



## **CHARTER COMMISSION AGENDA**

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Thursday, February 19, 2026 @ 5:00 PM

The public is invited to attend these meetings in person  
Attend by phone: 1-844-992-4726  
Meeting Access Code: 2499 948 1379

Per MN Statutes 13D.02 Subd 1 Council Members may participate by interactive technology.

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

1. **Call To Order**

2. **Roll Call**

\_\_\_J. Lambert \_\_\_J. Norwood \_\_\_A. Shipe \_\_\_K. Bevans

\_\_\_M. Angland \_\_\_ M. Higgins \_\_\_D. Wussow

3. **Pledge of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Approval Of Minutes**

A. **January 21, 2026 Minutes**

6. **Unfinished Business**

A. **Charter Updates - Continued Discussion**

7. **Commission Member Reports**

8. **Adjourn**

Visit the City's Website at [www.ci.brainerd.mn.us](http://www.ci.brainerd.mn.us)

### MISSION

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

Pursuant to due call and notice thereof, the joint meeting of the Brainerd Charter Commission and Public Utilities Commission was called to order at 4:30 P.M. by Chair Shipe.

Upon roll call Commissioners Bevans, Lambert, Norwood, Shipe, Higgins, Wussow, and Angland were present. Council Member Czczok was also noted as present as liaison to the City Council for the Public Utilities Commission.

The Chair led the pledge of allegiance.

### **Approval/Amendment of Agenda**

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

### **Approval of Minutes**

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD, DULY CARRIED, TO APPROVE THE MINUTES FROM NOVEMBER 5, 2025 AND DECEMBER 17, 2025.

### **Unfinished Business**

#### **Proposed Charter Language**

Administrator Broyles stated that staff has removed the public works commission language as requested by the commissions at the last meeting and combined sanitary with the public utilities commission. He explained the methodology by staff to compare the current charter and draft charter. He also stated that the commission could decide to only consider combining sanitary as a charter change or consider the entire document for a charter amendment.

Chair Shipe stated that the commission should review the electric and public works changes as commissioners are present to ask questions.

Commissioner Higgins stated that the staff has done an outstanding job in simplifying the charter changes in the modified redline document. He spoke with Public Utilities Director Sandy at length about operations if the charter amendment is approved. He is proud and thankful for the time spent. He also stated that it was important for him to know that staff developed the Charter, did research, and could take the document and go do their jobs with minimal effort.

Commissioner Wussow stated that she agrees with Mr. Higgins. The confusion has been separating sanitary from the rest of the utility and the financial separation of SAC/WAC charges. Staff effort is very much appreciated.

Commissioner Norwood asked Member Czczok about the expeditious nature for charter changes.

Council Member Czczok stated that he appreciates the language use for the utilities not separating the gravity from force mains and lift stations. He doesn't see a time constraint. He asked about the capital improvement plan and projects that are assessed.

Administrator Broyles stated that any projects that are going to be assessed to the taxpayers have to be approved by the City Council. Short of assessment projects, the commission would approve all projects under the new charter.

Public Utilities Director Sandy stated that he and City Engineer Dehn discussed this at length. Engineer Dehn currently prepares a 10-year capital improvement plan. With the changes, he sees it working would be for the PUC setting the budget and prepare the capital improvement plan to be approved by the Council on an annual basis. Then the assessment projects would move through the City Council as required by Chapter 429. The commission would provide another layer of oversight into the 10-year capital plan to ensure that the City and Utility are aligned.

Council Member Czczok questioned whether the notification to the public and public hearing would be conducted by the Public Utilities Commission. He also questioned what would happen if the Council did not approve a project for assessment. The oversight of these projects and budget are still within Council responsibility.

Public Utilities Director Sandy stated that it wouldn't necessarily stop the project, it would stop the special assessment process. If that meant that then the project was stopped due to the funding source, that would be a Council decision. Historically, the City assesses resurface and reconstruction projects. The Council is the driver of special assessment projects.

Commissioner Higgins stated that, logically, the description of the Chapter 429 process and Utility Department budget approval is at the will of the Council. He also stated that there are a lot of things going on in the world right now. Money received from the State may not be available he is worried about the timeline dragging out too long.

Commissioner Norwood stated that his perception of the timeline he does not foresee the charter fix having a short timeline. If there was a short timeline for some reason the public utilities items could be updated first and then the commission could tackle the rest of the charter after.

Commissioner Wussow asked about the process of amending the charter.

Administrator Broyles stated that the charter commission could change one section in the current charter very quickly. There are not a lot of substantive changes to the current charter from the proposed charter. The charter amendment process could happen as fast or as slowly as the Charter Commission or City Council want.

Chair Shipe stated that he would like to see a Council temperature check earlier rather than later. He would like to have the commission give suggestions, hold one more meeting for review, and then send the document to the Council.

Commissioner Bevans stated that as the only elected official on the Charter Commission who doesn't get a vote, he was the only one to support an amendment last year.

Chair Shipe pointed to specific language in sections of the proposed Charter that he had questions about.

Staff responded to each of the questions of Chair Shipe. Most answers pertained to state statute language and clarifying why staff felt a change was necessary in certain sections.

Administrator Broyles stated that he recommends another meeting in 10-14 days after Commissioners have had time to provide more comments after today's questions and comments.

MOVED AND SECONDED BY COMMISSIONERS NORWOOD AND LAMBERT, DULY CARRIED, TO DIRECT COMMISSIONERS OF BOTH COMMISSIONS TO PROVIDE STAFF ANY ADDITIONAL COMMENTS REGARDING THE DRAFT CHARTER WITHIN 7 DAYS AND TO DIRECT STAFF TO SCHEDULE A MEETING WITHIN 14 DAYS TO DISCUSS THE COMMENTS.

### **Commissioner Comments**

Commissioner Lambert requested that the proposed charter include a draft watermark for ease of distinguishing between documents.

Chair Shipe thanked staff again for their hard work in updating the Charter and making it more relevant.

### **Adjourn**

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND NORWOOD, DULY CARRIED, TO ADJOURN THE CHARTER COMMISSION MEETING.

Chair Shipe adjourned the meeting at 5:25 p.m.

Respectfully submitted by:  
Toni Gage



# Charter Commission Agenda Request

**MEETING DATE:** February 19, 2026

**TITLE OF ITEM:** Charter Updates - Continued Discussion

**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**

Discuss additional changes to the draft charter based on Commissioner comments. Commissioner comments have been incorporated into the draft of the proposed Charter. Staff recommends discussing each comment and deciding whether integration of the comment into the draft is desired or necessary.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS**

**RECOMMENDED ACTION/MOTION**

Motion to send the draft Charter with any changes to the City Council for review.

**FINANCIAL IMPACT**

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# HOME RULE CHARTER CITY OF BRAINERD MINNESOTA

(2025)

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The City of Brainerd is authorized to exercise all powers legally available to it under the laws and constitution of the State of Minnesota. The City Council, as the elected governing body of the City, shall have the power to enact ordinances or take other official action, in accordance with procedures set forth in this Charter, pertaining to any matter not prohibited or pre-empted by federal or state law or constitution.

Adopted by ordinance    **October 3, 2022**  
Ordinance published    **October 8, 2022**  
Effective date            **December 30, 2022**

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DRAFT

## NAME, BOUNDARIES, & SUBDIVISIONS

**Section 1. Name and Boundaries.** The city of Brainerd, in the county of Crow Wing, in the state of Minnesota, is and shall continue to be a municipal corporation, under the name of "City of Brainerd," with the same boundaries as now or as hereafter may be established.

**Section 2. Elected Officials and Wards.** The elected officials of the city shall be one mayor and seven council members. Three of the council members shall be elected at large and one council member shall be elected from each of the four wards. All elected officials shall be residents of the city of Brainerd and the four ward council members shall be residents of their respective wards. The boundaries of said wards shall be as they now are or may hereafter be established. The terms of office for all elected officials shall be four years and until their successors are elected and qualified. The term of office of every official 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 their successor is appointed.

**Section 3. Change of Wards and Precincts.** The city council shall have the power by ordinance to change the boundaries of such wards and precincts, and to change the number of precincts in a ward but shall have no power to change the number of wards.

## CORPORATE POWERS, RIGHTS, & OBLIGATIONS

**Section 4. Corporate Powers.** The city, by and in its corporate name, shall have perpetual existence; and, except as herein otherwise provided and except as prohibited by the constitution or statutes of the state of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter, also all powers, functions, rights, and privileges now or hereafter given or granted by the constitution and the laws of the state of Minnesota to municipal corporations having "home rule charters"; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree, also all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name, it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey all such real, personal, or mixed property, within or without its boundaries, as its purposes may require or as may be useful or beneficial to its inhabitants, and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable, and for all other legitimate purposes.

**Section 5. Subsisting Rights and Obligations.** The city shall be the legal successor of the city of Brainerd under its former charter, and shall be vested with all franchises, rights, and immunities formerly vested in said city, except as herein otherwise provided. All property and property rights and interests of every kind and nature, formerly vested in said city, or in any board or public official of the same, all taxes and assessments levied in its behalf, and all rights, penalties or forfeitures, accrued or accruing, are vested in and possessed by the city under this charter, and all previously existing indebtedness, obligations, and liabilities of said city, or any department thereof, no matter in what form or how incurred, together with all interest accrued or to accrue thereon, are assumed by the city. Any subsisting right, lien, or demand against the city, or any pending action or proceeding to enforce the same, shall not be prejudiced or affected in any way by this charter. All ordinances, resolutions, rules, and regulations of the city in force when this charter or amendments to the charter take effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect unless and until amended or repealed. All contracts entered by the city or for its benefit, prior to the taking effect of this charter or amendments to this charter, shall continue in full force and effect. All public work begun prior to it taking effect shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws or charter provisions, existing at the time this charter or amendments to this charter take effect, may be carried to completion in accordance with such existing laws and charter provisions.

