

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
TUESDAY, OCTOBER 3, 2017
7:00 P.M.

The meeting was called to order with the following present: Mayor Patricia Carlson; Council Members Lowell Jaques, Shawn Sullivan, Jeremy Kunshier, and Traci Leaf; and City Administrator Sally Hoy.

Present in the audience were: Delwayne Hahn from the Isanti County News and Scott McKinney from the Braham Journal; Chief Robert Knowles, Interim Chief Eric Baumgart, and Officer Lance Olson from Braham PD; Fire Chief Jeff Jones, Asst. Chief Dean Bondeson, and members of the Braham Fire Department; Kurt Weeda and Allan Larson from the Horizons Team; and Jay Mankie and Mary Lodin from Genesis Technology Communications.

The meeting opened with The Pledge of Allegiance.

Sullivan moved, and Kunshier seconded to approve the minutes from the Sept. 5, 2017 regular meeting and Sept. 14, 2017 special meeting. Motion carried 5-0.

Jaques moved, and Sullivan seconded to accept the agenda as printed. Motion carried 5-0.

Kunshier moved, and Leaf seconded to approve payment of the September bills and payrolls as presented. Motion carried 5-0.

Chief Knowles gave the police report. He reported 611 ICRs for the month of September, compared to 358 in September 2016.

BANKING TRANSACTIONS

Carlson moved, and Leaf seconded to approve the following banking transactions:

9/6/17 Transferred \$29,864.32 from Des. Reserve Savings to General Checking for Payment #1 from Genesis Wireless for Broadband Project.

9/14/17 Transferred \$600 from Equipment Reserve in Des. Res. Savings to General Checking to cover the purchase of a rifle for the police department.

9/14/17 Transferred \$4,542 from Lottery Checking to General Checking for reimbursement of August lottery payouts.

9/27/17 Transferred \$2,100 from General Checking to PD Forfeitures in Reserve Des. Res. Savings.

9/27/17 Transferred \$50 from Lottery Checking to General Checking for Comm Ed Halloween Party.

9/27/17 Transferred \$2,323 from Park Savings to General Checking for woodchips from Midwest Playscapes for NW Park and High Point Park.

Motion carried 5-0.

BRAHAM FIRE DEPARTMENT 2016 LIFE SAFETY ACHIEVEMENT AWARD

The council recognized the Braham Fire Department for receiving the National Association of State Fire Marshals Fire Research & Education Foundations & Grinnell Mutual's 2016 Life Safety Achievement Award for outstanding fire safety statistics and prevention programs. Mayor Carlson extended the City's appreciation to Fire Chief Jeff Jones and the Braham Fire Department for their honorable service to Braham and the surrounding area, noting "These dedicated men and women are Braham's unsung heroes, investing their lives in service to their community through area training, drills, fire calls, and fire prevention programs in order to protect lives and properties from the devastating loss from fires."

RECOGNITION OF HORIZONS TEAM FOR "VISIT FRIENDLY BRAHAM, HOMEMADE PIE CAPITAL OF MINNESOTA" SIGN

The council recognized the Horizons Team for all their time and talent invested in the construction and placement of the "Visit Friendly Braham, Homemade Pie Capital of Minnesota" sign on the corner of Highways 65 & 107. Mayor Carlson noted this project took 3 years from start to finish, and would not have been possible if not for grants through the Initiative Foundation, the University of MN Extension Office, the James J. Hill Foundation, approval from MNDOT, and the hundreds of dedicated hours of time and talent from the Horizons Team, under the leadership of Kurt Weeda. She added that the visibility of this sign for northbound traffic is a huge draw to the downtown area that has been easily passed by with our location being 2 miles off Hwy 65, and that this sign now gives people a reason to turn right and come into Braham to see what the Braham community has to offer. Carlson finished by saying it is a known fact that Braham is built on the backs of volunteers, and the Visit Friendly Braham sign is living proof of that. The council thanked Kurt Weeda and the Horizons team for making this sign possible.

ENGINEERING

There were no engineering items.

MIKE VOGEL'S WITHDRAWAL OF RESIGNATION

Administrator Hoy reported to the council that Mike Vogel has asked to withdraw his resignation from the Police Department that would be effective 10/3/17. Jaques moved, and Leaf seconded to rescind their motion and second from the Sept. 5, 2017 council action to accept his resignation. Motion carried 5-0.

