

**CHARTER COMMISSION**

**Brainerd, Minnesota  
September 8th, 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 August 11<sup>th</sup>, 2021

**5. Old Business**

**6. New Business**

- Discussion on Chapter 6, Public Utilities Commission

**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**

**Brainerd, Minnesota  
August 11, 2021**

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 Czczok.

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

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

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

### **Approval of the Minutes**

MOVED AND SECONDED BY COMMISSIONERS O'DAY AND YEAGER, DULY CARRIED, TO APPROVE THE MINUTES OF THE MEETING HELD ON JULY 14<sup>TH</sup>, 2021.

### **Old Business**

#### **Consider Redlined Version of the Charter**

City Administrator Bergman stated that based on discussion staff prepared a redlined version of the Charter. Attorney Langel did review the redlines with a few comments.

Commission discussion took place to discuss the changes that were redlined.

Commissioner Yeager discussed the value and ability for the Park Board to present its budget to the Council each year.

Finance Director Hillman also pointed out that in the last clause of the Parks Board chapter the sentence should end at compensation with the removal of "for their".

MOVED AND SECONDED BY COMMISSIONERS YEAGER AND SHIPE, DULY CARRIED, TO APPROVE THE REDLINED VERSION OF THE CHARTER WITH EDITORIAL CORRECTIONS AND ADDITION OF "AND PRESENT" IN REFERENCE TO THE PREPARATION OF THE BUDGET BY THE PARK BOARD.

### **Next Steps**

City Administrator Bergman asked for direction for future meetings.

Commission discussion took place to discuss the schedule for future meetings.

The Commission requested that the Public Utilities Commission discussion take place in September and Sidewalks be addressed in October.

Administrator Bergman will reach out to the Brainerd Public Utilities and its Commission for the September meeting.

**Adjourn**

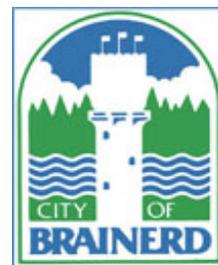
MOVED AND SECONDED BY COMMISSIONERS YEAGER O'DAY, DULY CARRIED, TO ADJOURN THE CHARTER COMMISSION MEETING.

Commission Chair Czeczok adjourned the meeting 5:42 p.m.

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Secretary

# MEMO



**TO:** Charter Commission Members  
**FROM:** City Administrator, Jennifer Bergman  
**DATE:** September 3, 2021  
**RE:** Discussion on Public Utilities Commission Chapter

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The Charter Commission asked to have the September meeting dedicated solely on a discussion of the Public Utilities Commission chapter of the Charter. I have attached that Chapter.

I have done some research of other Charter cities who also have their own public utility and have included copies of their Charter for your information: Alexandria, Bemidji, Detroit Lakes, Hutchinson, Marshall, Owatonna, Virginia and Worthington. BPU Finance Director Todd Wicklund has also reviewed the Charter and provided some recommended changes (see attached).

Scott Magnuson (BPU Superintendent) and Todd Wicklund (BPU Finance Director) will be in attendance to answer questions about BPU operations. Finance Director Hillman and HR Director Schubert will also be in attendance.

The purpose of the September Charter Commission meeting is to discuss this Chapter and to provide guidance to staff if there are any proposed changes to the Charter. If the Commission is recommending changes, we will provide a red-lined version at the October meeting.

**Sec. 8.02. Amount of Assessments.**

The amount assessed to benefited property to pay for local improvements may equal the cost of the improvement with interest until paid.

**Sec. 8.03. Pending Improvements Continued.**

All improvements commenced prior to the adoption of this charter shall be continued and completed under and pursuant to the provisions of the charter or law under which such improvements were begun.

**Sec. 8.04. State Law Made Applicable.**

Except as herein otherwise provided, the statutes of the State of Minnesota governing, controlling and regulating the making of such public improvements of every type and character, and of special assessments therefor, and all provisions for certificates of indebtedness in connection therewith, and all future amendments thereto and supplements thereunto, shall apply, govern, control and regulate in the City of Alexandria.

**ARTICLE IX - EMINENT DOMAIN**

The City of Alexandria shall have and possess all the powers of eminent domain conferred upon any municipality by the statutes of the State of Minnesota, and shall exercise said powers in the form and manner prescribed and provided by said statutes.

**ARTICLE X - PUBLIC UTILITIES****Sec. 10.01. Powers of City.**

The city may construct or purchase its water, light, heat, power plant, sewage disposal system and plant, and other public utility systems, and may dispose of them whenever authorized to do so by a majority vote of the legal voters of the city voting upon that question.

The city may maintain, enlarge, extend, repair and operate the same. It may furnish service for all municipal purposes and may supply the same to the inhabitants of the city, and to such others as it may deem expedient.

**Sec. 10.02. Board of Public Utilities.****Subd. 1. Exclusive Management and Control.**

The Board of public Utilities established by Section 6.02 hereof shall be responsible for the management operation and control of such plants and systems.

