3. **Roll Call**

___ K. Bevans ___ J. Lambert ___ J. Norwood ___ A. Shipe
4. **Appoint Chair of the Commission**
5. **Pledge of Allegiance**
6. **Approval Of Agenda - Voice Vote**
7. **Approval of Minutes**
 - A. **2024-12-09 Charter Commission Minutes**
8. **New Business**
 - A. **Discuss Chapter 5 of the Charter**
 - B. **Discussion of Current City Charter**
9. **Commission Member Reports**
10. **Adjourn**

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MISSION

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



Charter Commission Agenda Request

MEETING DATE: August 20, 2025

TITLE OF ITEM: Swearing In of James Norwood

AGENDA:

ACTION REQUESTED: Information Only

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

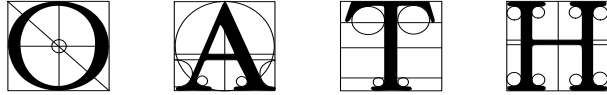
ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Swearing-In of James Norwood to the City of Brainerd Charter Commission

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:

FINANCIAL IMPACT: N/A



STATE OF MINNESOTA)
CITY OF BRAINERD) ss.
COUNTY OF CROW WING)

I, James Norwood, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Minnesota, and that I will faithfully discharge the duties of Commissioner of the Charter Commission of the City of Brainerd, Minnesota, to the best of my judgement and ability, so help me God.

James Norwood

Subscribed and sworn to before me this 20th day of August, 2025.

Nicholas Broyles
City Administrator

Pursuant to due call and notice thereof, the meeting of the Brainerd Charter Commission was called to order at 5:00 P.M. by Commissioner Shipe

Upon roll call, the following members were noted present: Commissioners Lambert and Shipe.

Approval/Amendment of Agenda

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND SHIPE, DULY CARRIED, TO APPROVE THE AGENDA.

New Business

Letter to the District Judge

Administrator Broyles gave an overview of the letter required to send to the District Judge.

Commissioner Lambert asked about a meeting schedule for 2025.

Administrator Broyles stated that staff could preemptively make a schedule for the Charter Commission. He also stated that he will work with the Mayor to appoint more members to the Charter Commission prior to the next meeting.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND SHIPE, DULY CARRIED, TO DIRECT STAFF TO SETUP TWO MEETINGS IN 2025.

Commissioner Shipe asked about applications to the Commission.

Administrator Broyles stated that the City has received a couple of applications, but it is at the discretion of the Mayor to appoint.

Commissioners discussed the substance of the letter to be sent to the District Judge.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND SHIPE, DULY CARRIED, TO DIRECT STAFF TO DRAFT A LETTER INCLUDING THAT THE COMMISSION WILL MEET TWICE AND TO ASK THE MAYOR TO FOCUS ON CHARTER COMMISSION RECRUITMENT.

Adjourn

MOVED AND SECONDED BY COMMISSIONERS O'DAY AND YEAGER, DULY CARRIED, TO ADJOURN THE CHARTER COMMISSION MEETING.

Chair Czczok adjourned the meeting at 4:35 p.m.

Respectfully submitted by:
Toni Gage



Charter Commission Agenda Request

MEETING DATE: August 20, 2025

TITLE OF ITEM: Discuss Chapter 5 of the Charter

AGENDA:

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 their Aug 4 meeting, the City Council passed a resolution essentially interpreting Chapter 5 - Section 4 of the city charter. Both the current charter and the resolution are attached. The council is asking the Charter Commission if they want to offer suggested language to codify their interpretation into the Charter.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Discussion on potential charter changes.

FINANCIAL IMPACT: UNK

BRAINERD CITY CHARTER

CHAPTER ONE

NAME, BOUNDARIES, POWERS AND DIVISIONS

1. All that district of country in the county of Crow Wing contained within the limits and boundaries as now are or hereafter may be established shall be a City by the name of "Brainerd," and all the people now inhabiting, and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Brainerd", and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.
2. The City shall be divided into four wards in accordance with state law.

CHAPTER TWO

OFFICERS AND ELECTIONS

1. The elective officers of the City shall be a Mayor and seven City Council Members. Of the seven Council Members, three shall be elected at large and one from each ward. All elective officers shall be residents of the City of Brainerd and the four ward Council Members shall be residents of their respective wards.
2. When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted, and the returns made and results canvassed consistent with the general laws of the State of Minnesota pertaining to primaries. The regular City election for the election of City officers shall be held on the first Tuesday after the first Monday of November in each even numbered year; and all general laws of the State of Minnesota, relating to the election of City officers and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this Charter, and all special elections, and are hereby adopted as a part of this Charter, the same as if herein specifically reenacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all special City elections, except that the City Council shall appoint additional officers as permitted by law. Election returns shall be made and results canvassed consistent with the general laws of the State of Minnesota pertaining to general elections.