ADMINISTRATIVE CITATIONS – RES. 17-12
ACTING CHIEF ERIC BAUMGART

From the Administrator’s Report—

Administrative Citations have been in use since 2009. The state fixes the Administrative Fine at \$60, far less than a normal citation that can range from \$120-\$320, depending on the offense, through the criminal court system. Of the \$60, \$40 remains with the City and \$20 is sent to the State for its General Fund. Of the \$40 the City retains, 50% must go to supplement (but not supplant) law enforcement funding, meaning we should reserve these fines for things that come up in the PD budget that were not expected in the normal budgeting process. Rather than run over-budget, they would have these reserve funds to draw from.

Administrative Citations can be used for a variety of offenses, including speed less than 10 mph above posted limit, work zone violation, speed greater than reasonable under certain conditions, failing to reduce speed for emergency vehicles, at RR crossings and intersections, driving slower than minimum posted speed, possessing any radar jammer, hitching sleds or bicycles, etc. to a vehicle, driving unsafely, stop line violation, television/headphone use, use of phone, defective equipment, noise violation, cracked windshield, and missing plates, and parking violations. *(As a note, texting while driving should not be included in Administrative Citations because the \$60 limit for administrative fines conflicts with the 2015 legislation that added a \$225 fine as a penalty for violation.)*

According to the LMC, the law doesn’t preclude the City using administrative citations for non-traffic offenses, so the City could issue them for violation of City Ordinances, as well, where in the past the City has failed to cite offenders because of the process to get them through an overcrowded court system of serious offenses for something as minute as a City ordinance offense.

Acting Chief Baumgart addressed the council with the proposal to initiate the use of Administrative Citations as an enforcement option between educational-verbal warning and the harsher state criminal statute for traffic citations. He explained the Administrative Citations offer the offender lesser fine amounts, no recording of the violation on the driver’s state record, and no record on the offender’s insurance that could result in more expensive premiums. Baumgart noted it is a less-intrusive enforcement option over issuing a normal citation. He noted the benefit to the City is less overtime costs for court, and potentially less negative press and social media scrutiny over citations in general. He’d noted there is also somewhat of a financial benefit for the City in the way it collects and retains the fine monies.

Baumgart told the council Administrative Citations are a recognized practice in the Isanti County Law Enforcement and other police departments. He provided information from the Isanti PD, Cambridge PD, and Isanti County Sheriff’s Office on their experience using the Administrative Citations.

Council Member Sullivan asked for clarification on how an Administrative Citation would be issued with a person speeding through town. Interim Chief Baumgart noted there is a series of citations under Statute 169.999 that allows the PD to draft a City citation vs. a State citation. Speeding is one of the options, however, the City citation can only be for 9 miles/hr. or less. Baumgart explained it as another tool in their belt as an enforcement option to get the message through to someone with a clean driving record who has been stopped and warned about speeding in the past. He said the financial burden is not as great as the State citation which can range into \$300 depending on the speed the person is traveling. He said the PD wouldn't get the negative press about issuing citations and having to pay hundreds of dollars in fines, but instead they get a \$60 fine. He said the disbursement of that money stays local rather than going to the State. Baumgart noted there are other collection options, and Officer Olson noted one being the issuance of a State citation.

Sullivan moved, and Kunshier seconded to adopt Res. 17-12 as presented by Acting Chief Baumgart, implementing the use of Administrative Citations. Motion carried 5-0.

LEXIPOL PRESENTATION ACTING CHIEF ERIC BAUMGART & OFFICER LANCE OLSON

Acting Chief Eric Baumgart presented information to the council regarding the Lexipol Program that area County Law Enforcement Agencies and the City of Cambridge use as a comprehensive policy management and training system for law enforcement officers. Baumgart explained that the PD policies needed updating, which is a big task, and the Lexipol administrators prepare and update the policies for officers to use. He explained it to be a very clean, comprehensive policy management system that will prevent the PD from missing the boat on any policies.

Baumgart said they will have the ability to monitor and administrate it. He said it is designed to give the officer daily quizzes or tests that require them to be familiar and up-to-date on policies that are implemented or updated during the course of the year.

