

MINUTES OF THE REGULAR MEETING  
OF THE BRAHAM CITY COUNCIL  
MONDAY, NOVEMBER 13, 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: Scott and Bonnie Foss, Hjort Excavation, Kanabec County EDA Director Heidi Steinmetz, City Planner Marshall Lind, City Engineer Brian Miller, Police Chief Robert Knowles, and Interim Police Chief Eric Baumgart. No one was present from the press.

The meeting opened with The Pledge of Allegiance.

Sullivan moved, and Jaques seconded to approve the minutes from the Oct. 3, Oct. 30, and Nov. 3, 2017 council meetings. Motion carried 5-0.

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

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

Chief Knowles and Interim Chief Baumgart presented the police report to the council. They reported 592 ICRs for October, compared to 394 in October 2016. Interim Chief Baumgart gave a summary of the October activity to the council that included the upgrade of the computer system for their records management, dash camera and future body camera data, and Lexipol records management software. He reported the police department is continuing the community oriented policing model and has received overwhelming thanks for attending some of the local event functions. He said the police department's Facebook page continues to bring support, and he's begun doing monthly radio interviews on KBK. Baumgart noted the police department office had recently been painted by Shawn Fisher from the Braham Fire Department, whose daughter would be painting the Braham PD logo on the wall of the PD lobby. He reported the new patches for the department had been received, that the process of backgrounding the new police officer candidates was moving along, and Administrative Citations were going well.

#### BANKING TRANSACTIONS

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

10/16/17 Transferred \$17,500 from Des. Reserve Savings to General Checking to pay Dave Braun for the two 750 hp Return Activated Sludge (RAS) pumps at the Wastewater Treatment Facility.

10/17/17 Transferred \$297 from Lottery Checking to General Checking to cover the cost of uniform apparel for the Liquor Store employees

10/18/17 Transferred \$3,848 from Lottery Checking to General Checking for reimbursement of Lottery payouts

10/24/17 Transferred \$2,326 from Des. Reserve Savings to General Checking to pay Dave Braun for building a spare RAS pump for a backup emergency pump at the WWTF so it always has two pumps available to run

10/24/17 Transferred \$10,032.40 from Des. Reserve Savings to General Checking to make final payment to Genesis Technologies for the broadband project

Motion carried 5-0.

## ENGINEERING

### Res. 17-11 Approving Feasibility Study for the 2018 Street Improvement Project and Calling for Public Hearing

City Engineer Brian Miller presented the Feasibility Study for the 2018 Street Improvement Project to the council. He gave a quick overview of the project, noting that if the council had any questions between now and the next meeting, they could get in touch with him.

Miller reported that council authorized MSA Professional Services to proceed with the Feasibility Study at the September meeting. He noted the Study included sections of Cypress Ave S, Eastgate Ave S, 3<sup>rd</sup> St SE, 3<sup>rd</sup> St SW and 4<sup>th</sup> St SW, along with various utilities and sealcoating at a cost of nearly \$1M, requiring the project to be reduced. Miller said that Cypress was the street that was in the most disrepair, so looking at the streets that were interconnected cut the project back to Cypress Ave S, Eastgate Ave S, and 3<sup>rd</sup> St SE, putting the project costs in the range of \$500,000. He recommended that the sanitary sewer on Cypress be cleaned and televised to determine what condition it is in, and if it needs to be slip-lined. He said slip-lining would be in the range of \$55,000 and with overhead in the range of \$65,000. He said if it didn't need slip-lined, that cost would come off the project costs. Miller noted there was utility work to be done on the streets included manhole repairs, hydrants, valves, and replacement of a 1" water line on one block of Cypress.

Miller directed the council to the cost tabulations per street in the Study, where the street costs and utility costs were provided separately. He noted that larger utility improvements would go against the enterprise funds. Miller reported that assessing 30% of the street portion of Cypress Ave S, Eastgate Ave S, and 3<sup>rd</sup> St SE would result in 51 assessable properties, with an assessable cost per property of \$1,966.