**Subd. 2. Vacancies.**

Any member who is absent from board meetings for three successive months without leave of absence granted by the board or excuse satisfactory to the board, provided the member has been notified of such meetings, shall thereby forfeit board membership, and the office shall be declared vacant. Vacancies shall be filled by the council.

**Subd. 3. Organization.**

Said board shall, at its first meeting of each calendar year, appoint from its membership a chairperson, and such other officers as needed.

**Subd. 4. Duties.**

The Board of Public Utilities shall employ a general inanager who shall: attend all meetings of the board; be responsible for maintaining the books and records of the board and the utility, including financial records and records verifying compliance in all areas of the utility; and do and perform such other duties incident to such employment as the board shall direct, or as this charter may further prescribe. In all such matters the general manager shall be under the sole control and direction of the board.

**Subd. 5. Employees.**

In addition to the general manager, the board shall employ such other personnel as will enable it properly to perform its duties under this charter and to successfully operate said public utilities system. The duties and compensation of its employees shall be approved by the board.

**Sec.10.03. Powers of Board.****Subd. 1. Bylaws, Rules.**

Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by laws, rules and regulations to be entered in a book kept for that purpose and signed by the chairperson. All such books shall be open for inspection subject to the requirements of the Minnesota Government Data Practices Act.

**Subd.2. Right of Entry; Prosecution of Actions.**

Subject to any limitations imposed by law, the board's authorized representatives may enter upon any premises for the purpose of examining the same and making surveys, and may prosecute any action, in the name of the city, against any person, for the use of water, electricity, businesses communications and other utilities or for any injury to any of the property or entrusted to the utility's care or for the violation of the utility's rules and regulations governing the use of water, electricity business communications and other utilities, or the management of the utilities system.

The Board of Public Utilities shall have the necessary powers to restrain and prevent any and all injuries to said utilities or the unauthorized use of its products and services.

Said board is hereby authorized and required to restrain and prevent any and all waste of water, electricity, business communications and other utilities and may, when in its judgement necessary, shut off such utilities or take such other lawful action.

**Subd.3. Contracts.**

The board shall have authority to contract for equipment and construction of additional facilities without specific approval by the City Council where the cost incurred shall not exceed the sum authorized to be expended by the City of Alexandria pursuant to applicable State Statutes without first securing competitive bids. If the cost exceeds the amount authorized to be expended without securing competitive bids, it shall first be authorized by the board and City Council. In all cases of work to be done by contract or in the purchase of personal property or supplies, where the amount is more than the amount authorized to be expended in accordance with state statutes without competitive bidding, unless the City Council shall, by and emergency resolution otherwise provide, the council shall advertise for bids. Contracts of this magnitude shall be let to the lowest responsible bidder. The council may, however, reject any and all bids.

**Sec. 10.04. Duties of Board.**

**Subd. 1. Reports.**

The board shall annually, or as additionally requested by the council, render a full and complete report setting forth the condition of the utilities system, the improvements made and cost of same, and a detailed report of the earnings and expenses. All minutes of the board's proceedings at regular and special meetings shall be governed by the Minnesota Government Data Practices Act.

**Subd. 2. Insurance.**

The board shall maintain adequate insurance to safeguard the interest of the city.

**Subd. 3. Repair and Maintenance.**

The board shall cause the utilities to be maintained in good repair and working condition, and shall cause them to be continually operated in an efficient manner at a reasonable cost and from time to time shall cause to be made all needed repairs, renewals and replacements.

**Subd. 4. Distribution, Rates.**

Said board shall regulate the distribution and use of water, electricity, business communications and other utilities in all places and for all purposes where the same shall be required for either public or private use, and shall fix the price and rates therefor, provided that in case of hydrants for extinguishing fires and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct; provided that said board shall not charge the city for such water, light, power or heat a higher rate than is charged to private parties. The city shall pay, out of the general fund to

## CITY OF ALEXANDRIA

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the account of the board at the price so fixed by the board, for all services to the city for public purposes. Said payments shall be made monthly or at such other intervals as are agreed upon by the board and the city council. The board shall pay to the city an annual Payment in Lieu of Taxes ("PILOT"). The amount of the PILOT shall be \$.0035 x kWh sold unless otherwise agreed by the board and the city council. Said board shall fix and maintain the rents and rates for power, water, light and such other facilities or plants as may be under its control so that income from such services of the city shall, in each fiscal year, be at least sufficient to defray the costs of the operation, maintenance and extension of such public service and to pay the interest and principal requirements on all bonds of the city which have been issued on account of the construction of such public services and to maintain a sinking fund by transferring annually into said fund not less than 5% of the gross revenues of the utility system. Said sinking fund to be used for the replacement and repairs of properties under the control of the board.

**Sec. 10.05. Certain Acts Prohibited.****Subd. 1. Extension of Service.**

No extensions of the water, electricity, business communications and other utilities of the city shall be made except when recommended by the Board of Public Utilities and authorized by the council.