3. The term of office of every officer elected under this Charter, unless otherwise provided for, shall commence on the first Monday of January following the election and shall continue for a term of four years and until his or her successor is elected and qualified.
4. The appointive officers of the City shall be a City Attorney, Public Utilities commission to consist of five (5) members, a Park and Recreation Board to consist of five (5) members, and a Library Board to consist of nine (9) members, and such other officers as the City Council deem proper and necessary. Provided, however, that no elective or appointive person holding office in the City of Brainerd may be appointed to the Public Utilities Commission.
5. At its first regular meeting in January of each odd-numbered year the Council shall, by majority vote, appoint the City Attorney. All terms shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified.
6. The members of the Public Utilities Commission, the Park and Recreation Board, and the Library Board shall be appointed by the Mayor and their appointment confirmed by the City Council: such appointments and confirmation shall be made at the first regular Council meeting in January of each year; at which time there shall be appointed one (1) member of the Public Utilities Commission, one (1) member of the Park and Recreation Board: and every other year and three (3) members of the Library Board. The term of office for a member of the Library Board shall be for six (6) years, the term of office for a member of the Public Utilities Commission shall be for five (5) years, and the term of office for a member of the Park and Recreation Board shall be for five (5) years. Such terms of office shall commence upon their appointment and qualification and continue for said terms until their successors are appointed and qualified.
7. Any elective or appointive officer provided for by this Charter having entered upon the duties of the office may resign the same. Any elective or appointive officer changing residence from the City, or any Member from the ward for which elected or appointed shall be deemed to have vacated such office.
8. Every person appointed to any office by the City Council or Mayor may be removed from such office by a vote of two thirds of all the Members authorized to be elected. But any officer appointed by the Mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his or her defense.

The Council shall fix the time and place for the hearing of such officer, of which not less than ten days' notice shall be given to such officer and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges, the City Council may declare such office vacant. Among such causes shall be continued absence by a member of a board from three successive regular meetings of such board, or neglect of duty of any officer.

9. Any person shall not be eligible to serve on a Board or Commission of the City under this Charter who has ever been convicted of a felony, or is not at the time of his appointment a qualified elector of the City of Brainerd (unless otherwise expressly allowed by the City by ordinance, resolution or policy), or who is at such time interested in any contract with the City of Brainerd to which the person is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.
10. Whenever any vacancy shall occur in any elective or appointive office, such vacancy shall be filled by the City Council in the manner provided for appointments by the City Council; except that the members of the Public Utilities Commission, the Park Board, and the Library Board, shall be appointed by the Mayor and confirmed by the City Council.

All officers so appointed shall hold their respective offices for the balance of the unexpired terms.

11. Every person elected or appointed to any office under the provisions of this Charter shall before entering upon the duties of the office take and subscribe an oath of office and file the same with the City Clerk. The Administrator and such other officers as the City Council shall require and as shall be required by the provisions of this Charter, shall severally, before they enter upon the duties of their respective offices, execute to the City of Brainerd, bonds in such amounts as the Council shall prescribe, conditioned that such officers will faithfully perform the duties of their respective offices, and account for and turn over all money and other property, coming into the officer's hands. Such bond and the expense thereof, if a surety bond, shall be paid by the City.

All official bonds shall be approved by the City Council and be kept on file in the office of the City Administrator.

12. The compensation of all elective and appointive officers of the City shall be fixed by ordinance as permitted by State Statute.
13. The Mayor shall be the chief executive of the City and see that the laws of the state and the ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their duties. The Mayor shall be an ex-officio member of the City Council, for the purpose only of casting the deciding vote upon any question before said Council when the Council Members composing the said Council present and voting are equally divided thereupon. The Mayor shall from time to time give the City Council such information and recommend such measures as the Mayor deems to be in the best interest of the City. The Mayor shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the City. All Ordinances and Resolutions shall before they take effect be presented to the Mayor, and if the Mayor approves thereof shall sign the same, and such as the Mayor shall not sign, shall be returned to the Council with the Mayor's objection thereto, by depositing the same with the City Administrator to be presented to the City Council at its next meeting.