Officer Olson explained that the officer will be given a scenario, followed by questions that relate to the policy. He said it constantly keeps the officers on base with the policies. He said if an officer violates a policy, they can't say they haven't been trained on it. Olson noted that at the County, they get approximately 25 Lexipol trainings per month, taking about 4-5 minutes per question. He said it reinforces the policies, asking the questions in several different ways.

Baumgart said he felt an officer could complete it within their 12-hr. shift but he didn't want to set a timeframe. Olson added that at the County, some officers complete it on a monthly basis.

Council Member Sullivan asked what happens when an officer answers the questions wrong, and Olson said the officer has to go back and read the policy and take the test again.

Baumgart noted that the company that does Lexipol is going to present the PD with a Minnesota Guideline Policy that Braham PD will tailor to Braham. Olson added that about 80% of the sheriff offices in the State use Lexipol.

Sullivan noted that financially, it looked like the Liquor Fund could cover the cost, and Administrator Hoy noted that Liquor Store Manager was pretty excited to be able to have the Liquor Fund help in this way. Baumgart said the costs would be under the (\$5,000) cap planned.

Olson noted that there's an annual cost, but in the long run, having this will save any liability that the City or Police Department could incur. Olson confirmed that when policies are updated, they will automatically be done for the PD.

Carlson moved, and Sullivan seconded to authorize the Braham Police Department to purchase and enroll in the Lexipol policy management system. Motion carried 5-0.

GAMBLING PERMIT APPLICATION – SONS OF NORWAY – RES. 17-13

The council reviewed Res. 17-13 authorizing Sons of Norway to hold a raffle and silent auction with their annual meeting at the Braham Event Center on October 24, 2017. Administrator Hoy noted the City issued them a permit for their annual event in 2016, with no problems. Leaf moved, and Kunshier seconded to adopt Res. 17-13 approving the permit for a raffle and silent auction for their October 24, 2017 event at the Braham Event Center. Motion carried 5-0.

ORD. #277 – DRAFT RIGHT OF WAY ORDINANCE REVIEW

The council reviewed Ord. #277 Regarding Streets and Right-of-Way, Right-of-Way Management and Locating of Underground Facilities. Administrator Hoy reported that City Planner Marshall Lind and she viewed a recent LMC Webinar on Right of Way Use for cities dealing with small cell providers. Hoy explained that 2017 legislation pushed for more wireless communications across the state, giving small cell companies more freedom to locate equipment within city right-of-ways, and that the State gave cities until Jan. 1, 2018 to adopt a written ordinance and permitting process for regulating the placement of utilities in the city ROWs so it would have some control over the placement.

Hoy had noted that the ordinance draft was tailored from the City of Bloomington, and had been edited by City Attorney Joel Jannik, so it was ready for council review. She informed the council that under new 2017 law, cities must provide a 10-day notice of most proposed ordinances. She reported the easiest way to administer this is to adopt all ordinances in the following 2-Step Process:

- Council will get the proposed ordinance draft for review. (No adoption at this meeting)
 - Council directs any amendments to be made.
 - Council calls any public hearings necessary.
- Staff publishes any public hearing notices (10 days published notice).
- Staff makes any amendments to the proposed ordinance, and it is then posted and put on the City's website as soon as possible, but no later than 10 days before the next council meeting.

- The ordinance is ready for public hearing and/or council meeting for adoption.
- The ordinance is effective upon publication.

The council had no recommended changes to Ord. #277 as drafted.

BRAHAM HRA: JUDY OLSON TERM ENDS. MIKE DAVIS APPOINTMENT

Mayor Carlson noted that Judy Olson did not renew her term on the Braham HRA (Park Manor Board) which expires in October 2017, and Mike Davis had agreed to filling the seat. Sullivan moved, and Jaques seconded to appoint Mike Davis to the Braham HRA Board. Motion carried 5-0.

Olson served on the Park Manor Board since Feb. 1996. The City extends its appreciation to Judy for her 21 years of service.

PERSONNEL POLICY AMENDMENTS

PROBATIONARY PERIODS

Administrator Hoy noted that at the Sept. 14, 2017 special council meeting, the council made the decision to institute probationary periods on all new hires and promotions, as recommended by the City's HR Attorney Andrea Poehler. Hoy provided the council with the amendment to the City's Personnel Policy Poehler recommended the City adopt that was taken from LMC. Hoy had noted in her Administrator's Report that she'd surveyed area cities- Cambridge, Isanti, Mora, Pine City, Rush City, and Milaca, and they all have probationary periods for new hires and promotions. Sullivan moved, and Kunshier seconded to adopt the Probationary Periods as part of the City's Personnel Policy. Motion carried 5-0.