He noted that slip-lining Elmhurst Ave S from the Wastewater Treatment Plant to the School was part of the 2016 project that was not done due to costs. He said to add that to the 2018 project would be about \$74,000. He said the City could add this slip-lining and take off Eastgate

to keep the project in the same planned improvement budget. He said there would then be 47 assessable properties, with a per property cost of \$1,830.

Council Member Leaf asked if the assessments would run for the same term as before. Miller replied that unless the City changed its standard, the assessments would run 10 years, with the interest rate dependent upon the interest rates at the time of the assessment hearing.

Administrator Hoy noted that the \$1,830 was in the range of the last projects.

Council Member Sullivan asked about the people who are assessed. Miller said it has been based off the street address. He said Chapter 429 of the Statutes provides that a City is able to assess properties for improvements that are made adjacent to their property. He said many communities assess a portion of the street costs, and the City of Braham has chosen to assess 30% of the total costs. Miller said the interest is usually pretty low, but if people don't want to incur the interest charges, they can pay the assessment up front. He noted that a property will sell for more with a new street in front of it instead of a broken-down street.

Miller explained that he will present the estimated assessments at the Public Improvement Hearing, which requires both public and mailed notification. He said people can then come and ask questions, and let the council know if they feel the City should or should not do the project. He said if they proceed with the project, the work would be completed, then hold an Assessment Hearing based on the final project costs. He said at that hearing, the people are given the information on final costs and assessments, and they can give their opinion if they think that is fair. He noted this is the 2-hearing process that is required to be done.

Sullivan moved, and Leaf seconded to adopt Res. 17-11 accepting the Feasibility Study for the 2018 Street Improvement Project and calling for the Public Improvement Hearing. Motion carried 5-0.

#### WWTF Building

This item was held over. Miller told the council he'd taken pictures of the building and was waiting for the architect at his firm to come back with options and costs.

### ERCOA BUILDING DEMOLITION

City Planner Marshall Lind addressed the council with the results of the Request for Proposals on the demolition of the old Ercoa Building. He reported that some of the proposals were not according to the RFPs, so he contacted Joel Jannik, the City's attorney, who noted that the City could throw out all the proposals or take the lowest proposal that meets the requirements of the RFPs. He said the low proposal was from Hjort Excavating for \$108,303 with an alternative of \$14,220 to strip the whole lot and spread Class V to manage run-off if the City wanted to put a parking lot there.

Discussion took place on whether the lot could be sold, and the possibilities for funding. Lind noted that there are no grant funds currently available unless someone was building on the lot.

Council Member Jaques asked if Lind advised rebidding it at a later date. Lind said the City could rebid it, but from what he'd been told by the people he'd talked to, the bids would be the same. He noted the bids are good for 30 days, so he questioned if the City wanted to continue to look for grant funds down the road rather than trying to come up with that amount of money.

Lind said he'd checked with East Central Energy, and they did not want to do a 100% loan. He said they would want the City to match something, and they would only do a 10-year low interest loan. He said that in the past, the State has had money for projects, but this year they did not. He said if the State puts money into this program again, the next round of funding would be with an August 2018 application deadline, and award notification in October 2018.

Council Member Sullivan noted that the building is an eyesore, but that the amount was a huge chunk of money to pay.

Council Member Leaf asked if there was a timeline when they wanted to do this. Lind answered that it was bid at this time because contractors said it would be a great winter project, and he thought the bids would be lower because of that. He said that the RFPs gave them until March to finish the project, with final grading by June 2018.

Lind said he'd contacted the railroad company, too, to see if they wanted to get rid of the building, and they weren't interested.

Mayor Carlson asked if there were safety issues with people getting in the building, and Interim Chief Baumgart answered not recently.

The council concurred that the City needs the parking lot. Lind replied that once the building is removed, there probably would be room for both a business and a parking lot. He noted that Isanti County wants to reshape the intersection at Beechwood at the time when the demolition work would take place.

Council Member Sullivan asked Lind if he felt the prices were good. Lind said the building was huge, and he believed they were good bids, but the City doesn't have the cash sitting there at this time.

