

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 5:30 P.M. by Council President O'Day.

Upon roll call the following Members were noted as present: Bevans, Czeczok, Johnson, Stunek, Yeager, Erickson, and O'Day. Mayor Badeaux was noted as present. Member Yeager was noted as absent.

Chair O'Day led the Pledge of Allegiance to the flag.

Council Member Reports

Administrator Broyles gave an overview of the documents provided and the potential changes between the current charter and proposed charter.

Chair O'Day asked Council Members for their comments, specifically those who would vote no to the draft charter in order to smooth out the changes needed.

Member Johnson stated that in general he likes the idea of utilities under one roof with the commission. He has three hundred and one comments and reasons to vote no on the proposed charter including removal of the City Attorney section and Fire Department sections to name a couple. He believes that the reason that the current contract for the attorney includes certain language is because the Charter requires it. If the section is removed, he wonders what the contract may look like in the future.

Member Bevans stated that he is not necessarily a no vote, but he spoke against the primary for the City Council for the simple reason of a shorter campaign period. He doesn't like the idea of a 7-month campaign period. The Charter Commission did not agree with him. The Charter Commission unanimously voted to keep it in the charter. He also stated that there was significant discussion about who sets utility rates. There has been comments that the elected officials should set all rates, but since he has been on the Council the commission has set rates which has seemed to work fine.

Chair O'Day stated that the special levies section has been combined and shortened. He thinks it is very important to include "within the city limits". The elimination of the public utilities commission having to go through the City Council to purchase property should also stay intact.

Administrator Broyles stated that the Council could take a week or two to provide comments to staff as the Charter Commission did and could reconvene to discuss comments at a later date.

Chair Shipe clarified that "within the city limits" is still included.

Member O'Day asked if Member Johnson could clarify his comments to staff in writing.

Member Johnson stated that he will not write three hundred comments. He theoretically supports the changes regarding the public utilities being in the same place. He disagrees with all the other changes.

Member Czeczok clarified that the campaign period is five months. He asked whether the Council would entertain a referendum to affirm that the voters still want a city primary. Regarding Council Member Johnson's concerns, he would ask him to provide details.

Chair O'Day stated that he would not support a change to make elections to the City Council easier.

Member Czeczok clarified that there are currently five utility fees that rate payers pay. He likes the idea of the change. He is very much in favor of the commission setting all utility rates.

Chair O'Day stated that the last time the Charter was considered, it was done in sections. He likened this draft to omnibus bills at the State and Federal level.

Member Johnson stated that he would like to break it down into bite sized pieces. Four years ago, the Council paid \$15,000 to modernize and update the City Charter. If the Charter needs to be modernized again, it should be done in smaller sections.

Administrator Broyles stated that if the Council would like to take this in portions, he suggested that the public utilities changes be addressed first as there is a significant vacancy that is being held off on for hiring until these details are buttoned up. He asked whether the Council would like a joint meeting or whether it would go to the Charter commission first.

Member Czeczok stated that infrastructure is the most important piece of the Charter changes. He hasn't heard anyone say they are absolutely against all infrastructure being under the Public Utilities Commission. The Council could vote on these sections tonight to vote at our next Council meeting. It would go with Administrator Broyles' suggestion that the utility sections be addressed to be able to proceed with hiring process to fill the current vacancy.

Administrator Broyles stated the absolute minimalist approach is doable for expediency.

Member Johnson stated that the Council unanimously voted to have the Charter Commission change one sentence.

Administrator Broyles stated that the Council requested that the Charter Commission address the Public Utilities chapter. Charter commission requested that staff reexamine the Charter while reviewing the public utilities section. Staff proceeded at the Charter Commission's direction.

Public Utilities Director Sandy asked to clarify whether the Council would just like sanitary and storm to move over to the public utilities or whether all the infrastructure would move to the public utilities commission with improvements subject to special assessments being recommendation only. The current proposed charter is written to include all infrastructure.

Member Johnson stated that he thinks all the street projects should be under the purview of the Council. He doesn't think that appointed members should be responsible for the streets as the elected officials are the ones who get all the questions.

Public Utilities Director Sandy asked whether the Public Utilities Commission would still vet the projects.

Member Johnson stated that communication would continue to be improved, as it has been over the last number of years. He is glad to have an active voice present with Mr. Sandy for the commission and thinks the public utility commission should have an active role in the ten-year capital improvement plan. However, he believes that the elected officials should be the decision makers.

Public Utilities Director Sandy stated that the proposed language references "projects that are subject to special assessments". It could simply be said that the Public Utilities Commission is an active participant in development of the ten-year capital improvement plan.

While the utilities commission will be an active participant in its development all street projects are the final authority of the City Council. Maybe the Public Utilities Commission takes it under advisement of the City Engineer and Public Utilities Director. The plan shouldn't just depend on the pavement but also the underground infrastructure.

Mayor Badeaux stated that putting the Public Utilities Commission into the approval process is best practice as is done for the Park Board.

Administrator Broyles stated that the reason for sections being removed completely is because the sections are spelled out in statute. The language is not unique to a Charter city.

Member Johnson stated that the changes previously made were to reflect the statute.

Chair O'Day stated that prior to the next Council packet going out, the Council should provide comments to staff.

Member Stunek questioned the purpose of spending more money to reexamine the Charter.

Mayor Badeaux stated that the changes surrounding the Public Utilities Commission need to be completed as soon as possible. He could not care less about the Charter change process around the rest of the Charter.

Chair O'Day stated that the Charter Commission is required to meet once a year. The Charter Commission can address one section at a time in the future.

Administrator Broyles stated that it is not atypical for a Charter to be amended each year. It is his expectation that the Charter be continuously reviewed and adjusted to make happy to glad changes.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 6:07 p.m.



Nicholas W. Broyles
City Administrator