Upon the return of any ordinance or Resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of all the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance or Resolution shall not be returned by the Mayor within five days, Sundays and holidays excepted, after it shall have been presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. In case the Mayor shall be guilty of willful oppression, corrupt partiality or other malfeasance in the discharge of the duties of the office the Mayor shall be liable to indictment and on conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

14. At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

15. The City Administrator shall be the chief administrative officer of the City of Brainerd. The Council shall delegate to the City Administrator by Ordinance whatever powers and duties it deems necessary or proper for the efficient administration of City affairs. Such delegation may include, but is not limited to, supervision of City employees and department heads. Provided, however, that the City Attorney shall be directly responsible to the Council and Mayor for professional advice and services. The Council may at any time rescind or amend authority delegated to the City Administrator. At no time shall such delegation abridge the authority of a Council Member or the Mayor or the Public Utilities Commission or any other board or commission enumerated in the Charter in fulfilling their duties granted in this charter.
16. Any elective officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time for malfeasance or nonfeasance in office, by the electors qualified to vote for a successor of such officer. The procedure to affect a removal of such elective municipal officer shall be as follows:
17. A petition signed by electors entitled to vote for a successor of the officer sought to be removed equal in number to at least twenty-five percent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor

of the person sought to be removed, shall be addressed to the Council and presented to the City Clerk; provided, that the petition shall contain a general statement of the ground for which the removal is sought.

18. If the petition shall be found to be sufficient the Administrator shall transmit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order and fix a date for holding the said election at the next election date authorized by state law that is not less than seventy-seven (77) days from the date of the Administrator's certificate to the Council that a sufficient petition is filed. The Council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published call for the election there shall be printed in not more than 200 words the reason for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify his or her course in office: and said election shall be conducted, returned, and the result thereof declared, in all respects, as are other City elections.
19. At an election on removal, the question on the ballot shall be in substantially the following form: "Shall (Name) elected (appointed) to the office of (title) be removed from that office?" If a majority of voters at the election vote in the affirmative, the officer shall be recalled and removed.
20. No person who has been removed from office by recall or has resigned from office after the filing of a recall petition, shall be appointed to any office under this Charter within one year after such removal or resignation.
21. In so far as practical, all laws and provisions for holding regular or special elections in the City shall apply to such recall election and the preliminaries thereto, and wherein applicable or impractical the Council shall by Ordinance provide such other and further regulation consistent herewith as may be necessary to carry out the provisions of Sections 16, 17, 18, 19, and 20.

DUTIES OF THE CITY ATTORNEY

22. The City Attorney shall perform all professional services incident to the office; shall attend all meetings of the City Council, and when requested shall attend all meetings of committees of the Council. The City Attorney shall give legal opinions and advice upon all questions pertaining to City business when requested so to do by the City Council or any officer of the City. The City Attorney shall institute, prosecute, and defend all actions brought by the City or against the City; and shall draw and prepare all ordinances, resolutions, contracts, bonds or other instruments in which the City or any board thereof is interested. The City Attorney shall be the legal advisor of the Public Utilities Commission, the Park Board, the Library Board, and the committees thereof; shall attend the meetings of the said boards when requested so to do and furnish to the said boards written legal opinions when requested, and shall institute, prosecute, and defend all actions which may be brought by or against said boards or by or against the City affecting the affairs of such boards.

The Council shall have power to appoint and employ special counsel to assist the City Attorney in the performance of any of the City Attorney's duties and fix and pay the compensation therefor.

DUTIES OF CITY OFFICERS

23. All City officers shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise.
24. No officer of the City shall retain any property, papers, books, and effects of any kind that belong to the City or pertain to the office after the expiration of the officer's term.
25. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.
26. The City Council may also at the time mentioned in the last section and in the manner therein specified, let a contract for doing of the job printing of said City, and may determine what contract and bond should be required of the person or persons selected to do such job printing.
27. Except as provided by state law, no City officer shall be directly or indirectly interested in any contract of any character with the City or any department or board thereof, either as vendor, purchaser, contractor, employer, employee or otherwise. All contracts made in violation of this section shall be void, and no money shall be paid on account thereof, or any warrants issued. Any officer who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any officer violating the provisions of this section shall forfeit the office and the office shall thereby become vacant upon a finding and conviction thereof, as provided in Section Ten of this Chapter.