Council Member Leaf asked if this was something the City had to budget for in the future, and Administrator Hoy replied it would if the City couldn't get grant funds. She said that with a low interest loan through ECE, the annual payments would result in a 2% levy increase for a 10-year loan. She noted with the Street Improvement, the levy was already over 5%, noting it was too late to raise the levy for the 2018 budget.

The owner of Hjort Excavation addressed the council, noting that he would be willing to do the work now and enter into a contract to break up the payments for six months, if that would help. He said they are ready to move on this project during decent weather. He told the council it was frustrating to go through all the work of bidding a project, to be low bid, and be let down in the end because the City didn't have the money. He said he knew the City had to find out what it would cost first, but found it frustrating. He said he'd like to figure out a way to do the project to

help the City out. He asked if there was funding for safety issues, and Lind said he'd looked. Lind said the only funding was if a business would build there.

Administrator Hoy asked Lind what he thought of going back to ECE, finding out what they wanted for a match, and see if they'd be willing to wait until 2019 for the loan payments to begin. The council concurred that street improvements were the biggest need right now. Council Member Jaques noted that if the building was removed, it may generate more interest in someone buying it. Council Member Sullivan noted it would be hard to compete with the empty lots that are shovel-ready in the industrial park.

Sullivan noted he understood Hjort's frustration, saying the City got the building and didn't know what it was getting into with costs. Leaf suggested the City take this into consideration and see what ECE says, and if the City can budget into this, exploring options instead of saying no. Jaques concurred.

This item was held over until the December meeting. Hjort said his offer would still be good. The council thanked him for his time into this project.

#### RATIFY APPROVAL OF FINAL PAYMENT TO GENESIS FOR BROADBAND PROJECT

Administrator Hoy reported the broadband project was completed in October, and final payment made to Genesis Technologies was paid in the amount of \$10,032.40. Kunshier moved, and Leaf seconded to ratify approval of the payment. Motion carried 5-0.

#### ORD. #277 – RIGHT OF WAY ORDINANCE

Administrator Hoy reported that the council reviewed Right of Way Ord. #277 at the October meeting, and it had been posted in City Hall and on the City's website since Oct. 5, 2017, meeting the new statute requirement that ordinances are to be posted at least 10 days before adoption. She said the City had not received any comments or questions on the Ordinance, and that if the council adopted the Ordinance, she would bring a Summary Ordinance back to the council at the December meeting for publication.

Sullivan moved, and Jaques seconded to adopt Ord. 277 "An Ordinance Regarding Streets and Rights-of-Way, Right-of-Way Management and Locating of Underground Facilities" as presented. Motion carried 5-0.

#### PETITION FOR PARKING CHANGE ON FINNERTY CIRCLE

Hoy reported the City received a petition for parking to be changed from parallel to angle parking on Finnerty Circle, a residential street cul-de-sac. She noted that three out of four of the residents living on the cul-de-sac signed the petition, and the fourth property is currently vacant. She provided the council with Section V of the City's parking Ordinance #251 and Subd 1 of MN Statute 169.35 in her Administrator's Report as follows:

“Angle Parking shall be allowed only in areas designated for Angle Parking. In all other areas, all vehicles shall be parked parallel to the curb or edge of the roadway in accordance with state law.”

MN Statute 169.35 reads:

**169.35 PARKING.**

Subdivision 1. **Parallel to curb.**

Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb, provided, that such exception shall only apply to a state trunk highway after approval by the commissioner.

Hoy noted that Interim Chief Baumgart and she have discussed this request and felt it could be changed on a trial basis. Baumgart recommended a one-year trial period.

Jaques moved, and Sullivan seconded to approve the parking change to angle parking on Finnerty Circle for a trial period of one year. Motion carried 5-0.

#### KANABEC COUNTY EDA UPDATE – HEIDI STEINMETZ

Heidi Steinmetz, Economic Development Director for Kanabec County, updated the council on the Kanabec County EDA activity. She said the County hired her a year ago, so the EDA has only been active for a year and is still building their program. She reported that the biggest project they've done is to apply for “Shovel-Ready” certification for Braham and Mora's Industrial Parks through the State of MN's Dept of Employment and Economic Development. She told the council it was very expensive, not only to apply but to get all the work done that was required to become certified. She said Alta Surveys, Title work, and Environmental Assessments had to be completed for both industrial parks. She noted that Administrator Hoy, Planner Marshall Lind, and City Engineer Brian Miller helped a lot in pulling together the required information.