**Subd. 2. Sale of Public Utilities.**

No public utilities owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance passed by a four-fifths vote of the council in the usual way, and submitted to the electors at a general or special election and approved by a two-thirds vote of the electors voting thereon.

**Subd. 3. Discrimination.**

Any member of the board, or any employee of the board who shall knowingly omit any person or property from a proper assessment for water or light rentals, or refuse to collect the same, or who shall discriminate in favor of any person, cooperation or property in regard thereto, shall be guilty of a misdemeanor and punished therefor as prescribed by the ordinance of the city; or in case the offense is not punishable under the ordinances of the city then as misdemeanors are punished under the criminal laws of the state.

**ARTICLE XI - FRANCHISES****Sec. 11.01. Defined.**

The word "franchise" as used in this charter shall be construed to mean any special privilege granted for the purpose of profit to any person or corporation, over, upon or under any of the streets, alleys or public places of the City of Alexandria, whether such privilege has been granted by the City of Alexandria or by or under the State of Minnesota.

It shall also be construed to mean the privilege granted to any person or corporation of furnishing for profit from any established plant, factory or works, to any person, corporation or to the public generally,

Bemidji

## CHAPTER 10

### FRANCHISE

**Section 10.01 FRANCHISE REQUIRED.** Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose; without a franchise therefor from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

**Section 10.02 TERM.** No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon.

**Section 10.03 PUBLIC HEARING.** Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

**Section 10.04 POWER OF REGULATION RESERVED.** Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

**Section 10.05 RENEWALS OR EXTENSIONS.** Every renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

**Section 11.01 ACQUISITION AND OPERATION UTILITIES.** The city may own and operate any water, gas, light, power, heat, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the council. Such ordinance shall not be an emergency ordinance.

**Section 11.02 REGULATIONS AND RATES.** The council may by ordinance fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for any such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

**Section 11.03 LEASE OF UTILITIES.** The council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed ten years. Such ordinance shall not be an emergency ordinance.

**Section 11.04 SALE OF PUBLIC UTILITY.** No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a regular or special election. Any sale, lease, or abandonment of a water works or power plant shall be subject, in addition, to the requirements of state law.



## ARTICLE VI

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

**Section 6.01.** A Public Utilities Commission consisting of three members is hereby established. The present members of the Commission shall continue until re-appointed. After serving three consecutive three year terms, a member may not be re-appointed until a lapse of one term.

**Section 6.02.** The salary of the members of the Public Utilities Commission shall remain as currently set, but may, by Resolution of the City Council, be changed from time to time; however, the salary of any Commissioner shall not be diminished during the term for which he/she was appointed.

**Section 6.03.** As set forth in Section 10.02 of the Amended Home Rule Charter, the control, management, and operation of the wastewater treatment plant and sanitary sewer lift stations are hereby assigned to the Public Utilities Department.

**Section 6.04.** The Public Utilities Commission shall, from time to time, upon request of the City Council, appropriate money from the Public Utility Fund to the General Fund of the City to be used in the operation of the City in general. The amount of appropriated money shall be agreed upon by mutual consent of the Public Utilities Commission and City Council, but at no time shall be in amounts that would jeopardize the operation of the Public Utilities Department.



## CHAPTER 11

### Public Ownership and Operations of Utilities

**Section 11.01. CONTROL AND MANAGEMENT.** The Hutchinson Utilities Commission of the City of Hutchinson shall have control and management of the Electric Plant, the Electric Plant distribution system, the Gas Plant and the Gas Distribution system in the City of Hutchinson.

**Section 11.02. APPOINTMENT AND TERMS.** The commission shall consist of five (5) persons, registered voters of Hutchinson, who shall be appointed by the council. One of the members may be a member of the city council appointed annually by the mayor with the consent of the city council, at the first meeting of the city council in January of each year. After initial appointments for such terms as are set by the council, a member shall be appointed every year for a term of 5 years, to fill the place of the member whose term has expired, except for any city council member appointed to serve on the Utilities Commission, and in such case, that person shall serve a one year term subject to reappointment. The commissioners in office at the time of adoption of this charter shall continue to serve the term to which they were previously appointed. Commissioners shall qualify for their office by taking and subscribing to the oath of office required of members of the council and filing the same with city administrator. They shall hold office until their successors are appointed and qualified and vacancies in office for any cause shall be filled for the balance of the term in which the vacancy occurs in the same manner as the original appointment is made. No member shall serve more than two consecutive five-year terms, exclusive of the fulfillment of an unexpired term, but shall be again eligible for such service following a break in service of not less than one year. The members of the commission, excluding the city council member, may receive compensation for their services as determined by the council.

**Section 11.03. ORGANIZATION.** The commission shall provide for its own organization and rules of procedure and annually shall elect a president and vice-president from among its members who shall perform the usual duties of those positions, under the direction of the commission. It shall also appoint a secretary who may or may not be a member of the commission. All monies received for gas and electric services rendered shall be deposited in a separate municipal Electric Plant Fund and Natural Gas Division Fund. The commission shall keep record of the monies (above mentioned) and pay them out only upon verified orders and upon warrants signed by two members of the commission.