DUTIES OF THE CITY COUNCIL

28. The Council Members shall constitute the City Council and shall be the governing body of the City, and the style of all Ordinances shall be, "The Council of the City of Brainerd do ordain". A majority of all the Council Members shall constitute a quorum. The President or Vice- President of the Council shall when present preside at all meetings. In their absence the Council may elect a President pro

tem who shall for such meetings and the proceeding thereof have the same power as the President.

29. The City Council shall hold public meetings which shall not be less than one meeting per month. The meetings shall be fixed by the City Council. Minutes of the Council proceedings shall be made and be available to the public. The Mayor, the President or Vice-President of the Council or any two of the Council Members may call special meetings by notice filed with the City Administrator and served upon each of the members by delivering the same personally or left at the place of their usual abode, or a special meeting may be called by the Mayor, President, Vice-President, or President pro tem at any regular meeting of the City Council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meeting of the City Council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. Except in cases of emergency, the City Council shall not meet on a Sunday, a legal holiday, or a day of general or special election.

30. The City Council shall have the management and control of all the finances and property of the City and of all the departments thereof subject to the other provisions of this Charter. However, no real estate belonging to the City shall be sold or disposed of unless so ordered by two thirds vote of all the members of the City Council; and provided that neither the water works nor the electric light plant, nor any other public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged, or otherwise disposed of unless authorized to do so by a four-sevenths majority of the qualified electors of said City.

The City Council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and repeal all such ordinances, resolutions, rules, by-laws and regulations for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe keeping of all persons arrested or charged with any offense.

The City Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any Ordinance, Resolution, rule or By-law passed or ordained by them: and all such Ordinances, Resolutions, rules and By-laws are hereby declared to be and have the force of law, and for the said purposes shall have authority by Ordinance, Resolution or By-laws, to the extent permitted by law.

31. The Council of the City of Brainerd shall be authorized to exceed its overall levy limitations, by an amount not to exceed 3% of its previous year's total levy of the taxable property of the City of Brainerd prior to the time of such levy, which may be levied on the taxable property within its boundaries in addition to all other taxes voted by it. It shall be exempt from the statutory penalty provisions and

shall also be over and above any limitations in the Charter of the City of Brainerd prior to the time of such levy. Such additional levies shall be used for the purpose of establishing and maintaining a public bus or transit facility or subsidizing a private bus or transit facility. In the next succeeding levy year and thereafter, such amounts shall become a permanent adjustment to the levy base per capita of the City of Brainerd.

32. The City Council may create an ordinance which may impose punishment for the breach of any Ordinance of the City to impose a fine and imprisonment as permitted by state law.

33. All Ordinances, Resolutions and By-Laws shall be passed by an affirmative vote of a majority of the members of the City Council present by an aye and nay vote.

All Ordinances shall be twice read at length in open Council before their passage unless the reading is dispensed with by unanimous consent: and no Ordinance shall be passed within ten (10) days after being first so read.

All Ordinances shall be once published in the official paper of the City, and no Ordinance shall take effect until one week after the day of such publication. All Resolutions and By-Laws shall take effect from and after their passage or adoption unless the City Council shall expressly order to the contrary; provided, however, that all Ordinances in relation to contagious or infectious disease or hydrophobia may be passed at the meeting of the first reading and take effect from and after their passage if the City Council so order.

34. A copy of the record of any Ordinance or Resolution heretofore passed or that may hereafter be passed, certified by the Administrator and verified by the seal of the City, or recorded in the books containing the official proceedings of said Council, or published in any compilation of Ordinances made under the direction of the City Council, shall be prima facie evidence of the contents of such Ordinance or Resolution and of the regularity and legality of all proceedings relating to the adoption and approval thereof: and shall be admitted as evidence in any court in this state without further proof.

In all actions, prosecutions, and proceedings of every kind before a court, the court shall take judicial notice of all ordinances of said City, and it shall not be necessary to plead or prove such Ordinances.

35. The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.

37. No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Council Members as were present when said vote was originally taken.
38. The City Council shall examine, audit, and adjust the accounts of the City at such times as it deems proper or as otherwise required by law.
39. The City Council shall have the power to make purchases on behalf of the City and may make purchases through such methods or designees as the Council may determine from time to time by Ordinance or Resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

CHAPTER THREE

FINANCES

1. The fiscal year of the City shall be the calendar year.
2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council
3. The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose.

4. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.
5. Before any bonds be issued, the City Council shall, at a regular meeting or at a special meeting called for the particular purpose, adopt appropriate resolutions by an affirmative vote of three- fourths of all its members ordering the issue, and every such resolution shall set forth the amount of the issue and the specific object thereof, be written at length in the records of the Council proceedings and be published and take effect in accordance with the provisions of Section 34 of the City Charter.
6. On or before the first day of September in every year, the President of the City Council, the Chairman of the Finance Committee of the Council and the City Administrator shall submit to the City Council an estimate of the probable expenditures of the City government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City, and specifically showing the various amounts necessary for each and every fund, including an estimate of the total income from all sources of revenue other than taxes upon property, and the probable requisite amount to be levied and raised by taxation to defray all such expenses and liabilities of the City.
7. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.

8. There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.

CHAPTER FOUR

FIRE DEPARTMENT

1. The City Council shall have power to purchase, keep and maintain fire extinguishers, fire engines and other fire apparatus, to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes, and other means of giving notices of fires.
2. Whenever the City Council may decide by a two-thirds vote of all its members that greater protection can be secured by a paid fire department, it may by resolution duly passed, abolish the existing volunteer fire department and create in lieu thereof, a paid fire department, which shall be officered and managed as provided in the next section.
3. In the event of the creation of a paid department the City Council shall appoint a Fire Chief of said fire department and provide for such other officers and employees as may be deemed necessary for such department.
4. The Council shall have power and authority to make by Ordinance all needed rules for the government of the fire department and for the protection and use of all fire stations and other property and apparatus pertaining thereto.

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.

CHAPTER SIX

THE PARK AND RECREATION BOARD

1. The Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards within the City, and also of such streets and other public grounds as the City Council shall by proper resolution designate. It shall also establish the recreation policy and conduct and supervise recreation areas, facilities, services, and programs for all types of public recreation. It shall have the authority to conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the City of Brainerd, or on other properties with the consent of the owners or authorities who control the property. And it is made the duty of said Board to cause to be enforced all laws of the State and Ordinances and Resolutions of the City Council for the improvement, care and protection of the parks and other public property under its charge.
2. The said board shall organize by selecting a President and Vice-President from its members. A Clerk shall keep a full record of all proceedings of said board, and a Treasurer who shall keep books showing all monies received and disbursed and the management of the business committed to said board.
3. Said board shall have the power of coordination of services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure, or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money, or any funds from earnings. All money received from donations, bequests or earnings shall be deposited in a special account managed by the board.
4. The board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year; subject to the approval of the City Council.
5. The members of said board shall receive no compensation.

CHAPTER SEVEN

PUBLIC LIBRARY BOARD

1. The Library Board shall organize by appointing a President, Vice-President, and Secretary from their number; such board shall have charge and supervision of the public library; together with all library buildings, grounds and other property pertaining to the public library, and shall have power to make and enforce such rules and regulations, as it may deem proper for the care, use, preservation and protection of all property. The City Council may pass all proper Ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.
2. The Secretary of the Library Board shall keep books of account fully showing all moneys received and disbursed and the purposes therefor, and the exact condition of said fund, and shall annually on or before the first Council meeting in may make a statement fully showing all the receipts and disbursements of said fund for the last year and the exact condition, which report shall be in duplicate, one copy of which shall be preserved in that office and the other copy filed with the City Administrator.
3. The general laws of the state with respect to the establishment and maintaining of public libraries are hereby made a part of this Charter, except so far as the same herein changed or modified.

CHAPTER EIGHT

GENERAL PROVISIONS

1. The City council may from time to time provide for the compilation and publication of the Ordinances of the City, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion and may also provide for exchange of such printed compilations for similar publications for other cities.
2. All actions brought to recover any penalty or forfeiture under this act or the ordinances, resolutions, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the City.
3. No penalty or judgment recovered in favor of the City shall be remitted or discharged, except by a vote of two-thirds of all the members of the City Council; but nothing in this section shall be so construed as to prohibit the judge of a court of jurisdiction from granting new trials or reversing any judgment rendered by the court according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence in its discretion.
4. No City officer, or employee of the City, shall sell, dispose of, or convert to the officer's own use, any City property in the officer's charge without special authority from the City Council.
5. That the Charter Commission of the City of Brainerd, as prescribed by state law, be composed of seven (7) members, each of whom shall be a qualified voter of the City of Brainerd.

Adopted by ordinance on October 3rd, 2022.

Ordinance published on October 8th, 2022.