**Section 6. Charter Construction.** The provisions of this charter shall be construed liberally in favor of the city, to the end that the city may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of municipal powers in other sections of the charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner determined by the city council.

**FORM OF GOVERNMENT**

**Section 7. Organizational Structure.** In addition to the elected officials and city staff, there shall be three entities granted specific authority pursuant to this charter:

- (1) Public utilities commission;
- (2) Parks and recreation board; and
- (3) Library board.

All other commissions, boards, departments, and offices shall operate pursuant to existing ordinances. The duties, powers, and form of organization of which shall be as defined herein. The city council may create and establish additional commissions, boards, departments, and offices consistent with the general purposes of this charter and may also modify or eliminate the same.

**Section 8. Division of Duties: City Council, Commissions, and Boards.** Each commission and board shall exercise necessary actions for sustaining current infrastructure and planning for future growth. Each shall manage their governmental and/or proprietary funds in an efficient and fiscally responsible manner, subject to the city council's general powers provided in this charter and under state law. All city employees are subject to city personnel policies and report to the city administrator.

**Section 9. Appointed Officials.** The appointed officials of the city shall be a city administrator, five public utilities commissioners, five parks and recreation board members, five library board members, and such other officials as may be required under this charter or Minnesota statutes, or as deemed necessary and appropriate by the city council. All terms for members of commissions and boards shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified. The compensation of all elected and appointed officials shall be fixed by ordinance as permitted by state statute. 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 their appointment a qualified resident of the city, 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 to which the person is a party, individually, as a member of a firm, or director or other managing officer of a corporation.

**Section 10. Incompatible Offices.** Neither the mayor, any council member, public utilities commissioner, parks and recreation board member, nor library board member shall hold any paid municipal office or employment under the city.

**Section 11. Combining Offices.** Any two or more of the offices created under this charter, and made appointed by the city council, may, on the discretion of the council, be filled by one and the same person. Additional functions and duties may be assigned by the city council to commissions, boards, departments, and offices established by this charter.

**Section 12. City Council Function.** All powers of the city, both legislative and administrative, unless otherwise delegated by the provisions of this charter or state law, shall vest in and be exercised by the city council, and state statutes. Except as otherwise specifically provided in this charter, the council shall have complete control over all municipal services, but it shall exercise that control through a city administrator to

**Commented [DL1]:** I would recommend to swap the 2 sections as so Section 7 starts with all commissions . . . And then in addition to the statutory commissions, boards, departments, and offices "there shall be three . . ."

**Commented [DL2]:** Each what?? This sections could be a little confusing as it is referring to three separate entities. Just suggesting to cite the three again in the text.

**Commented [DL3R2]:** Each Commission and board.

**Commented [DL4]:** recommending to be "General Powers" and then also cited in an additional section if it is meant to be different than Corporate Powers. There is the possibly developing confusion for the lay person as there is definitive legal jargon used.

**Commented [DL5]:** for my own understanding, what offices are created by this charter? Are they 15 appointments made? 5 in PUC, 5 in Library, & 5 in Parks & Rec?? are all others statute seats (offices)?

**Commented [DL6R5]:** This would also include the offices for the 7 Council members.

be appointed by said council and shall not itself perform any such service.

**Commented [DL7]:** What happens if there is a vacancy in the appointed city administrator? It should be cited if later addressed in the Charter or possibly needs to be addressed here in this section

**Section 13. Duties and Powers: Mayor.** The mayor shall be an ex-officio member of the 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 council such information and recommend such measures as they deem to be in the best interest of the city. Every ordinance or resolution enacted or adopted by the council shall be presented by the city administrator to the mayor for approval or disapproval within two business days after its passage. The mayor shall, within five business days after passage by the council, indicate in writing either approval or disapproval of the ordinance or resolution, and return such ordinance or resolution, together with reasons for disapproval, if any, to the city administrator. Upon the return of any such ordinance or resolution that is disapproved by the mayor, the measure shall be returned to the council for reconsideration, and if upon such reconsideration it is approved by the council by a five-seventh vote of its membership, the measure shall take effect as if approved by the mayor. If an ordinance or resolution is not returned by the mayor within five business days after the passage by the council, it shall take effect as if approved by the mayor.

**Section 14. Elected Office Vacancies: How Created.** A vacancy in any elective office created under this charter shall be deemed to exist for any of the following reasons:

- (1) Death, resignation, or removal of the incumbent.
- (2) Change of an elected official's residence to a location outside the ward represented by the official, or outside the city.
- (3) Conviction of an official while in office of any crime greater than a misdemeanor or of any offense involving a violation of the obligations of the office.
- (4) Failure of an official to take the oath of office.
- (5) Death of a person before taking the office to which the person was elected or appointed, in which case the vacancy shall be deemed to take place at the time when the person's term of office would have begun.

All appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 15. Removals.** Every person appointed to a commission or board, under this charter shall be subject to removal by a five-seventh vote of the council. However, no such official shall be removed except for cause, and unless furnished with a written statement of the charges against them, and an opportunity to be heard in person or by counsel. The council shall fix the time and place for a hearing on such charges, of which not less than ten days' notice shall be given to the official to be removed and shall have power to arrange the mode of hearing, to compel the attendance of witnesses and the production of documentary evidence, to administer oaths, and to hear testimony and arguments.

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:

- (1) 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.
- (2) 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.

(3) 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.

(4) 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.

(5) 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.

**Section 16. Elected Office Vacancies: How Filled.** Whenever a vacancy occurs in an elected office, such vacancy shall be filled by an appointment of the city council. All officials so appointed shall hold their respective offices for the balance of the unexpired terms.

**Section 17. Oath of Office.** Every person elected or appointed to a council, board, or commission under this charter shall, before entering upon the performance of the duties of the office, take and subscribe an oath of office, in the form prescribed by Minnesota statutes, and shall cause the same to be filed with the city administrator.

**Section 18. Conflict of Interest.** A conflict of interest is present when an elected or appointed official, in the discharge of their official duties, would be required to take an action or make a decision regarding a matter in which the official has a personal financial interest, or is otherwise so personally interested in such matter that the official cannot act in the public interest. For purposes of this section, a personal financial interest is any interest which shall yield, directly or indirectly, a material monetary or other benefit to the official, excluding such circumstances when the financial interest of the official is no greater than that of another member of the business classification, profession, or occupation. Any elected or appointed official, or city staff who has a conflict of interest on a matter shall refrain from voting or otherwise participating in any actions or decisions regarding such matter. In such cases, a public disclosure shall be made as follows:

(1) In the case of an elected official, the member shall declare a conflict and a notation regarding the same shall be entered in the city council meeting minutes.

(2) In the case of an appointed official, the member shall declare a conflict and a notation regarding the same shall be entered in the minutes of such commission or board meeting minutes.

(3) In the case of a sale, lease, or contract in which an elected or appointed official with authority to take part in any manner in the making of the transaction has a personal financial interest, neither the city council nor any commission or board of the city shall approve such transaction except as allowed by law.

**Section 19. Primary and General Elections.** When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted. Election returns shall be made, and the results canvassed, consistent with the general laws of the state of Minnesota pertaining to primaries. The regular city election for the election of city officials 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 officials and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this charter. All special elections are hereby adopted as a part of this charter, the same as if herein specifically reenacted. The judges, clerks and other officials of elections at the then last general election for state officials shall be the judges, clerks and other officials of all special city elections, except that the city council shall appoint additional officials as permitted by law. Election returns shall be made, and the results canvassed consistent with the general laws of the state of Minnesota pertaining to general elections.

## DUTIES & PROCEDURES OF THE CITY COUNCIL

**Commented [DL8]:** Bevan's had a suggestion: "My 1 suggestion for the new Brainerd Charter would be to remove Chapter 2, section 2, regarding Primary elections.

This was something recently added for the sole reason that it bothered some folks to elect someone to Council with a less than 50% margin. Starting the campaign season for City Council in May is too long.

I like the idea that you put your \$5 on the counter & you're on the ballot. Being eliminated in an August Primary seems less 'local' and more 'national'.

We have a hard enough time getting people to run and I think a primary prohibits some folks from filing.

**Commented [DL9R8]:** " When we discussed as a group we left it in, something we did not want to have significant change to the language to not adjust the charter from what was previously discussed. I could not think of the best way to word his change or if it warranted more of a discussion topic at the Charter Commission meeting, my lean is more toward this is a discussion topic versus language change from the discussion as a group?"

~~**Section 20. City Council Leadership.** The president or vice-president of the council shall when present preside at all meetings. In the absence of both, the council may elect a president pro tem who shall for such meetings and the proceeding thereof have the same power as the president.~~

**Section 204. Duties and Powers: City Council.** 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 ordered by five-sevenths of all the members of the city council, and provided that no 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 five-seventh majority of the members of the city council. 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, 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 ordained by them, and all such ordinances are hereby declared to be and have the force of law. 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.

Council Procedure

**Section 2221. Procedural Rules and Quorum.** The council shall determine its own rules and order of business and shall keep minutes of its proceedings. A majority of city council members shall constitute a quorum for the transaction of business, but a lesser number may adjourn a meeting.