**Section 11.04. POWERS OF THE COMMISSION.** The commission shall have full, absolute and exclusive control of power over the City Electric Plant, the City Electric Plant distribution system, the City Gas Plant and the City Gas distribution system. The commission shall buy all materials, supplies and fuel in accordance with the charter provisions for purchases and contracts. It may enter into contracts subject to the same limitations imposed on the city council, and may sue and be sued in its own name. It

shall regulate the distribution, use and sale of electricity and gas within and without the city limits, collect for services, and shall fix the rates for all such sales and services for public and private use, subject to right of the council to veto any proposed charge and rate by a four-fifths vote. Such veto power shall be exercised, if at all, within 30 days after the council has received notice of any proposed change in charge and rate. The commission shall have power and authority to extend, add to, change or modify the electric system and the gas system, and to do any and all things it may deem necessary and proper for operation except as by this chapter otherwise restricted or qualified. The cost of extended service or installation thereof shall in no case create any general obligation upon the City. It shall employ such competent help as may be necessary to properly operate the plant, and pay these employees such compensation as the commission deems proper. The commission shall not have power to sell, lease, rent or in any way dispose of or encumber or permit the electric plant or the gas system to come under the control of any person or corporation whatever. The commission may pledge the net earnings of the electric plant and/or gas plant and system, after providing for the payment of all operating and maintenance charges and setting aside annually an amount sufficient to meet the interest and principal required of any previously created obligations of the plant, to secure payment of any previously created obligations of the plant, to secure payment of any equipment purchased for said plants and systems.

**Section 11.05. TRANSFER OF FUNDS.** On or before September 1 of each year, the commission and the city council shall exchange information regarding the financial resources and financial needs of both the commission and the City, and shall reach agreement on the amount of surplus utility funds, if any, which are reasonably available for transfer to the general fund of the City during the next calendar year. Surplus utility funds reasonably available shall be transferred to the city general fund.

It shall be mandatory upon the commission to transfer funds from earnings to the City to meet all interest and support principal required on obligations of the City incurred by the City in the construction of the gas and electric plants and systems. Such funds shall not be considered surplus funds. Funds so turned over to the City by the commission shall, during such time as the bonded indebtedness remains currently unpaid in connection with construction of the gas and electric plants and systems, be used solely for the purpose of retiring such currently unpaid indebtedness.

**Section 11.06. BY-LAWS AND REGULATIONS.** The commission may make and enforce such reasonable by-laws and regulations as may be necessary to carry into effect the objectives and purposes of this chapter. All such by-laws and regulations are to be entered in a book kept for that purpose by the secretary and signed by the president and secretary.

**Section 11.07. REPORTS.** The commission shall keep a record of all of its financial operations and shall furnish monthly to the city council summarized statements showing receipts, disbursements, and liabilities for such period of time. The commission shall

publish a summarized audited annual statement in the official city newspaper. Such statement shall be prepared by a certified public accountant.

**Section 11.08. REMOVAL OF COMMISSIONERS.** If a commissioner is guilty of malfeasance or misfeasance in office, has become incapacitated to hold office, or ceases to be a resident of the City of Hutchinson, and such fact is brought to the City Council by council investigation or a petition of ten (10) or more voters of the City of Hutchinson, the commissioner may be removed from office by a four-fifths (4/5) majority vote of the council. Upon the filing of any such fact, together with a copy of such charges, such commissioner shall be notified of the time and place where the council will meet to consider such charges. Notice shall be given at least ten days before the meeting, at which time such commissioner shall have the right to be present and produce testimony and evidence. No member of the commission shall continue in office after the loss of any qualification required for appointment to that position.

**Section 11.09. SALE OF PUBLIC UTILITY.** The public utility owned by the City shall not be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by the city council and by a majority of the voters voting thereon at a general or special municipal election. Approval by the voters as described herein shall not apply to the sale or other disposition of component parts of the public utility which are no longer needed for public utility purposes.

**Section 11.10. FISCAL YEAR.** The fiscal year of the Hutchinson Utilities Commission shall be the calendar year.

## Chapter 12

### Public Ownership and Operation of Waste Management Facilities and Related Services

**Section 12.01. ESTABLISHMENT.** The City has established, and is hereby authorized to further establish and continue waste management facilities and ancillary programs including, without limitation, collection, testing, processing and disposal of mixed municipal solid waste, source separated waste, recyclable materials, and all other soil amendments for the operation of resource recovery facilities, biosolids drying facilities, compost facilities, waste reduction facilities, and similar operations; the mixing, bagging, blending and incorporating of ingredients reasonably related to the reuse and resale of recovered waste, or reasonably related to improving the economic efficiency of waste management facilities and programs and reducing the cost thereof to the City, the State of Minnesota, and other generators of waste within Minnesota.

**Section 12.02. CONTROL AND MANAGEMENT.** The city council, acting through the city administrator as required by this Charter, shall have control and management of all waste management facilities and ancillary programs.