Steinmetz noted the applications were submitted in September, but the State of Minnesota uses a third party to do the certifications, which they had terminated, so they have gone out for bids for a new third party. She said applications are sitting there until a third party is hired again.

Steinmetz commented that the Shovel-Ready Certification is a marketing tool. She said the State will market both industrial parks, and it will be much easier for businesses to come in. She noted that once the certifications are complete, she has it in the 2018 budget for a billboard to be put up on Hwy 65 advertising the Braham Industrial Park. She noted that the EDA could also reface the Industrial Park entrance sign.

Steinmetz complimented the council on taking the initiative of running Broadband to the Industrial Park, and the council thanked Steinmetz for all her work for the Braham Industrial

Park. Steinmetz closed by announcing an International Business Conference scheduled in Mora in February 2018.

## RESTRUCTURING OF BRAHAM POLICE DEPARTMENT

Interim Police Chief Eric Baumgart addressed the council with recommendations for restructuring the Braham Police Department by adding two positions.

The first position was that of a Part-time Police Lieutenant. He recommended Lance Olson for this position, who is currently a County Lieutenant and would bring his training and skills from the County to the City at a low amount of extra pay. Baumgart explained he had just attended training where he learned that some restructuring was needed on how Internal Affairs investigations are conducted both internally and externally. He noted that Olson will conduct Internal Affairs investigations, help manage the Lexipol system, and be second in command in Baumgart's absence, answering calls more efficiently rather than matters having to wait for his return.

The second position was that of a part-time Detective, which he noted was more of an experimental concept. He said that the Sheriff's Department had approached the City about the Braham PD needing a liaison officer to work between the department and Isanti County on investigations. He reported that the department already has two candidates who could fill that position, and 2018 would be a good year to experiment with this position. He said that in order to determine the best candidate, he planned to have them submit a Letter of Intent with their qualifications, then have each candidate evaluate past cases. Baumgart said the results would then be interviewed by the Personnel Committee. He noted that by the time the part-time officers are up and running, the department could transition into this, giving the department the opportunity to present more solid cases to the County Attorney's Office for prosecution.

Council Member Sullivan asked if the candidate is then sent to Detective School. Baumgart answered that the police department has spent a lot of focus over the past couple years on educational training of all the officers. He said the candidates he has in mind are full-time officers with the department, and have a lot of knowledge when it comes to investigative tools, having attended trainings that will be beneficial to the department. He noted the Detective position would be at a relatively low cost to the City. He said the officers in these positions will still meet the patrolling needs, so it is not that they are being pulled out of the patrol functions.

Council Member Jaques asked how many additional hours he was anticipating them to use. Baumgart noted that he wasn't asking for any more time to be given to their schedule, but rather to use them during periods of time when he would be at training, where they will cover for his absence and work on casework. He said it was restructuring how their allotted time is managed, utilizing the time of four full-time officers to get closer to that 24-7 coverage. He said he would be diligent in managing future cases, as well as older cases. Baumgart noted that if they get a major case, they will have someone on the department already trained who can plug into the Sheriff's Office team, therefore fulfilling the Sheriff's request at the same time.

In Administrator Hoy's report, she'd noted that she'd forwarded the recommendations to the City's HR Attorney, Andrea Poehler, to review for any potential conflict with the Union contract. Hoy reported Poehler's opinion was that the organizational structure and establishment of positions within a department are clear management rights issues, but there always is the practical, good employment relations aspect to consider, which is the basis of meet and confer, open discussion and input. Poehler had noted it was fine from a legal perspective, but recommended the chief discuss this with the department and get officer/union feedback before implementing, which Interim Chief Baumgart had already done.

Administrator Hoy clarified with Baumgart that he was recommending a \$1.00/hour increase for Olson, which he replied was correct.