**Section 2322. Council Organization.** At the first meeting in January of the city council after the regular city election, it shall proceed to elect by written 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 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 their absence. 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.

~~**Section 2023. City Council Leadership.** The president or vice-president of the council shall when present preside at all meetings. In the absence of both, the council may elect a president pro tem who shall for such meetings and the proceeding thereof have the same power as the president.~~

**Section 24. City Council Meetings.** 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 and minutes of council proceedings shall be kept and made 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 provided to each of the members either electronically by official city email or in writing by personal delivery. 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 meetings 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 a general or special election.

**Commented [DL10]:** 1. Section 22: Are the rules of order/procedure defined in city code somewhere today or does that make sense to elaborate on in the charter since that's a fundamental part of how the council operates?

**Commented [DL11R10]:** The City's rules of order and meeting procedures are not defined in detail within the Charter today. Historically, those items have been addressed through City Code, adopted council rules, or established practice (such as use of Robert's Rules of Order), which allows the Council flexibility to adjust procedures over time without requiring a charter amendment. Section 22 is intentionally written at a high level to establish the Council's authority to set its own rules, define quorum, and require the keeping of minutes—all fundamental governance principles—while leaving the specific procedural rules to be adopted separately by the Council as needed.

**Commented [DL12]:** Relabel as Section 20 and edit the succeeding sections appropriately.

**Commented [DL13R12]:** Moved section 20 as Shipe had suggested and re-numbered

**Commented [DL14]:** Section 20: Move after section 23 since it talks about officers of the council that haven't been defined yet?

**Commented [DL15R14]:** Moved and re-numbered accordingly

**Commented [DL16]:** 1. Section 24: What entity's legal holidays do we want to use? My preference would be the state since that's where the rest of our guidance/authority in the charter comes from.

**Commented [DL17R16]:** Legal holidays are not specified in the Charter and are instead established through the City's Employee Policy Manual. This approach allows the City to align holiday observances with state guidance while maintaining flexibility to make administrative updates without requiring a charter amendment.

**Section 25. Ordinances and Resolutions.** Except as otherwise required by this charter or state law, all ordinances and resolutions shall be passed via roll call by an affirmative vote of a majority of the members of the city council present by an ‘aye’ or ‘nay’ vote. The vote of each council member shall be recorded in the minutes. Every ordinance or resolution enacted or adopted by the council shall be signed by the president of the council and the mayor, and attested by the city administrator, and shall be filed with the city clerk immediately after its passage. Every resolution shall be presented in writing before a vote is taken thereon.

**Section 26. Ordinance Procedures.** The enacting clause of all ordinances passed by the council shall be in the words: "Be it Ordained by the City Council of the City of Brainerd." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances and those changing the zoning map, shall be considered by the city council at two meetings, and not voted on until the second meeting. A minimum of ten calendar days shall elapse between the first and second consideration of the ordinance.

**Section 27. Emergency Ordinance.** An emergency ordinance is for the immediate preservation of public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto.

**Section 28. Ordinance Publication.** Except as provided hereafter, every adopted ordinance shall be published at least once in the official paper of the city within fifteen calendar days after such approval. In the case of lengthy ordinances or ordinances including charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by resolution, direct that only the title of the ordinance and a summary be published, with notice that a digital copy of the complete ordinance is available for inspection during regular business hours at the office of the city administrator. Every adopted ordinance shall be recorded by the city clerk in a record kept for that purpose, and the affidavit of publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication thereof, or a certified copy thereof, shall be deemed sufficient evidence of such adoption and publication.

**Section 29. When Ordinances and Resolutions Take Effect.** Emergency ordinances shall take effect immediately upon their passage and approval of so ordered by the council. All other ordinances shall take effect upon initial publication. All resolutions shall take effect from and after their passage or adoption unless the city council expressly orders otherwise.

#### DUTIES OF THE CITY OFFICIALS

**Section 30. Assigned Duties.** All city officials shall perform such duties as may be directed by the city council by ordinances, resolutions, or otherwise. No official 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 their employment.

City Administrator

**Section 31. City Administrator Role.** The city administrator shall be the chief administrative officer of the city and shall be appointed by the city council for an indefinite period of time. The city administrator may be removed by the council in accordance with the terms of a valid employment contract, or as an at-will employee in the absence of any contrary terms in a valid employment contract. In the event of the removal or resignation of the city administrator, the council shall immediately take steps to appoint a successor. The council shall delegate to the city administrator by ordinance whatever powers and duties they deem necessary or proper for the efficient administration of city affairs.

**Section 32. Duties and Powers: City Administrator.** The city administrator shall have the following duties and powers:

- (1) Attend meetings of the council, committees, boards, and commissions, as necessary, and may take

**Commented [DL18]:** Section 25: Worth defining the "city clerk" role somewhere even if it's just a note that when we say city clerk that's the city administrator or someone they designate?

**Commented [DL19R18]:** The City Clerk position is a distinct role under the Charter and may or may not be held by the City Administrator, depending on how the City is organized at a given time. In Brainerd's current structure, the City Administrator also serves as the City Clerk; however, the language is intended to recognize the Clerk as a function that may be performed by the Administrator or another individual designated by the Council, as permitted by law.

**Commented [DL20]:** again for my own understanding, why does it have be "blah blah blah City of Brainerd" Is it a tradition thing? Is it a legal jargon thing? Not saying it needs to change, but it is proposed in the charter and its hard to change in the future if there is a need to better reflect intention of an ordinance. There were previous charter items that explicitly dealt with traditional things that had expired in practicality but continued long after in reference in the charter. Mayor's Posse is an example or posse comitatus,

**Commented [DL21R20]:** Our understanding from the group discussion and from the Attorney that this is required legal jargon.

part in discussions, but without a vote.

(2) Perform such other duties as may be prescribed by this charter or required or authorized by the city council, not inconsistent with the provisions hereof.

(3) Exercise administrative control over all city departments and divisions now in existence or which may be hereafter created by the city council, all commissions and boards, and all city employees.

(4) With the consent of the city council, hire and promote employees. Authority to discipline employees and perform other administrative action resides with the city administrator where all actions are carried out pursuant to current employee policies and signed collective bargaining agreements.

#### Financial Management

**Section 33. Fiscal Year.** The fiscal year for the city shall be the calendar year.

**Section 34. City Council Control of Finances.** Except as otherwise provided herein, the city council shall have full authority over the financial affairs of the city and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money, and shall make provisions for the payment of all liabilities and expenses, all subject to the provisions of this charter.

**Section 35. Separation of Funds.** All city money shall be accounted for in accordance with generally accepted accounting principles for units of local government. All taxes and money received or appropriated for any particular fund shall be paid into and credited to such funds. All taxes and money received by the city, not appropriated, or otherwise payable to any particular fund, shall be credited to the general fund.

**Section 36. Special Levies.** The city council shall annually levy taxes to provide for the following specifically designated funds and purposes:

(1) 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 an amount not to exceed 9% of the previous year's total city levy. These funds shall be thereby transferred to the capital improvement fund.

(2) The city shall levy 1.5% of the previous year's total city levy for each of the following purposes within the city limits:

- a. Provide community action programs and events.
- b. Establish and maintain programs benefitting senior citizens, or for support to a subsidized non-profit senior citizens organization.
- c. Support of an arboretum or green space organization.

(3) The city council may levy for transit operations, which shall not exceed 3% of the previous year's total city levy.

**Section 37. Annual City Budget.** On or before the first day of September of every year, the president of the city council, the chair of the council personnel and finance committee, and the city administrator shall submit to the city council an estimate of the probable city expenditures for the following 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.

**Section 38. Signing Orders.** 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.

#### Public Utilities Commission

**Section 39. Public Utilities Commission.** There is hereby created and established in the city a public utilities commission which shall meet at least a minimum monthly.

**Section 40. Appointment and Confirmation: Commissioners.** The commission shall consist of five members, each of whom shall be a resident of the city or have an ownership interest in a business within the city. They shall be appointed by the mayor and confirmed by the council. The term of office for each commissioner shall be four years. There are no restrictions on the number of consecutive terms a member may serve on the commission. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 41. Public Utilities Commission Officers.** At the regular meeting in January of each even-numbered year, the public utilities commission shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the commission.

**Section 42. Duties and Powers: Commission Chair and Vice Chair.** The chair shall preside at all meetings of the commission and sign all rules and regulations authorized by the commission. The vice chair shall perform the duties of the chair in their absence.

**Section 43. Signing Payments.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the city administrator and countersigned by the finance officer designated by commission.