## CHAPTER 11. - PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

## Section 11.01. - Acquisition and operation of utilities.

The City may own and operate any gas, water, electric, telephone, television transmission service, digital communications or other public utility for supplying its own needs for utility services or for supplying utility service to private consumers or both. The Marshall Municipal Utilities shall have the exclusive jurisdiction, control and management of all of the City's municipal water, light, power and electric operations, but not other public utilities pursuant to action of the Marshall Municipal Utilities Commission and the City Council pursuant to City Charter Section 13.01, Subd. 1. The City and the Marshall Municipal Utilities may construct all facilities reasonably necessary for those purposes and may acquire any existing utility property for those purposes.

{Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 380 2nd series, § 1, 11-3-1997)

## Section 11.02. - Rates and finances.

In regards to the utility services provided by the City of Marshall, the City of Marshall's rates and finances shall be made upon recommendations of the City Administrator to the City Council and the City Council shall set any rates and provide for any finances based upon resolution of the City Council. The City Council may fix rates, fares and prices for municipal utilities but such rates, fares and prices shall be just and reasonable. The City Council may also prescribe the time and manner in which payments for such services shall be made and may make such other regulations as may be necessary and prescribe penalties for violating such regulations. The Marshall Municipal Utilities shall fix its rates for the utility services that it provides pursuant to City Charter Section 13.04, Subd. 6. In like manner, the Marshall Municipal Utilities may prescribe the time and manner in which payments for such services shall be made and may make such other regulations as may be necessary and prescribe penalties for violation of such regulations.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 380 2nd series, § 1, 11-3-1997)

## Section 11.03. - Purchase in bulk.

The City or the Marshall Municipal Utilities may, in lieu of providing for the local production of said utility, purchase the same in bulk and resell them to local consumers at such rates as they may fix.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 380 2nd series, § 1, 11-3-1997)

## Section 11.04. - Lease of plant.

The City may, if the public interests will be served thereby, contract with any responsible person, partnership, corporation or other entity for the operation of any utility plant owned by the City, upon such rentals and conditions as it may deem necessary but such contract shall be embodied in and let only by an ordinance approved by at least five (5) members of the City Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years. Any leasing of a plant which generates a public utility regulated by the Marshall Municipal Utilities shall only be leased pursuant to ChaP-ter 13 of the City Charter.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 380 2nd series, § 1, 11-3-1997)

#### Section 11.05. - Public utility: discontinuance.

No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other dispositions are embodied in an ordinance approved by sixty percent (60%) of the electors voting thereon at a general or special election. Marshall Municipal Utilities authority to cease to operate or sell, lease or abandon any of their utilities shall be regulated by Chapter [section] 13.05 of the City Charter.

(Ord. No. 574, § 1, 9-15-1975; Ord. No. 355 2nd series, § 1, 3-16-1996; Ord. No. 380 2nd series, § 1, 11-3-1997)

CHAPTER IX

(Renumbered by Ordinance No. 841, adopted 10/18/83.)

Public Utilities Commission

Section 9.1 COMMISSION--POWERS. The Public Utilities Commission, hereinafter called "Commission," shall have the entire management and control of all water, electric light, power, heat and gas plants and systems now or hereafter acquired by the City including the building, erecting, constructing and equipping of such plants and systems, all such plants and systems being hereafter collectively called "Owatonna Public Utilities."

Section 9.2 COMMISSION--APPOINTMENT. The Commission shall consist of five (5) members appointed by the mayor and confirmed by vote of a majority of the city council, which appointments shall be effective May 1st and for a term of five (5) years, and until their successors are appointed and qualify. No two (2) Commissioners shall be residents of the same ward, provided that a change of residence to a different ward shall not shorten the two (2) term limit of any Commissioner after his appointment. The members in office at the time this amendment becomes effective shall hold office until the expiration of their respective terms and until their successors are appointed and qualify. Two (2) additional members shall be appointed for terms expiring each year. Thereafter, successors shall be appointed each for a term of five (5) years. In case of vacancy for any cause, a successor shall be appointed for the unexpiring term. The term of office of any member shall be no more than two (2) full, consecutive terms with the privilege of being reappointed after being off the Commission for one (1) full term. If a member is appointed to fill an unexpired term, he/she may serve two (2) full terms after completion of the unexpired term. (As amended, Ordinance No. 841, adopted 10/18/83; Ordinance No. 1064, adopted 7/21/92.)

Section 9.3 COMMISSION--REMOVAL. Any member may be removed by two-thirds vote of the city council in the manner hereinafter provided. There shall first be filed with the clerk a petition of ten (10) or more freeholders residents reciting that such member has been guilty of a misdemeanor, or malfeasance or misfeasance in office, or has become incapacitated to hold office, or ceases to be a resident of the City. The city clerk shall thereupon give notice to such member of the filing of the petition including a copy of such charges and the time and place of council meeting to consider the same. Which notice may be given orally or in writing at least ten (10) days prior to the date of such meeting. The member may present evidence and be heard.