Sullivan moved, and Leaf seconded to promote Lance Olson to Part-time Lieutenant with a \$1.00/hour increase while working for the City of Braham. Motion carried 5-0.

Leaf moved, and Kunshier seconded to proceed with the process for the Detective position. Motion carried 5-0.

#### RECOMMENDATION FOR HIRING P.T. POLICE OFFICER

Baumgart reported that Bailey Lease, one of the initial five part-time officers the council made a contingent job offer to, chose not to proceed with the process. He said this brought the next candidate, Kevin Lease, up as the next in line on the list of alternate candidates.

Sullivan moved, and Leaf seconded to make a conditional offer to Kevin Lease as a part-time officer, contingent upon passing a thorough background testing and psych evaluation. Motion carried 5-0.

#### RES. 17-15 AMENDING DATA PRACTICES RES. 17-5 CHANGING RESPONSIBLE AUTHORITY AND COMPLIANCE OFFICIAL FOR POLICE DEPARTMENT DATA

Leaf moved, and Kunshier seconded to adopt Res. 17-15 amending Res. 17-5 changing the Responsible Authority and Compliance Official for Police Department data to Eric Baumgart, the Interim and new Police Chief. Motion carried 5-0.

#### RES. 17-16 DESIGNATING POLLING PLACE

Administrator Hoy reported that new laws were adopted with regard to polling places for both cities and school districts. First, by December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. And secondly, School Districts may no longer hold stand-alone school board elections at the schools. School districts need to designate a combined polling place for school-only elections, and it must be at a location designated for use as a polling place by the county or municipality. Hoy noted the easiest



location for Braham School District is the Braham City Hall, so in being a good neighbor to the School, their School elections will be held at City Hall in the future. She noted that the City does not staff or administer the School elections.

Leaf moved, and Sullivan seconded to adopt Res. 17-16 Designating the Polling Place for the City of Braham as Braham City Hall. Motion carried 5-0.

#### RES. 17-17 APPOINTING A NEW EMERGENCY MANAGEMENT DIRECTOR

Administrator Hoy reported that MN Statute, Chapter 12 requires political jurisdictions to appoint a Director of Emergency Management. She noted the council adopted Res. 09-3 in 2009 appointing Police Chief Robert Knowles as the City's Emergency Management Director, and with his retirement, the Emergency Management Director position would pass to the Interim and new Police Chief, Eric Baumgart.

Jaques moved, and Leaf seconded to adopt Res. 17-17 appointing Eric Baumgart as the new Emergency Management Director for the City of Braham. Motion carried 5-0.

#### 2018-2020 POLICE UNION CONTRACT

This item was held over to the December meeting.

#### RESIGNATION OF SHARON JAQUES FROM PARK MANOR BOARD AND APPOINTMENT OF JONI MANKIE

Mayor Carlson noted that Joni Mankie attended the last Park Manor Board meeting to learn what was happening on the board, and had agreed to take over the seat of Sharon Jaques, who had resigned from the board. The council thanked Jaques for her years of service on the HRA Board.

Kunshier moved, and Leaf seconded to accept the resignation of Sharon Jaques from the Park Manor Board, and appointment of Joni Mankie to the seat. Motion carried 5-0.

#### VACANCY ON PLANNING COMMISSION

Administrator Hoy's report noted that with Lowell Jaques' appointment to the council, he no longer held a position on the Braham Planning Commission, which opened up a vacancy. Mayor Carlson reported that she did not hear back from a potential candidate for the position. Sullivan moved, and Leaf seconded to declare a vacancy on the Braham Planning Commission. Motion carried 5-0.

#### HOUSING REHAB REVOLVING LOAN PAYMENT

Carlson moved, and Leaf seconded to approve payment of \$20,110.50 to Bigfork Valley Log Cabins, LLC and a 10% administrative costs payment to Lakes and Pines, C.A.C. for \$2,234.50 from the Housing Rehab Revolving Loan account. Motion carried 5-0.

Sullivan moved, and Leaf seconded to adjourn. Motion carried 5-0. Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Sally A. Hoy  
City Administrator