**Section 44. Duties and Powers: Public Utilities Commission.** The commission shall have the following duties and powers:

- (1) Operate electric, water, wastewater, stormwater treatment, and conveyance utilities and execute necessary actions for sustaining current infrastructure, planning for future growth, economic management, and fiscal responsibility thereof.
- (2) Oversee all city capital construction project management initiatives including but not limited to improvements made to streets, alleys, sidewalks, trails, and other public ways, excluding properties dedicated to the parks and recreation board and the library board.
- (3) Keep the same in repair, and to make necessary replacements, extensions, improvements, changes, and additions thereto.
- (4) Fix and determine the rates and charges to be made for electricity, and recommend the rates and charges to be made for water, wastewater, stormwater, and sanitary sewer which shall be set by the council pursuant to state statute. The commission shall also collect the same and all other earnings and revenues of said utility; provided, however, that whenever any new schedule of rates is adopted for any enterprise, or any change or alteration is made in the existing schedules, affecting either a part or all of the patrons of such utility, the commission shall cause publication of such new schedule, or such change or alteration, to be made in the official newspaper of the city.
- (5) Prescribe the time and manner in which payment for all such services shall be made, and to provide for the termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such services.
- (6) Make and enforce rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utility, and to prescribe penalties for the violation thereof. All current rules, resolutions, and regulations shall remain in full force and effect until repealed, altered, or amended by the commission.
- (7) Keep all funds belonging to the commission in a bank or depository designated by the city council.
- (8) The commission shall have the right to the reasonable use of the streets, alleys, and other public grounds of the city for the purpose of maintaining and operating such utilities and repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any

**Commented [DL22]:** Is there a better way to describe this? Also, should it be defined as a majority ownership? Would a very small fractional ownership qualify someone without very little risk or interest in the city. Darrel Olsen decides to buy .005% of Shep's on 6th and then votes to reduce sanitary collection fees of Baxter. It's far fetched but the bar for entry is possibly too low.

**Commented [DL23R22]:** Under state law, there is no requirement that commission members have an ownership interest. Any ownership requirement is a local policy choice established solely through the Charter. The Charter Commission therefore has discretion to define the standard in a way that best reflects its intent.

Setting a higher ownership threshold (such as majority ownership) would ensure commissioners have a substantial and direct stake in the City's outcomes. Conversely, allowing a lower ownership threshold, or removing the requirement altogether, could broaden eligibility and potentially increase the pool of qualified applicants, if that is the Commission's goal.

The key policy decision is whether the emphasis should be on ensuring a significant ownership interest or on encouraging broader participation, recognizing that a minimal ownership standard may technically qualify individuals with very limited connection or risk exposure. All up to the Commission as a whole.

**Commented [DL24]:** Which finance office?? The reference of commission leads to PUC but this should be explicit to reduce confusion. To clarify, I am indifferent as to whether its P&F council chair or PUC finance chair.

**Commented [DL25R24]:** The reference to the "finance office" is intentionally broad to allow flexibility over time. While it may currently point to the Public Utilities Commission, the intent is not to limit it to a specific body or position. At present, the role is performed by the Utility Department's

**Commented [DL26]:** does this include buildings?

**Commented [DL27R26]:** Yes.

**Commented [DL28]:** including trails that continue into parks?

**Commented [DL29R28]:** Trails that are designated as part of the Park and Recreation system would be treated the same as park property and would not qualify. Trails that are not designated to the Park and Recreation Board would remain eligible.

street, alley, or public ground is disturbed, the commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.

(9) Make, perform, and enforce contracts not subject to levying of special assessments pursuant to Minnesota statute 429 in the name and on behalf of the city, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein. The city council maintains exclusive authority to make, perform, and enforce contracts subject to the levying of special assessments pursuant to Minnesota statute 429.

(10) The commission shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.

(11) The commission will perform any additional duties and powers as directed by the council.

**Section 45. Electric Service Territory.** The service territory for the electric utility is established by the Minnesota Public Utilities Commission. Any extension of the electric utility outside the service territory by contract with another utility shall be approved by the city council. Any extension of the electric 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 public utilities commission.

**Section 46. Public Utilities Exclusions.** The Public Utilities Commission 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.

#### Parks & Recreation Board

**Section 47. Parks and Recreation Board.** There is hereby created and established in the city a parks and recreation board which shall meet at least monthly. The council shall maintain city parks for the use of the general public and designates this board to control and supervise all parks within the city, and also of such streets and other public grounds as the council shall by proper resolution designate.

**Section 48. Appointment and Confirmation: Board Members.** The board shall consist of five members, each of whom shall be a city resident. They shall be appointed by the mayor and confirmed by the council. The term of office for each member shall be four years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 49. Parks and Recreation Board Officers.** At the regular meeting in January of each even-numbered year, the parks and recreation board shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the board may deem necessary or proper shall be appointed as needed, and the board shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 50. Duties and Powers: Board Chair and Vice Chair.** The chair shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice chair shall perform the duties of the chair in their absence.

**Section 51. Duties and Powers: Parks and Recreation Board.** The board shall have the following duties and powers:

- (1) Establish recreation policies of recreation areas, facilities, services, and programs for all public recreation.
- (2) Conduct activities for the requisite supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the city, designated park property, or other properties with the consent of the

**Commented [DL30]:** what is the background or need for this item? seems confusing.

**Commented [DL31R30]:** This authority is already exercised in practice; however, it was not explicitly stated in the prior Charter. Staff recommended adding this language to clearly reflect existing operations and to remove any ambiguity regarding access to City property when performing utility-related work. This provision is intended to ensure the Commission, and other City departments as needed, can access City property to carry out essential public functions while preserving and restoring public spaces.

**Commented [DL32]:** Is the PUC not immediately involved in all discussion of these projects at an advisory level?

**Commented [DL33R32]:** The Commission is, this replaces and allows for the Commission to legally bind contracts as is stated in the current charter.

**Commented [DL34]:** for my understanding, what would an example be and why is it needed?

**Commented [DL35R34]:** This is needed under the compliance rules. It allows Commission to review purchases and expenses under the budget approved by Council. Council does not approve the checks that are written by the Commission except for in the budget approval process. It streamlines the payment deadlines of utility funds.

**Commented [DL36]:** it was questioned about boulevards and traffic circles during the last charter meeting. I do caution about mission creep in this section as with less defined, more gray description in this section that could lead to ever growing responsibilities for Parks & Rec Board. As to staffing, it should be the discretion of City administration as to what department staff members are assigned. The charter should not be describing the roles of city department staff too much.

**Commented [DL37]:** what other officers would there be?

**Commented [DL38R37]:** Any officers that the board could appoint or deem necessary. It could be any number of officers, this allows for the board to do that, i.e. treasurer, secretary etc.

**Commented [DL39]:** Should there be more uniformity in the section design describing each of the three boards so the make up is more similar but the responsibilities are the difference.

owners or authorities who control the property.

(3) Enforce all laws of the state, ordinances, policies, and resolutions of the council for the improvement, care, and protection of the parks and other public property under its charge.

(4) Procure or lease public or private properties 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 council.

(5) The board shall each year prior to September 1 prepare and present a budget for parks and recreation purposes for the following fiscal year, subject to the approval of the council.

(6) The board will perform any additional powers and duties as directed by the council.

#### Library Board

**Section 52. Library Board.** There is hereby created and established in the city a library board which shall meet at least quarterly. The general laws of the state with respect to the establishment and maintenance of public libraries are hereby made a part of this charter, except so far as the same herein changed or modified.

**Section 53. Appointment and Confirmation: Board Members.** The board shall consist of five members, each of whom shall be a resident of the city. They shall be appointed by the mayor and confirmed by the council. The term of office for each member shall be five years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 54. Board Officers.** At the regular meeting in January of each even-numbered year, the library board shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 55. Duties and Powers: Board Chair and Vice Chair.** The chair shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice chair shall perform the duties of the chair in their absence.

**Section 56. Duties and Powers: Library Board.** The board shall have the following duties and powers:

(1) Charge and supervision of the public library.

(2) Charge and supervision of all library buildings, grounds, and other property pertaining to the library.

(3) Power to make and enforce such rules and regulations, as it may be deemed proper for the care, use, preservation, and protection of all property.

(4) 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.

(5) The board shall, at the first meeting of the council in September of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.

(6) Perform any additional powers and duties as directed by the council.

#### MISCELLANEOUS PROVISIONS

**Section 57. Severability.** The various sections and provisions of this charter, and the clauses, phrases, and sentences thereof, shall be severable, and if any section, part, or provision shall be held to be invalid, it shall not be construed as invalidating any other part or portion thereof.

**Section 58. Penalty and Forfeiture.** All actions brought to recover any penalty or forfeiture under this charter

or ordinances and resolutions made in pursuance thereof, shall be brought in the corporate name of the city.

**Section 59. Legal Liability.** 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.

DRAFT

**From:** [Kelly Bevans](#)  
**To:** [Toni Gage](#); [Nick Broyles](#); [Connie Hillman](#)  
**Cc:** [andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)  
**Subject:** Re: Charter  
**Date:** Tuesday, February 3, 2026 1:18:13 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)

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At least I'm consistent.

Kelly

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**From:** Toni Gage <[tgage@ci.brainerd.mn.us](mailto:tgage@ci.brainerd.mn.us)>  
**Sent:** Tuesday, February 3, 2026 12:30 PM  
**To:** Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)>; Connie Hillman <[chillman@ci.brainerd.mn.us](mailto:chillman@ci.brainerd.mn.us)>  
**Cc:** Kelly Bevans <[kbevans@ci.brainerd.mn.us](mailto:kbevans@ci.brainerd.mn.us)>; [andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com) <[andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)>  
**Subject:** RE: Charter

All,

Attached are a Memo from the Council Packet on 11-15-2010 and minutes from 01-03-2011 to give some context to the drivers of the conversation to have a referendum-  
The referendum in 2012, passed by the voters 2,835 to 2,154 to conduct a referendum in the City.  
In 2018 it was suggested by Council Member Bevans that the Charter Commission consider the Primary Election language.  
No action was ever taken by the Charter Commission.  
In 2021 when the Charter was being reviewed it was never discussed as an actual change to be made, though Council Member Bevans again suggested it.