Section 9.4 COMMISSION--COMPENSATION. One (1) or all members of the Commission may receive compensation for services actually rendered in such amount as may be fixed from time to time by the city council.

Section 9.5 OFFICERS. The Commission shall elect one (1) of its members president. It may also elect such other officers, as it deems necessary, from its members. The city clerk-treasurer shall be ex officio, clerk of the Commission, and shall receive such additional salaries for such work as the Commission may prescribe.

Section 9.6 POWER TO INVEST AND BORROW. The Commission may invest and reinvest funds in its possession. The Commission may make temporary loans in emergency cases.

Section 9.7 POWERS IN RESPECT TO LAND. The Commission may use the ground under any railroad, public way, place or park for constructing, enlarging, improving, or repairing of Owatonna Public Utilities on condition the surface thereof shall be restored to its original state and all damages thereto repaired. The Commission may exercise the power of eminent domain on behalf of the City whenever necessary.

Section 9.8 EMPLOYEES. The Commission shall employ necessary help including a manager who shall be a competent engineer. The Commission shall prescribe duties, fix compensation, and discharge any employee a-t-wUI in accordance with established laws. It may require bond from any employee in such amount as it shall fix, covering the faithful performance of their duties.

Section 9.9 SURVEYS, INSPECTIONS, LIENS, AND SUITS. The Commission, by such employees as it may direct, may enter upon any premises at all reasonable hours for the purpose of examining the same and making surveys and inspection, and it may sue or make unpaid charges a lien against property served in the name of the City for any money due it for services or commodities or for injury to the Owatonna Public Utilities.

Section 9.10 BOOKS OF ACCOUNTS. The Commission shall collect and hold all monies received on account of operations of each utility. It shall keep separate books containing a full and complete statement of the condition and operation of each utility, of all money received, of all payments due and owing, and of all expenses, which books shall be open to inspection of the public at all reasonable times. Separate accounts within the Public Utilities Fund shall be kept for each utility. Money shall be paid out for the purpose of erection, operation, and management of the Owatonna Public Utilities only on the written order signed by the Commission and clerk. The Commission shall keep books open to public inspection, showing all receipts, the accounts to which the same are credited, and all orders made and paid. Such books shall show a true and correct statement of all accounts.

Section 9.12 . RULES AND REGULATIONS. The Commission may make and enforce reasonable rules and regulations to carry into effect the powers herein granted, which rules and regulations shall be recorded in a separate book and signed by the Commission and open to public inspection at all reasonable times.

Section 9.13 RATES AND CHARGES. The Commission shall fix the rents and rates for all commodities furnished by the Owatonna Public Utilities, either to the public or private consumers, and shall regulate the distribution and use of all such commodities for all purposes including restraining and preventing any injury to said utilities. The rates and rents shall be sufficient, so far as practicable, to provide for operating expenses, repairs, and replacement, and the creation of a sufficient sinking fund to pay outstanding utilities bonds and interest thereon when due.

Section 9.14 PURCHASES. The Commission shall purchase all supplies needed for operation of the Owatonna Public Utilities under such rules and regulations as it may establish.. and in compliance with state law.

Section 9.15 ANNUAL STATEMENT. The Commission shall cause to be prepared and filed in the office of the city clerk- treasurer, on or before the first city council meeting in May after the close of each fiscal year, an annual statement, prepared by a certified public

accountant, showing all monies on hand, all receipts, credits and disbursements on behalf of said utilities plants during the preceding year, and the true financial condition of each utility. The Commission shall also cause to be prepared, prior to the close of each fiscal year, an operating budget for the ensuing fiscal year, which shall be open to public inspection in the offices of the Owatonna Public Utilities. (As amended, Ordinance No. 791, adopted 2/16/82; and Ordinance No. 896, adopted 2/18/86.)

Section 9.16 UTILITIES FURNISHED CITY. Subject to all covenants of the Commission for the protection of outstanding revenue obligations, the Commission shall provide the City and all of its departments, except the Owatonna Public Utilities, with water (including the use of hydrants), electrical power and light, gas and heat free of any rent or charge, provided that the total value of all free utility service does not exceed four percent (4%) of the gross meter billings.

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**CHAPTER 11**  
**PUBLIC OWNERSHIP AND OPERATION OF UTILITIES**

**SEC. 11.01 ACQUISITION AND OPERATION OF UTILITIES**

The City may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both.

Subject to applicable law, it may construct all facilities reasonably needed for that purpose and may acquire any existing utility"properties so needed; but no proceedings to acquire. any such public utility shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired.

**SEC. 11.02 PURCHASE IN BULK**

The City may, in lieu of providing for the local production of gas, electricity, water, or other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

**SEC.11.03 LEASE OF PLANT**

The City may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by two-thirds vote of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

**SEC. 11.04 SALE OF PUBLIC UTILITY**

No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election.

In addition, any sale, lease or abandonment of a public utility shall be subject to the requirements of the State law.

