

**CHARTER COMMISSION**

**Brainerd, Minnesota  
November 10th, 2021  
5:00 P.M.**

**City Hall Council Chambers**

**1. Call to Order**

**2. Roll Call**

**3. Approval/Amendment of Agenda**

**4. Approval of Minutes**

- Meeting Held on October 13, 2021

**5. Old Business**

- Update on Evergreen Cemetery
- Consider Redlined Version of Chapter 6, Public Utilities Committee

**6. New Business**

**7. Adjourn**

\_\_\_ K. Bevans  
\_\_\_ J. Czczok  
\_\_\_ J. Burton  
\_\_\_ K. Yeager  
\_\_\_ M. O'Day  
\_\_\_ C. Marohn  
\_\_\_ A. Shipe  
\_\_\_ J. Lambert

**Any individual needing special accommodations, please call 828-2307**

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

Upon roll call, the following members were noted present: Commissioners Bevans, Czeczok, Yeager, O'Day, Shipe, and Lambert. City Administrator Bergman and Finance Director Hillman were also noted as present. Commissioners Burton and Marohn were noted as absent.

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

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND SHIPE, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF DISCUSSION ON CHAPTER 6, PUBLIC UTILITIES COMMISSION CHAPTER.

### **Approval of the Minutes**

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND YEAGER, DULY CARRIED, TO APPROVE THE MINUTES OF THE MEETING HELD ON SEPTEMBER 8<sup>TH</sup>, 2021.

### **New Business**

#### **Consider Request from Evergreen Cemetery**

The Chair recognized Duane Blanck, Evergreen Cemetery Board. Mr. Blanck gave an overview of revenue loss overtime for the Evergreen Cemetery.

The Chair recognized Tom Fitzpatrick, Evergreen Cemetery Board. Mr. Fitzpatrick gave an overview of the request that the Evergreen Cemetery Board would like the Charter Commission to consider making to the Charter through ordinance. The cemetery board is requesting an amendment to the Charter for .5% of the previous year's levy to go to the Evergreen Cemetery. This language is similar to the language in the latest amendments in the Charter.

Commission discussion took place.

Commissioner O'Day asked about the current expenditures of the cemetery board.

Mr. Fitzpatrick stated that the expenditures are for a full time Superintendent, a half time executive secretary, and 2 seasonal maintenance workers as well as operating costs.

Commissioner O'Day stated that he believed that Evergreen would fit into Ordinance 1520 as a qualified greenspace organization and encouraged Mr. Fitzpatrick to complete a request for proposal through the City Council when it becomes available, instead of adding more language to the Charter.

Administrator Bergman stated she would communicate with Attorney Langel to confirm whether or not a cemetery would qualify as a greenspace organization.

### **Adjourn**

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

Commission Chair Czeczok adjourned the meeting 6:05 p.m.

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Secretary

# MEMO



**TO:** Charter Commission Members  
**FROM:** City Administrator, Jennifer Bergman  
**DATE:** November 10, 2021  
**RE:** Consider Redline Version of the Public Utilities Commission Chapter

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The discussion on Chapter 6, Public Utilities Commission, was postponed from the October 8<sup>th</sup> Charter Commission meeting to the November 10<sup>th</sup> in order to give staff the opportunity to review and discuss the redlined version proposed by Attorney Langel.

After the review and discussion, staff is proposing the attached version. Staff and Attorney Langel will be present at the meeting to answer any questions

**Recommendation:**

Approve the proposed changes and direct staff to prepare an Ordinance amending Chapter 6, Public Utilities Commission, of the Charter for Council consideration.