MN Statute 205.065 provides for a primary election: <https://www.revisor.mn.gov/statutes/cite/205.065>

*Toni Gage*



**Toni Gage** | Administrative Assistant  
City of Brainerd | 501 Laurel St, Brainerd MN 56401  
(218) 454-3402 | [tgage@ci.brainerd.mn.us](mailto:tgage@ci.brainerd.mn.us)

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**From:** Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)>  
**Sent:** Tuesday, February 3, 2026 11:38 AM  
**To:** Toni Gage <[tgage@ci.brainerd.mn.us](mailto:tgage@ci.brainerd.mn.us)>; Connie Hillman <[chillman@ci.brainerd.mn.us](mailto:chillman@ci.brainerd.mn.us)>  
**Cc:** Kelly Bevans <[kbevans@ci.brainerd.mn.us](mailto:kbevans@ci.brainerd.mn.us)>; [andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)  
**Subject:** FW: Charter

Toni,

Do you have anything to add?

nb



**Nick Broyles, MPA** | City Administrator  
City of Brainerd | 501 Laurel Street Brainerd MN 56401  
218.828.2307 | [nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)

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**From:** Kelly Bevans <[kbevans@ci.brainerd.mn.us](mailto:kbevans@ci.brainerd.mn.us)>  
**Sent:** Tuesday, February 3, 2026 11:37 AM  
**To:** Andrew Shipe <[andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)>; Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)>  
**Subject:** Re: Charter

If I recall correctly the initial idea came from the Charter Commission, at the time chaired by Jeff Czczok. I believe the Council did not unanimously support & it went to referendum? Toni can possibly give history.

Kelly

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**From:** Andrew Shipe <[andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)>  
**Sent:** Tuesday, February 3, 2026 11:16 AM  
**To:** Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)>  
**Cc:** Kelly Bevans <[kbevans@ci.brainerd.mn.us](mailto:kbevans@ci.brainerd.mn.us)>  
**Subject:** Re: Charter

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

Thanks Kelly!

I'm not terribly familiar with the history of the primary process/recent changes. Was the advocate someone currently on the council? If so, I might try to connect with them after our next meeting just to get a handle on what roadblocks we might hit as the revised charter moves forward.

- Andrew

On Feb 3, 2026 at 11:03:22 AM, Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)> wrote:

Thank you Sir!



**Nick Broyles, MPA** | City Administrator  
City of Brainerd | 501 Laurel Street Brainerd MN 56401  
218.828.2307 | [nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)

---

**From:** Kelly Bevans <[kbevans@ci.brainerd.mn.us](mailto:kbevans@ci.brainerd.mn.us)>  
**Sent:** Tuesday, February 3, 2026 10:00 AM  
**To:** Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)>  
**Cc:** Andrew Shipe ([andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)) <[andrew.shipe@gmail.com](mailto:andrew.shipe@gmail.com)>  
**Subject:** Charter

Nick

My 1 suggestion for the new Brainerd Charter would be to remove Chapter 2, section 2, regarding Primary elections.

This was something recently added for the sole reason that it bothered some folks to elect someone to Council with a less than 50% margin.

Starting the campaign season for City Council in May is too long.

I like the idea that you put your \$5 on the counter & you're on the ballot. Being eliminated in an August Primary seems less 'local' and more 'national'.

We have a hard enough time getting people to run and I think a primary prohibits some folks from filing.

Kelly Bevans



**Kelly Bevans**  
**Brainerd City Council**  
**Ward 2**

11-15-10  
# 7B



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# MEMO

**TO:** Mayor and Council / 11-8-10  
**FROM:** City Administrator Dan Vogt [Signature]  
**DATE:** November 4, 2010  
**SUBJECT:** Charter Amendment – Primary Election

**Mayor**  
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Fax (218) 825-8922

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**Chief of Police**  
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Fax (218) 825-3489

**Fire Chief**  
23 Laurel Street  
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Fax (218) 828-2331  
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**City Planner**  
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**Director of Parks & Recreation**  
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**Public Utilities**  
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(218) 829-8726 • fax (218) 829-4703  
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email@bpu.org

Equal Opportunity Employer

Subsequent to the general election held on November 2, Alderman Bob Olson contacted me to discuss the process to be followed in the event consideration was given to amend the Brainerd City Charter to allow for a Primary Election to be conducted in the City. I mentioned that I discussed this matter a number of years ago with a resident and as a result, obtained language from the Bemidji City Charter.

The language from the Bemidji Charter is attached and is quite simple. It states as follows:

“On the first Tuesday after the second Monday in ~~September~~ August there shall be a primary election for the selection of two nominees for each elective office at the regular municipal election, unless only two nominees file for each office.” (As you recall, the primary election is now held in August so that part of the language was adjusted above.)

To give you a better understanding of the process to be followed to amend the Charter, I have included the appropriate language from State Statute relating to City Charters. This section of the Statute outlines the various ways that the Charter can be amended including the petition process, amendments proposed by the Council and amendments by ordinance. In any event, the Charter Commission needs to be involved in the process.

Recent amendments to the Charter have been accomplished by either adopting an ordinance by unanimous vote of the City Council or the amendment was voted on by the electorate if unanimous consent could not be achieved. The latest amendment regarding sidewalks went to the voters because there was not unanimous support by the elected officials. If the petition process is used, Statute must be followed which states, among other things, that the petition needs to contain signatures of registered voters equal in number to five percent of the total votes cast at the last previous state general election in the City. Since 4,296 people voted in the general election just held, the signatures of 215 registered voters of the City would be needed to meet the 5% petition requirement.

If the petition is found to meet statutory and Charter Commission requirements, the statute goes on to state that “Amendments shall be



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**Criminal Attorney**

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**City Engineer**

(218) 828-2309  
Fax (218) 828-2316  
engineer@ci.brainerd.mn.us

**Chief of Police**

225 East River Road  
(218) 829-2805  
Fax (218) 825-3489

**Fire Chief**

23 Laurel Street  
(218) 828-2312  
Fax (218) 828-2331  
fire@ci.brainerd.mn.us

**City Planner**

(218) 828-2310  
Fax (218) 828-2316  
planning@ci.brainerd.mn.us

**Director of Parks & Recreation**

1619 Washington Street N.E.  
(218) 828-2320  
Fax (218) 828-2791  
parks@ci.brainerd.mn.us

**Public Utilities**

P.O. Box 373  
Business  
(218) 829-8726 • fax (218) 829-4703  
Service  
(218) 829-2193 • fax (218) 829-2308  
email@bpu.org

Equal Opportunity Employer

submitted to the qualified voters at a general or special election and published as in the case of the original charter.” If the Council would vote to submit the amendment to the voters at a special election, the cost of such election will be estimated for you.

As stated above, if the City Council is inclined to initiate such an amendment on its own, either the ordinance needs to be passed by unanimous consent of the Council, or the proposal needs to be submitted to the voters similar to the recent amendment. Again, the proposal must also be submitted to the Charter Commission and a public hearing needs to be held.

Please feel free to contact me if you have any questions.

/djv

Enc.

C: City Attorney  
Charter Commission



**C. City Attorney – Thomas A. Fitzpatrick.**

Upon roll call, members Nesheim, Bevans, Parks, Cumberland, Koep, Olson and Goedker voted “aye.” No member voted “nay.” The Chair declared the motion carried and the Consent Calendar adopted.

**Improvement 09-11 – Northside Reconstruction – Partial Payment No. 6 in the amount of \$124,116.54 to be paid to Douglas-Kerr Underground Inc. – Approved.**

MOVED AND SECONDED BY ALDERMEN OLSON AND CUMBERLAND, DULY CARRIED, TO PAY DOUGLAS-KERR UNDERGROUND, INC. THE PARTIAL PAYMENT OF \$124,116.54 FOR CONTRACTING SERVICES ON IMPROVEMENT 09-11 – NORTH BRAINERD, REDUCING THE PROJECT RETAINAGE TO \$5,000.

Alderman Bevans spoke against the motion stating that he does not feel the \$5000 retainage is enough based on pending claims.

Alderman Olson stated the \$5,000 being retained has nothing to do with the claims discussed but rather with the sod included in the project.

Alderman Bevans stated that he will vote in favor of the motion then; however, he did want it stated that it took a very long time to get the insurance company to look into these claims.

**Approval of Bills – Approved.**

MOVED AND SECONDED BY ALDERMEN BEVANS AND NESHEIM TO APPROVE PAYMENT OF THE REGULAR BILLS AS PRESENTED.

Upon roll call, members Nesheim, Bevans, Parks, Cumberland, Koep, Olson, and Goedker voted “aye.”

**Unfinished Business.**

**City Charter Amendment to Include Primary Election – Charter Commission Recommends Approval – To be Placed on 2012 General Election Ballot – Approved.**

City Administrator Vogt summarized the process which brought this item to the Council this evening and advised the Council that they need to accept, modify or reject the recommendation from the Charter Commission to amend the City Charter to include a Primary Election and that the Commission further recommended that the amendment be taken to a voter referendum at the 2012 general election if the Council does not adopt the ordinance unanimously. He later added that if the Council does not vote unanimously on this issue and does not have a 4 to 3 vote to send it to the voters, then 215 voters (that voted in the last general election) would need to sign a petition in order for it to go to a referendum. He stated that the proposed amendment reads:

*On the first Tuesday after the second Monday in August there shall be a primary election for the selection of two nominees for each elective office at the regular City election, unless only two nominees file for each elective office.*

City Administrator Vogt also stated that there was also a small amendment recommended by the Charter Commission deleting current Charter language pertaining to canvassing the election. He stated that the amended language states that City elections would be “**canvassed in accordance with State law.**”

Alderman Cumberland asked if there is an economic advantage to either Instant Runoff Voting (IRV) or holding a Primary Election.