## CHAPTER VI. WATER AND LIGHT DEPARTMENT

### Section 6.01, Power to Operate Public Utilities

The city may own and operate public utilities, and with respect thereto: plan, develop, purchase and lease facilities and improvements; produce, purchase, transmit, transport and distribute water, gas, electricity, telephone, telecommunications, district heating, transportation and other goods and services which may constitute a public utility; and conduct utility operations and related services sufficient to supply the city's needs for utility services and products and the needs of others within or without the corporate limits of the city. The city may construct all facilities reasonably necessary to such purpose, maintain, enlarge, extend, repair and operate any such public utility or utility services and may acquire any existing utility properties needed for such purposes. In lieu of, or in addition to providing for the local production of utility products and services, the city may purchase or otherwise acquire such a product or service and resell it or cause its transmission, distribution or transportation from a wholesaler to others. The city may initiate a new public utility service by acquiring the facilities of another public utility or by the construction or other acquisition of its own facilities. However, the city may not initiate a public utility service unless the proposition to initiate has been approved by the City Council, but no such action shall be required for electric and water service which has heretofore been provided by city. The favorable action of the City Council and the initiation of the new public utility service shall not be subject to approval by the voters of the city unless explicitly required of the city by the statutes of the State of Minnesota.

Source: Ordinance No. 864

Effective Date: 9-22-98

### Section 6.02, Control and Management of Public Utilities

The control and management of the operations of the water and light utilities shall be committed to a Water and Light Commission. The City Council may, by resolution, impose upon the Commission the control and management of any other utility owned and operated by the City, including the sewer system. The Water and Light Commission may delegate the day-to-day management of the affairs under its jurisdiction to professional staff.

Source: Ordinance No. 907

Effective Date: 02-26-01

### Section 6.03, Appointment of Water and Light Commission

The Water and Light Commission shall consist of five members appointed by the City Council for a three-year term commencing on April 1 of the year in which appointed, except that the terms of the first members appointed hereunder shall expire in one, two and three years respectively, The City Council shall have the power to fill all vacancies. The members of the Commission shall receive such compensation as the City Council shall provide and shall be reimbursed for actual expenses incurred while absent from the City on business of the Commission. The Commission shall elect a president from its membership. The Commission shall be responsible for seeing that records of all proceedings are kept.

Source: Ordinance No. 908

Effective Date: 02-26-01

### Section 6.04, Powers and Duties

The Water and Light Commission shall have the power to establish rates, fees, rules, regulations and policies for the operation and management of municipal utilities under their control subject to such ordinances as the City Council may adopt. The Commission shall purchase all materials and supplies and employ all help necessary for the operation of any utility committed to its care, including necessary extension, improvements and additions thereto and may provide for payment therefor out of the earnings provided that all contracts for materials, supplies and labor shall be let in conformance with the requirements of the Uniform Municipal Contracting Law, Minnesota Statutes §471.345 and any amendments thereto. The commission shall also annually prepare a budget forecast for the ensuing years and furnish a copy to the City Council for their review and approval.

Source: Ordinance No. 886

Effective Date: 2-8-00

## Section 6.05, Utility Funds

All funds of all utilities committed to the Water and Light Commission shall be held in the city treasury separate and apart from all other city funds. Expenditures may be made therefrom for public purposes when authorized and approved by the Water and Light Commission upon warrants signed by the City Clerk. A public purposes shall specifically include expenditures for economic development activities up to the limit and to the same entities as may be appropriated from the general revenue fund under Minnesota Statute §469.191. Any amount in any such utility fund in excess of the amount required for its purpose may be transferred to the general fund of the city upon joint resolution of the commission and the City Council.

Source: Ordinance No. 887

Effective Date: 2-8-00

## Section 6.06, Revenue Bonds

In order to provide for necessary improvements and extensions to any utility under its control and management, the commission may issue revenue bonds payable solely *frdm* the anticipated net income of said utility, provided that no such bonds shall be issued in an amount exceeding ten thousand dollars without the approval by resolution of the City Council.

## CHAPTER SIX

### PUBLIC UTILITIES COMMISSION

1. The Public Utilities Commission shall control, operate and manage the 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.
2. Such commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the commission.
3. The Secretary of the commission 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.
5. Subject to state law, the Commission shall have power to fix all rates and compensation to be paid by consumers of water 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; nor shall any water main be ordered or extended unless the City Council shall so order the same by a resolution passed by a majority vote of all its members.
7. The Commission shall, at the first meeting of the City Council, in December of each year, present a budget for the following year, which budget shall set forth all expenditures that can be anticipated for the operation of the commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for such commission to make such expenditures. The commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.
8. 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.
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.

## CHAPTER SIX

### PUBLIC UTILITIES COMMISSION

- ~~1. {The Public Utilities Commission shall control, operate and manage the 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.}~~

\*The Public Utilities Commission shall be responsible for the planning, development, production, purchase, transmission, and distribution of all electricity, water, wastewater treatment, and other utility-related services by the City.\*

2. Such Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the Commission.

\*The Commission shall have all powers and duties possessed by the City to construct, acquire, expand and operate municipal utility services, and to do any and all acts or things that are necessary, convenient, or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, reliable, economic and prudent administration and provision of such utility services. The Commission may, from time to time, make, establish, alter, or amend bylaws, rules and regulations not in conflict with law or this charter for the transaction of its business.