## CHAPTER SIX

### PUBLIC UTILITIES COMMISSION

1. The Public Utilities Commission shall control, operate and manage the following utilities of the City: water works plant and business, and the electric light plant and business, and all other public utilities which are now or may hereafter be owned by and operated within said City.
  - a. Water works system, including the filtration plant, water towers and distribution system.
  - b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, but not including the gravity fed wastewater collection system, which is operated by the Public Works Department.
  - c. Electric business generation and distribution system, including the hydroelectric dam and distribution system.
  - a-d. Except as provided above, all other public utilities that are hereafter owned by the City.
2. Such ~~commission~~ Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such ~~commission~~ Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the ~~commission~~ Commission.
3. The Secretary of the ~~commission~~ Commission or his/her designee shall attend all meetings of the Commission and keep a record of all proceedings. ~~The Secretary shall be the collector of all moneys which may be due or coming to said Commission or the City, on account of water rentals, light rentals, power rentals and otherwise on account of water, light or power furnished. The Secretary shall be the bookkeeper of said commission and shall keep books fully showing the names of all patrons consumers of water, light and power, and the amounts from them severally due, also all moneys collected, from whom collected and the several amounts thereof; and also all purchases made by the Commission and all labor employed, and all money due and paid on account thereof. Said Secretary shall from day to day pay into the City Treasury all moneys so received, and shall receive from the City Treasury receipts therefor, which receipts shall be in duplicate, one copy of which shall be filed with the Commission and the other filed with the City Administrator. Said secretary shall at the end of each month, or within three days thereafter, make a report fully showing the receipts and disbursements during the last month, which report shall be in duplicate, one copy of which shall be filed with said commission and the other filed with the City Administrator.~~

~~The said Secretary shall give such bond as the board may require and approve, such bond to run to the City of Brainerd and to be conditioned that the Secretary will~~

~~faithfully perform all the duties of the office as Secretary of the Public Utilities Commission, and that the Secretary will account for and pay over all money and property coming into the Secretary's possession.~~ The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.

4. ~~The Commission shall have power to appoint and employ all necessary help to properly perform its duties and to fix their compensation subject to the approval of the City Council as provided for in Section 109 of the City Charter.~~ The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.
5. Subject to state law, the Commission shall have power to fix all rates ~~and compensation~~ to be paid by consumers of water, wastewater and ~~electric light and~~ power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.
6. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings.

~~No; nor shall any~~ water or wastewater utility listed in Paragraph 1 main may be ~~ordered or~~ extended beyond the existing service territories unless the City Council shall so order the same by a resolution passed by a majority vote of all its members. With respect to water and wastewater utilities, the "service territories" are defined as those areas of the City served by existing mains and laterals. Service lines from mains and laterals to customer structures may be extended under the sole authority of the Public Utilities Commission.

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

7. The Commission shall, at the first meeting of the City Council, in December of each year, present an operating budget for the following year as well as a five year capital improvement plan outlining anticipated future capital expenditures. The, which budget shall set forth all expenditures that can be anticipated for the operation of the ~~commission~~Commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for ~~such commission~~the Commission to make such expenditures, subject to the provisions of this Charter. The ~~commission~~Commission shall have the power to purchase and pay for all supplies necessary for the management of said business,

when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the ~~commission~~ Commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.

6-8. The Commission's Finance Director shall keep a complete set of accounting records showing in detail all the business and financial affairs and transactions of the Commission and shall receive and safely keep all funds belonging to the Commission in a bank or depository designated by the City Council. All funds shall be deposited in the name of the Commission, and all investments shall be subject to state law and the City of Brainerd Investment Policy. The Commission shall make financial transfers to the City in amounts as specified in Brainerd Public Utilities Policy 2003-01, as amended and approved by the City Council.

~~7. It is hereby made the duty of the Commission to furnish water to all private consumers, by water meter measurement so far as practicable, and so far as practicable to furnish electric light and power to all consumers by electric meters. And it is made the duty of the Commission to furnish and place reliable water and electric meters for the said purposes, which meters shall be the property of the City and shall be considered in the possession and under the control of the commission, but the Commission shall have power to charge the consumers such reasonable rent for the use of such meters as they may deem proper, which rental charge may be added to and made a part of the charges made for water and electricity.~~

8-9. All water rentals and electric light and power rentals, together with meter rentals which are not paid as due, are hereby made a charge against and lien upon the real estate for the use of which, or the occupants of which water and electricity is furnished; and it is made the duty of the Secretary of the Public Utilities Commission, on or before the first day of November of each year to furnish to and file with the Auditor of Crow Wing County, an itemized statement showing the amounts of such delinquencies and the property to be charged, and it shall be the duty of the County Auditor to extend the same upon the tax roll of the property as a tax and a charge against the property, and the same shall be collected by the County Treasurer as other taxes and paid to the City Administrator, who shall turn it into the water and light fund.