City Administrator Vogt stated that current electronic tabulating equipment is not set up to count IRV results so some additional expenses may be incurred due the need to hand count the results.

Alderman Olson, Cumberland, Nesheim, and Goedker said they were in favor of a primary and Aldermen Bevans and Parks stated they are not in favor. This determined that there is not a unanimous vote.

MOVED AND SECONDED BY ALDERMEN OLSON AND BEVANS TO PLACE THE ISSUE OF HAVING A PRIMARY ELECTION ON THE BALLOT FOR THE 2012 GENERAL ELECTION.

Alderman Bevans stated that he feels having a primary election would greatly increase costs to both candidates and the City and will discourage people from running, which he does not want to see happen.

Alderman Parks stated that he, too, feels a primary election will hinder those that are thinking of running.

Alderman Olson spoke in favor of the motion.

Members Nesheim, Parks, Cumberland, Koep, Olson and Goedker voted “aye.” Member Bevans voted “nay.” The Chair declared the motion carried.

**Resolutions 02:11 through 07:11 Adopted – Union Contract Settlements – 1% Wage Adjustment Effective December 31, 2010 – Approved.**

Per a memo from City Administrator Vogt, it was the consensus of the City Council previously to negotiate a 1% wage increase for employees effective 12/31/2010 based on a proposal from one of the bargaining units. He stated that General wages have been frozen since January 1, 2008 (with longevity and step adjustments allowed). Resolutions approving all changes were included with the packet. He stated that the adjustment will take effect for only one day of 2010 and then later clarified that the adjustments do carry through 2011 and into the future.

MOVED BY ALDERMEN OLSON AND BEVANS TO APPROVE THE 1% WAGE INCREASES FOR ONLY DECEMBER 31, 2010.

Alderman Olson withdrew his motion after he realized the wage adjustment was not only for December 31, 2010. Alderman Bevans concurred.

**From:** [James Norwood](#)  
**To:** [Nick Broyles](#)  
**Cc:** [Toni Gage](#)  
**Subject:** Re: Charter Commission - Proposed Charter Changes and Schedule  
**Date:** Sunday, February 1, 2026 5:10:09 PM  
**Attachments:** [image002.png](#)

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<https://acrobat.adobe.com/id/urn:aaid:sc:us:1d1564ee-eac4-413b-a84c-7062b4b61713>

Having a hard time getting a link to post. One that will work. I ended up doing it Acrobat and that might be the flaw but was trying to ask questions more than suggest changes.

James Norwood  
(218) 330-3974 cell

Brainerd Lakes Regional Airport  
ARFF/Operations  
(218) 454-5648 Office / (218) 838-2325 Cell  
12382 State Highway 210  
Brainerd, MN 56401

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**From:** Nick Broyles <[nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)>  
**Sent:** Thursday, January 22, 2026 8:57 AM  
**To:** Brittney Kummet <[bkummet@ci.brainerd.mn.us](mailto:bkummet@ci.brainerd.mn.us)>; Connie Hillman <[chillman@ci.brainerd.mn.us](mailto:chillman@ci.brainerd.mn.us)>; Eric Charpentier HRA <[Eric@brainerdhra.org](mailto:Eric@brainerdhra.org)>; James Kramvik <[jkramvik@ci.brainerd.mn.us](mailto:jkramvik@ci.brainerd.mn.us)>; Jennifer Roach <[jroach@brainerdairport.com](mailto:jroach@brainerdairport.com)>; John Davis <[John.Davis@ci.brainerd.mn.us](mailto:John.Davis@ci.brainerd.mn.us)>; Kris Schubert <[kschubert@ci.brainerd.mn.us](mailto:kschubert@ci.brainerd.mn.us)>; Mike Habighorst <[mhabighorst@ci.brainerd.mn.us](mailto:mhabighorst@ci.brainerd.mn.us)>; Paul Sandy BPU <[psandy@bpu.org](mailto:psandy@bpu.org)>; Shawn Strong <[ssstrong@ci.brainerd.mn.us](mailto:ssstrong@ci.brainerd.mn.us)>; Tim Holmes <[tholmes@ci.brainerd.mn.us](mailto:tholmes@ci.brainerd.mn.us)>; Trent Hawkinson BPU <[thawkinson@bpu.org](mailto:thawkinson@bpu.org)>; Danny Loch BPU <[dloch@bpu.org](mailto:dloch@bpu.org)>; Charles Gammon BPU <[cgammon@bpu.org](mailto:cgammon@bpu.org)>  
**Cc:** Toni Gage <[tgage@ci.brainerd.mn.us](mailto:tgage@ci.brainerd.mn.us)>; Joseph J. Langel <[jjl@ratwiklaw.com](mailto:jjl@ratwiklaw.com)> <[jjl@ratwiklaw.com](mailto:jjl@ratwiklaw.com)>  
**Subject:** Charter Commission - Proposed Charter Changes and Schedule

Charter Commission and Public Utilities Commission:

As requested by the charter commission at their meeting on 21 Jan, I am requesting comments from both charter and public utilities commissioners on the proposed language (attached) by **COB 29 Jan**. Please redline and submit your comments to Toni Gage and me. Staff will then integrate, as best we can, the varying comments into the proposed charter language. Moreover, all comments received from all commissioners will be included in the packet for the next charter commission meeting as we would like all commissioners, and the public, to see the entirety of the comments from all the other commissioners.

The mayor and city council are also receiving this email as an FYI, but we are not asking for your comments at this point. **Commissioner Bevans**, this does not apply to you as you are also a member

of the charter commission. Once the charter commission completes their task and approves any proposed charter changes, staff will present to the city council for their consideration and comment. The following is an anticipated timeline. **Chair Shipe**, if you have any concerns with this schedule, please let me know.

**29 Jan:** comments received from all commissioners

**5 Feb:** staff completes the integration of comments, notices the next charter commission meeting, and publishes the packet to give all commissioners one week to review

**Approximately 12 Feb:** the next charter commission meeting

Please let me know if you have any questions.

Regards

Nick



**Nick Broyles, MPA** | City Administrator

City of Brainerd | 501 Laurel Street Brainerd MN 56401

218.828.2307 | [nbroyles@ci.brainerd.mn.us](mailto:nbroyles@ci.brainerd.mn.us)

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# HOME RULE CHARTER CITY OF BRAINERD MINNESOTA

(2025)

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The City of Brainerd is authorized to exercise all powers legally available to it under the laws and constitution of the State of Minnesota. The City Council, as the elected governing body of the City, shall have the power to enact ordinances or take other official action, in accordance with procedures set forth in this Charter, pertaining to any matter not prohibited or pre-empted by federal or state law or constitution.

Adopted by ordinance **October 3, 2022**  
Ordinance published **October 8, 2022**  
Effective date **December 30, 2022**

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DRAFT

## NAME, BOUNDARIES, & SUBDIVISIONS

**Section 1. Name and Boundaries.** The city of Brainerd, in the county of Crow Wing, in the state of Minnesota, is and shall continue to be a municipal corporation, under the name of "City of Brainerd," with the same boundaries as now or as hereafter may be established.

**Section 2. Elected Officials and Wards.** The elected officials of the city shall be one mayor and seven council members. Three of the council members shall be elected at large and one council member shall be elected from each of the four wards. All elected officials shall be residents of the city of Brainerd and the four ward council members shall be residents of their respective wards. The boundaries of said wards shall be as they now are or may hereafter be established. The terms of office for all elected officials shall be four years and until their successors are elected and qualified. The term of office of every official 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 their successor is appointed.

**Section 3. Change of Wards and Precincts.** The city council shall have the power by ordinance to change the boundaries of such wards and precincts, and to change the number of precincts in a ward but shall have no power to change the number of wards.

## CORPORATE POWERS, RIGHTS, & OBLIGATIONS

**Section 4. Corporate Powers.** The city, by and in its corporate name, shall have perpetual existence; and, except as herein otherwise provided and except as prohibited by the constitution or statutes of the state of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter, also all powers, functions, rights, and privileges now or hereafter given or granted by the constitution and the laws of the state of Minnesota to municipal corporations having "home rule charters"; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree, also all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name, it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey all such real, personal, or mixed property, within or without its boundaries, as its purposes may require or as may be useful or beneficial to its inhabitants, and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable, and for all other legitimate purposes.

**Section 5. Subsisting Rights and Obligations.** The city shall be the legal successor of the city of Brainerd under its former charter, and shall be vested with all franchises, rights, and immunities formerly vested in said city, except as herein otherwise provided. All property and property rights and interests of every kind and nature, formerly vested in said city, or in any board or public official of the same, all taxes and assessments levied in its behalf, and all rights, penalties or forfeitures, accrued or accruing, are vested in and possessed by the city under this charter, and all previously existing indebtedness, obligations, and liabilities of said city, or any department thereof, no matter in what form or how incurred, together with all interest accrued or to accrue thereon, are assumed by the city. Any subsisting right, lien, or demand against the city, or any pending action or proceeding to enforce the same, shall not be prejudiced or affected in any way by this charter. All ordinances, resolutions, rules, and regulations of the city in force when this charter or amendments to the charter take effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect unless and until amended or repealed. All contracts entered by the city or for its benefit, prior to the taking effect of this charter or amendments to this charter, shall continue in full force and effect. All public work begun prior to it taking effect shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws or charter provisions, existing at the time this charter or amendments to this charter take effect, may be carried to completion in accordance with such existing laws and charter provisions.