Within the Commission there shall be separate departments for the electricity, water, wastewater treatment, and any other utility operations. Separate funds and accounts shall be kept for each department as required by the uniform system of accounts for each such utility, as promulgated by the Public Utilities Commission of the State of Minnesota, the Federal Energy Regulatory Commission, or generally accepted public utility accounting principles.\*

- ~~3. {The Secretary of the commission 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 Secretary shall maintain suitable permanent records regarding actions taken. The Superintendent and Secretary shall prepare (or oversee the preparation of) plans and specifications, take bids, and execute contracts, subject to the direction and approval of the Commission. The Superintendent and Secretary shall prepare and submit to the Commission periodic reports on the Commission's financial condition, reliability of service and compliance with local, state, and federal laws.

No money shall be drawn from the funds of the Commission nor shall any obligation for the expenditure of money be incurred except in conformity with authorization by the Commission. Without prejudice to the generality of the foregoing, payments in the general course of business shall be made to the extent evidenced by documentation approved by the Superintendent or Secretary.

All utility revenues shall be directed to the provision of utility services and not applied to the General Fund of the City, unless the transfer of revenue constitutes a payment in lieu of taxes. A formula shall be established for these transfers to the General Fund of the City that does not place an unreasonable financial burden on the electric utility or its consumers. Any shared Utility/City funds or services (e.g., support of such City departments as human resources, legal, information technology or others) or services supplied gratis or at a discount to the City (e.g., streetlighting, holiday lighting for municipal buildings) shall be accounted for directly and explicitly to assure that the totality of value transferred from the Utility to the City is consensual, appropriate, transparent and recognized.

The Commission may authorize reasonable expenditures to acquaint the public with the policies, operations, programs, and plans of the Commission, or to protect the integrity, reliability, public ownership, competitiveness and ability to extend service of the utility(ies).

The Commission may invest surplus funds in securities that are safe and authorized by bond resolution, by State investment regulations, or other specific action by the Commission.\*

~~{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.}~~

\*The Commission may require surety bonds for any of the officers and employees in such amounts as the Commission deems necessary. The premiums for the bonds

shall be paid by the Commission in the same manner as any other operating expense\*

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 Commission shall appoint and employ a Superintendent and Secretary who shall be qualified by training and experience for the overall management of the Commission. The Superintendent and Secretary shall serve at the pleasure of the Commission, which shall determine their salary, and shall have such authority as delegated by the Commission. The Superintendent and Secretary shall determine the number of employees and, if appropriate, contractors, necessary for the operation of the Utility, and establish their duties and compensation. The Superintendent and Secretary shall have control of all actual construction and repairs, the immediate management and operation of the Commission, and the enforcement and execution of all rules and regulations, programs, plans, policies and decisions made or adopted by the Commission.\*

5. ~~{Subject to state law, the Commission shall have power to fix all rates and compensation to be paid by consumers of water 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.}~~

\*The Commission shall determine rates to be charges for electricity, water, wastewater treatment, and other utility services rendered by the Commission. Rates shall be just, reasonable, compensatory, and with no undue preference or discrimination, provided that the Commission may set special rates, by contract or by rate schedule, if reasonably justified by economic development or other community and municipal goals, provided that such special rates shall not place undue hardships or jeopardize reliable service to other customers or customer classes. The Commission may require reasonable deposits as security for the payment of charges for utility services and may provide for the return of the deposits when satisfactory consumer credit has been established or upon the cessation of utility service after payment of all amounts owing, as the discretion of the Commission.\*

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; nor shall any water main be ordered or extended unless the City Council shall so order the same by a resolution passed by a majority vote of all its members.

7. ~~{The Commission shall, at the first meeting of the City Council, in December of each year, present a budget for the following year, which budget shall set forth all~~

~~expenditures that can be anticipated for the operation of the commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for such commission to make such expenditures. The commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.}~~

\*The Commission, in addition to the reports and accounting it may otherwise be required by law to make, shall furnish to the City Council its annual financial report, which shall include all appropriate financial reports showing the financial condition of the Commission and each separate department, prepared according the uniform system of accounts promulgated by the Public Utilities Commission of the State of Minnesota, the Federal Energy Regulatory Commission, or generally accepted public utility accounting principles.

The funds and accounts of the Commission shall be audited annually by a certified public accountant and shall be open to public inspection. The Commission shall also annually prepare a budget for the ensuing year and make a presentation to City Council at the first meeting in December. The presented budget shall set forth all expenditures that can be anticipated for the operation of the Commission, during the next year. When the budget is approved in whole or such part as may be approved by the Council, shall constitute the authority for Commission to make such expenditures. (See second half of section 109).\*

- ~~8. {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.~~
- ~~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.}~~