PERSONAL USE OF SQUAD CARS

Hoy reported that at the Sept. 14, 2017 special council meeting when the council voted to hire Eric Baumgart as the new police chief, effective 1/1/18, as part of the employment, Baumgart had agreed to a reduction in pay in order to use the squad car for commuting to and from home, and the council had agreed to grant the use the squad under a probationary period, which required the Personnel Policy to be amended to allow the Chief's use of the squad for commuting purposes. Carlson moved, and Leaf seconded to adopt the amendment to the Personnel Policy regarding Personal Use of Squad Cars as presented. Motion carried 5-0.

POLICE OFFICER JOB DESCRIPTION

Administrator Hoy presented the council with an update to the City's 2002 job description for police officers. She noted it was compiled from our 2002 job description, and the cities of Cambridge, Foley, Forest Lake, Isanti and Milaca, and had been reviewed by Acting Chief

Baumgart, City Attorney Andrea Poehler, and sent to the Personnel Committee for final review. Mayor Carlson and Council Member Kunshier said they'd read through it and did not have any changes. Sullivan moved, and Leaf seconded to adopt the updated job description for police officers. Motion carried 5-0.

RES. 17-14 CERTIFYING DELINQUENT BILLS TO TAX ROLL

The council reviewed Res. 17-14 certifying the 2017 delinquent bills to the 2018 tax roll. Jaques moved, and Leaf seconded to adopt Res. 17-14 certifying the 2017 delinquent bills to the 2018 tax roll, and as amended. Motion carried 5-0.

PURCHASE OF EXCESS LIABILITY COVERAGE & WAIVER OF STATUTORY LIABILITY LIMITS

Administrator Hoy reported that each year with the City's annual insurance renewal, the council has voted to purchase Excess Liability Coverage and waive the Statutory Tort Liability Limits. The purpose of purchasing Excess Liability coverage would be in the situation where the City ended up with more liability than it has coverage. The reason to continue to waive the Tort Liability Limits is for more funds to be available for the injured party/parties if the City was found at fault in a claim, in which case the City would have to either draw on existing funds or go to its taxpayers to pay that judgement.

Hoy noted the City paid \$5,400 for this Excess Liability coverage last year, Waiving the limits for Liability would be \$640; and Waiving the limits for the Excess Liability would be \$856. She'd noted that it cannot be waived on one and not the other.

Sullivan moved, and Jaques seconded to purchase Excess Liability Coverage and Waive the Statutory Liability Limits. Motion carried 5-0.

RESCHEDULE NOVEMBER COUNCIL MEETING

Sullivan moved, and Leaf seconded to move the November council meeting to Monday, November 13, 2017 at 7 p.m. due to school board elections on Nov. 7. Motion carried 5-0.

OTHER

Jay Mankie updated the council on the Industrial Park Broadband Fiber project. He told the council that all the fiber has been hung, laid, buried, and fused, and ready to go. He said there were 6,000 feet of fiber X 48 strands which comes to 48 miles of fiber. Mankie said everything that was purchased was American Made. The fiber came from North Carolina, the steel from Houston (right before Hurricane Harvey), and they needed a special kind of steel, which was brought directly from the factory there. He said the contractors that helped with the project were

local, from East Central Minnesota. Mankie said the City Hall was hooked up Friday, and the Fire Department was brought on line this day, and they are working with updating some of the equipment so City Hall and the Police Department can utilize their systems. He said they are waiting on the tenant at the Industrial Park to complete their building project and turn their electricity on, then they can complete their connection. He noted they are a little over the deadline, but they are waiting for the tenant now.

Kurt Weeda asked the council when the Braham Industrial Park was going to be “Shovel-Ready.” Administrator Hoy answered that it was in the process, being done through the Kanabec County EDA. She invited Weeda to the November council meeting, where Kanabec County EDA Director Heidi Steinmetz would be updating the council on the EDA’s activities, including the Shovel Ready Certification of the Braham Industrial Park.

Sullivan moved, and Leaf seconded to adjourn. Motion carried 5-0. Meeting adjourned at 7:35 p.m.

Respectfully Submitted,

Sally A. Hoy
City Administrator