**Section 6. Charter Construction.** The provisions of this charter shall be construed liberally in favor of the city, to the end that the city may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of municipal powers in other sections of the charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner determined by the city council.

## FORM OF GOVERNMENT

**Section 7. Organizational Structure.** In addition to the elected officials and city staff, there shall be three entities granted specific authority pursuant to this charter:

- (1) Public utilities commission;
- (2) Parks and recreation board; and
- (3) Library board.

All other commissions, boards, departments, and offices shall operate pursuant to existing ordinances. The duties, powers, and form of organization of which shall be as defined herein. The city council may create and establish additional commissions, boards, departments, and offices consistent with the general purposes of this charter and may also modify or eliminate the same.

**Section 8. Division of Duties: City Council, Commissions, and Boards.** Each commission and board shall exercise necessary actions for sustaining current infrastructure and planning for future growth. Each shall manage their governmental and/or proprietary funds in an efficient and fiscally responsible manner, subject to the city council's general powers provided in this charter and under state law. All city employees are subject to city personnel policies and report to the city administrator.

**Section 9. Appointed Officials.** The appointed officials of the city shall be a city administrator, five public utilities commissioners, five parks and recreation board members, five library board members, and such other officials as may be required under this charter or Minnesota statutes, or as deemed necessary and appropriate by the city council. All terms for members of commissions and boards shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified. The compensation of all elected and appointed officials shall be fixed by ordinance as permitted by state statute. 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 their appointment a qualified resident of the city, 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 to which the person is a party, individually, as a member of a firm, or director or other managing officer of a corporation.

**Section 10. Incompatible Offices.** Neither the mayor, any council member, public utilities commissioner, parks and recreation board member, nor library board member shall hold any paid municipal office or employment under the city.

**Section 11. Combining Offices.** Any two or more of the offices created under this charter, and made appointed by the city council, may, on the discretion of the council, be filled by one and the same person. Additional functions and duties may be assigned by the city council to commissions, boards, departments, and offices established by this charter.

**Section 12. City Council Function.** All powers of the city, both legislative and administrative, unless otherwise delegated by the provisions of this charter or state law, shall vest in and be exercised by the city council, and state statutes. Except as otherwise specifically provided in this charter, the council shall have complete control over all municipal services, but it shall exercise that control through a city administrator to

be appointed by said council and shall not itself perform any such service.

**Section 13. Duties and Powers: Mayor.** The mayor shall be an ex-officio member of the 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 council such information and recommend such measures as they deem to be in the best interest of the city. Every ordinance or resolution enacted or adopted by the council shall be presented by the city administrator to the mayor for approval or disapproval within two business days after its passage. The mayor shall, within five business days after passage by the council, indicate in writing either approval or disapproval of the ordinance or resolution, and return such ordinance or resolution, together with reasons for disapproval, if any, to the city administrator. Upon the return of any such ordinance or resolution that is disapproved by the mayor, the measure shall be returned to the council for reconsideration, and if upon such reconsideration it is approved by the council by a five-seventh vote of its membership, the measure shall take effect as if approved by the mayor. If an ordinance or resolution is not returned by the mayor within five business days after the passage by the council, it shall take effect as if approved by the mayor.

**Section 14. Elected Office Vacancies: How Created.** A vacancy in any elective office created under this charter shall be deemed to exist for any of the following reasons:

- (1) Death, resignation, or removal of the incumbent.
- (2) Change of an elected official's residence to a location outside the ward represented by the official, or outside the city.
- (3) Conviction of an official while in office of any crime greater than a misdemeanor or of any offense involving a violation of the obligations of the office.
- (4) Failure of an official to take the oath of office.
- (5) Death of a person before taking the office to which the person was elected or appointed, in which case the vacancy shall be deemed to take place at the time when the person's term of office would have begun.

All appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 15. Removals.** Every person appointed to a commission or board, under this charter shall be subject to removal by a five-seventh vote of the council. However, no such official shall be removed except for cause, and unless furnished with a written statement of the charges against them, and an opportunity to be heard in person or by counsel. The council shall fix the time and place for a hearing on such charges, of which not less than ten days' notice shall be given to the official to be removed and shall have power to arrange the mode of hearing, to compel the attendance of witnesses and the production of documentary evidence, to administer oaths, and to hear testimony and arguments.

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:

- (1) 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.
- (2) 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.

(3) 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.

(4) 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.

(5) 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.

**Section 16. Elected Office Vacancies: How Filled.** Whenever a vacancy occurs in an elected office, such vacancy shall be filled by an appointment of the city council. All officials so appointed shall hold their respective offices for the balance of the unexpired terms.

**Section 17. Oath of Office.** Every person elected or appointed to a council, board, or commission under this charter shall, before entering upon the performance of the duties of the office, take and subscribe an oath of office, in the form prescribed by Minnesota statutes, and shall cause the same to be filed with the city administrator.

**Section 18. Conflict of Interest.** A conflict of interest is present when an elected or appointed official, in the discharge of their official duties, would be required to take an action or make a decision regarding a matter in which the official has a personal financial interest, or is otherwise so personally interested in such matter that the official cannot act in the public interest. For purposes of this section, a personal financial interest is any interest which shall yield, directly or indirectly, a material monetary or other benefit to the official, excluding such circumstances when the financial interest of the official is no greater than that of another member of the business classification, profession, or occupation. Any elected or appointed official, or city staff who has a conflict of interest on a matter shall refrain from voting or otherwise participating in any actions or decisions regarding such matter. In such cases, a public disclosure shall be made as follows:

(1) In the case of an elected official, the member shall declare a conflict and a notation regarding the same shall be entered in the city council meeting minutes.

(2) In the case of an appointed official, the member shall declare a conflict and a notation regarding the same shall be entered in the minutes of such commission or board meeting minutes.

(3) In the case of a sale, lease, or contract in which an elected or appointed official with authority to take part in any manner in the making of the transaction has a personal financial interest, neither the city council nor any commission or board of the city shall approve such transaction except as allowed by law.

**Section 19. Primary and General Elections.** When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted. Election returns shall be made, and the results canvassed, consistent with the general laws of the state of Minnesota pertaining to primaries. The regular city election for the election of city officials 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 officials and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this charter. All special elections are hereby adopted as a part of this charter, the same as if herein specifically reenacted. The judges, clerks and other officials of elections at the then last general election for state officials shall be the judges, clerks and other officials of all special city elections, except that the city council shall appoint additional officials as permitted by law. Election returns shall be made, and the results canvassed consistent with the general laws of the state of Minnesota pertaining to general elections.

## DUTIES & PROCEDURES OF THE CITY COUNCIL

**Section 20. City Council Leadership.** The president or vice-president of the council shall when present preside at all meetings. In the absence of both, the council may elect a president pro tem who shall for such meetings and the proceeding thereof have the same power as the president.

**Section 21. Duties and Powers: City Council.** 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 ordered by five-sevenths of all the members of the city council, and provided that no 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 five-seventh majority of the members of the city council. 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, 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 ordained by them, and all such ordinances are hereby declared to be and have the force of law. 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.

#### Council Procedure

**Section 22. Procedural Rules and Quorum.** The council shall determine its own rules and order of business and shall keep minutes of its proceedings. A majority of city council members shall constitute a quorum for the transaction of business, but a lesser number may adjourn a meeting.

**Section 23. Council Organization.** At the first meeting in January of the city council after the regular city election, it shall proceed to elect by written 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 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 their absence. 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.

**Section 24. City Council Meetings.** 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 and minutes of council proceedings shall be kept and made 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 provided to each of the members either electronically by official city email or in writing by personal delivery. 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 meetings 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 a general or special election.

**Section 25. Ordinances and Resolutions.** Except as otherwise required by this charter or state law, all ordinances and resolutions shall be passed via roll call by an affirmative vote of a majority of the members of the city council present by an 'aye' or 'nay' vote. The vote of each council member shall be recorded in

the minutes. Every ordinance or resolution enacted or adopted by the council shall be signed by the president of the council and the mayor, and attested by the city administrator, and shall be filed with the city clerk immediately after its passage. Every resolution shall be presented in writing before a vote is taken thereon.

**Section 26. Ordinance Procedures.** The enacting clause of all ordinances passed by the council shall be in the words: "Be it Ordained by the City Council of the City of Brainerd." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances and those changing the zoning map, shall be considered by the city council at two meetings, and not voted on until the second meeting. A minimum of ten calendar days shall elapse between the first and second consideration of the ordinance.

**Section 27. Emergency Ordinance.** An emergency ordinance is for the immediate preservation of public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto.

**Section 28. Ordinance Publication.** Except as provided hereafter, every adopted ordinance shall be published at least once in the official paper of the city within fifteen calendar days after such approval. In the case of lengthy ordinances or ordinances including charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by resolution, direct that only the title of the ordinance and a summary be published, with notice that a digital copy of the complete ordinance is available for inspection during regular business hours at the office of the city administrator. Every adopted ordinance shall be recorded by the city clerk in a record kept for that purpose, and the affidavit of publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication thereof, or a certified copy thereof, shall be deemed sufficient evidence of such adoption and publication.