Effective December 30th, 2022

RESOLUTION

58:25

RESOLUTION DOCUMENTING COUNCIL'S INTERPRETATION OF SECTION 4, CHAPTER FIVE, OF THE CITY CHARTER

WHEREAS, the City revised Chapter Five of the City Charter concerning the Public Utilities Commission in 2021; and

WHEREAS, Section 4 of Chapter Five was revised substantially from the prior Section 106, with the new Section 4 language stating as follows:

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.

WHEREAS, questions have been raised with respect to the intent of the language in Section 4 regarding the respective roles of the City Council and the Commission on personnel issues; and


WHEREAS, the Council and Commission met in joint session on July 28, 2025, and discussed the Charter language.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA as follows:

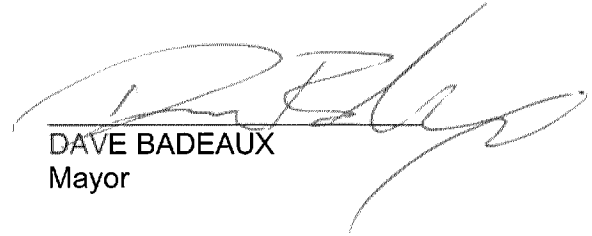
The Council understands Section 4 to recognize the following:


1. All employees of Brainerd Public Utilities (BPU) Department are City employees hired by formal action of the City Council. Said employees are subject to the City personnel policy, any applicable collective bargaining agreement approved by the Council, and any other terms and conditions of employment established by the Council. Changes to position descriptions, filling of vacant positions, and changes to the organizational structure are undertaken pursuant to established City procedure. The Commission may, but is not required, to submit recommendations to the Council for filling vacant positions.
2. The Commission has operational authority over BPU as established in Chapter Five. BPU staff effectuates the decisions of the Commission, acting in accordance with the established organizational structure. The Public Utilities Director, or the BPU managers in the absence of the Director, report to the City Administrator.

Adopted this 4th day of August 2025


MIKE O'DAY
President of the Council

Adopted this 5th day of August 2025


DAVE BADEAUX
Mayor

ATTEST: 
NICHOLAS W. BROYLES
City Administrator



Charter Commission Agenda Request

MEETING DATE: August 20, 2025

TITLE OF ITEM: Discussion of Current City Charter

AGENDA:

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: Attached is the agenda request from the August 4th council meeting. City Council directed staff to convene to review the sanitary sewer functional division. However, an overall review and discussion of the City Charter, and any or all suggestions to the City Council by the Charter Commission should be held.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Discussion on potential charter changes.

FINANCIAL IMPACT: UNK



City Council Agenda Request

MEETING DATE: August 4, 2025

TITLE OF ITEM: Consider a Resolution Stating City Council's Interpretation of Chapter 5 (Public Utilities Commission), Section 4 of the Brainerd City Charter

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE: At the July 28 joint City Council / Public Utilities Commission meeting, Council directed staff to create a resolution to formally interpret chapter 5, section 4 of the Brainerd city charter. Direction is based on the consensus of the Council's discussion to incorporate President Mike O'Day's clarification of the roles and responsibilities of the Council and the Commission. Attached is a resolution for the Council's consideration.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Additional recommendations from staff include:

1. That the Council request that the Charter Commission convene to discuss this section to provide clarity. Further, to review the sanitary sewer system functional division currently addressed in the Charter, specifically that the Public Works Department has oversight over the gravity lines and the Public Utilities Department has oversight over the lift stations and force mains. Staff are also wondering if there are any other sections of the Charter that should be reviewed for possible modification at this time?
2. The Council recommended addressing various issues prior to beginning the hiring process for our Public Utilities Director. Another possible issue could be the current job description, which could be revised. Staff recommends amending the Public Utilities Director's job description to be similar to that of the Public Works Director, eliminating the language that the Director receives oversight and guidance from the Public Utilities Commission. If the Council is interested in this suggestion, staff will modify the job description for Council consideration at the August 18 meeting and, if approved, the hiring process could begin immediately thereafter.

RECOMMENDED ACTION/MOTION:

1. Council adoption of the attached Resolution, or direct revisions as necessary.

2. Provide direction regarding the following:

- a. Convening the Charter Commission to review: Chapter 5; section 4, the sanitary sewer functional division, and any other applicable areas.
- b. Direct Staff to modify the Public Utilities Director job description to eliminate the reference that the Director receives oversight and guidance from the Public Utilities Commission, and present the revised job description to City Council on August 18 for their consideration.

FINANCIAL IMPACT: N/A