**Section 29. When Ordinances and Resolutions Take Effect.** Emergency ordinances shall take effect immediately upon their passage and approval of so ordered by the council. All other ordinances shall take effect upon initial publication. All resolutions shall take effect from and after their passage or adoption unless the city council expressly orders otherwise.

#### DUTIES OF THE CITY OFFICIALS

**Section 30. Assigned Duties.** All city officials shall perform such duties as may be directed by the city council by ordinances, resolutions, or otherwise. No official 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 their employment.

City Administrator

**Section 31. City Administrator Role.** The city administrator shall be the chief administrative officer of the city and shall be appointed by the city council for an indefinite period of time. The city administrator may be removed by the council in accordance with the terms of a valid employment contract, or as an at-will employee in the absence of any contrary terms in a valid employment contract. In the event of the removal or resignation of the city administrator, the council shall immediately take steps to appoint a successor. The council shall delegate to the city administrator by ordinance whatever powers and duties they deem necessary or proper for the efficient administration of city affairs.

**Section 32. Duties and Powers: City Administrator.** The city administrator shall have the following duties and powers:

- (1) Attend meetings of the council, committees, boards, and commissions, as necessary, and may take part in discussions, but without a vote.
- (2) Perform such other duties as may be prescribed by this charter or required or authorized by the city council, not inconsistent with the provisions hereof.
- (3) Exercise administrative control over all city departments and divisions now in existence or which may

be hereafter created by the city council, all commissions and boards, and all city employees.

(4) With the consent of the city council, hire and promote employees. Authority to discipline employees and perform other administrative action resides with the city administrator where all actions are carried out pursuant to current employee policies and signed collective bargaining agreements.

#### Financial Management

**Section 33. Fiscal Year.** The fiscal year for the city shall be the calendar year.

**Section 34. City Council Control of Finances.** Except as otherwise provided herein, the city council shall have full authority over the financial affairs of the city and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money, and shall make provisions for the payment of all liabilities and expenses, all subject to the provisions of this charter.

**Section 35. Separation of Funds.** All city money shall be accounted for in accordance with generally accepted accounting principles for units of local government. All taxes and money received or appropriated for any particular fund shall be paid into and credited to such funds. All taxes and money received by the city, not appropriated, or otherwise payable to any particular fund, shall be credited to the general fund.

**Section 36. Special Levies.** The city council shall annually levy taxes to provide for the following specifically designated funds and purposes:

(1) 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 an amount not to exceed 9% of the previous year's total city levy. These funds shall be thereby transferred to the capital improvement fund.

(2) The city shall levy 1.5% of the previous year's total city levy for each of the following purposes within the city limits:

- a. Provide community action programs and events.
- b. Establish and maintain programs benefitting senior citizens, or for support to a subsidized non-profit senior citizens organization.
- c. Support of an arboretum or green space organization.

(3) The city council may levy for transit operations, which shall not exceed 3% of the previous year's total city levy.

**Section 37. Annual City Budget.** On or before the first day of September of every year, the president of the city council, the chair of the council personnel and finance committee, and the city administrator shall submit to the city council an estimate of the probable city expenditures for the following 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.

**Section 38. Signing Orders.** 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.

#### Public Utilities Commission

**Section 39. Public Utilities Commission.** There is hereby created and established in the city a public utilities commission which shall meet at least monthly.

**Section 40. Appointment and Confirmation: Commissioners.** The commission shall consist of five

members, each of whom shall be a resident of the city or have an ownership interest in a business within the city. They shall be appointed by the mayor and confirmed by the council. The term of office for each commissioner shall be four years. There are no restrictions on the number of consecutive terms a member may serve on the commission. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 41. Public Utilities Commission Officers.** At the regular meeting in January of each even-numbered year, the public utilities commission shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the commission.

**Section 42. Duties and Powers: Commission Chair and Vice Chair.** The chair shall preside at all meetings of the commission and sign all rules and regulations authorized by the commission. The vice chair shall perform the duties of the chair in their absence.

**Section 43. Signing Payments.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the city administrator and countersigned by the finance officer designated by commission.

**Section 44. Duties and Powers: Public Utilities Commission.** The commission shall have the following duties and powers:

- (1) Operate electric, water, wastewater, stormwater treatment, and conveyance utilities and execute necessary actions for sustaining current infrastructure, planning for future growth, economic management, and fiscal responsibility thereof.
- (2) Oversee all city capital construction project management initiatives including but not limited to improvements made to streets, alleys, sidewalks, trails, and other public ways, excluding properties dedicated to the parks and recreation board and the library board.
- (3) Keep the same in repair, and to make necessary replacements, extensions, improvements, changes, and additions thereto.
- (4) Fix and determine the rates and charges to be made for electricity, and recommend the rates and charges to be made for water, wastewater, stormwater, and sanitary sewer which shall be set by the council pursuant to state statute. The commission shall also collect the same and all other earnings and revenues of said utility; provided, however, that whenever any new schedule of rates is adopted for any enterprise, or any change or alteration is made in the existing schedules, affecting either a part or all of the patrons of such utility, the commission shall cause publication of such new schedule, or such change or alteration, to be made in the official newspaper of the city.
- (5) Prescribe the time and manner in which payment for all such services shall be made, and to provide for the termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such services.
- (6) Make and enforce rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utility, and to prescribe penalties for the violation thereof. All current rules, resolutions, and regulations shall remain in full force and effect until repealed, altered, or amended by the commission.
- (7) Keep all funds belonging to the commission in a bank or depository designated by the city council.
- (8) The commission shall have the right to the reasonable use of the streets, alleys, and other public grounds of the city for the purpose of maintaining and operating such utilities and repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley, or public ground is disturbed, the commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.
- (9) Make, perform, and enforce contracts not subject to levying of special assessments pursuant to Minnesota statute 429 in the name and on behalf of the city, and to do any and all other things that may

be necessary or proper to carry out the purposes expressed herein. The city council maintains exclusive authority to make, perform, and enforce contracts subject to the levying of special assessments pursuant to Minnesota statute 429.

(10) The commission shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.

(11) The commission will perform any additional duties and powers as directed by the council.

**Section 45. Service Territory.** The service territory for the electric utility is established by the Minnesota Public Utilities Commission. Any extension of the electric utility outside the service territory by contract with another utility shall be approved by the city council. Any extension of the electric 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 public utilities commission.

**Section 46. Public Utilities Exclusions.** The Public Utilities Commission 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.

#### Parks & Recreation Board

**Section 47. Parks and Recreation Board.** There is hereby created and established in the city a parks and recreation board which shall meet at least monthly. The council shall maintain city parks for the use of the general public and designates this board to control and supervise all parks within the city, and also of such streets and other public grounds as the council shall by proper resolution designate.

**Section 48. Appointment and Confirmation: Board Members.** The board shall consist of five members, each of whom shall be a city resident. They shall be appointed by the mayor and confirmed by the council. The term of office for each member shall be four years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 49. Parks and Recreation Board Officers.** At the regular meeting in January of each even-numbered year, the parks and recreation board shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the board may deem necessary or proper shall be appointed as needed, and the board shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 50. Duties and Powers: Board Chair and Vice Chair.** The chair shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice chair shall perform the duties of the chair in their absence.

**Section 51. Duties and Powers: Parks and Recreation Board.** The board shall have the following duties and powers:

- (1) Establish recreation policies of recreation areas, facilities, services, and programs for all public recreation.
- (2) Conduct activities for the requisite supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the city, designated park property, or other properties with the consent of the owners or authorities who control the property.
- (3) Enforce all laws of the state, ordinances, policies, and resolutions of the council for the improvement, care, and protection of the parks and other public property under its charge.
- (4) Procure or lease public or private properties 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 council.

(5) The board shall each year prior to September 1 prepare and present a budget for parks and recreation purposes for the following fiscal year, subject to the approval of the council.

(6) The board will perform any additional powers and duties as directed by the council.

#### Library Board

**Section 52. Library Board.** There is hereby created and established in the city a library board which shall meet at least quarterly. The general laws of the state with respect to the establishment and maintenance of public libraries are hereby made a part of this charter, except so far as the same herein changed or modified.

**Section 53. Appointment and Confirmation: Board Members.** The board shall consist of five members, each of whom shall be a resident of the city. They shall be appointed by the mayor and confirmed by the council. The term of office for each member shall be five years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 54. Board Officers.** At the regular meeting in January of each even-numbered year, the library board shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 55. Duties and Powers: Board Chair and Vice Chair.** The chair shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice chair shall perform the duties of the chair in their absence.

**Section 56. Duties and Powers: Library Board.** The board shall have the following duties and powers:

- (1) Charge and supervision of the public library.
- (2) Charge and supervision of all library buildings, grounds, and other property pertaining to the library.
- (3) Power to make and enforce such rules and regulations, as it may be deemed proper for the care, use, preservation, and protection of all property.
- (4) 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.
- (5) The board shall, at the first meeting of the council in September of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.
- (6) Perform any additional powers and duties as directed by the council.

#### MISCELLANEOUS PROVISIONS

**Section 57. Severability.** The various sections and provisions of this charter, and the clauses, phrases, and sentences thereof, shall be severable, and if any section, part, or provision shall be held to be invalid, it shall not be construed as invalidating any other part or portion thereof.

**Section 58. Penalty and Forfeiture.** All actions brought to recover any penalty or forfeiture under this charter or ordinances and resolutions made in pursuance thereof, shall be brought in the corporate name of the city.

**Section 59. Legal Liability.** 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.