

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
TUESDAY, JUNE 6, 2017
7:00 P.M.

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

Present in the audience were: Marshall Lind, Carla Schmakel, Ross Benzen, Jay Mankie, Mary Lodin, and Police Chief Robert Knowles. No one was present from the press.

The meeting opened with The Pledge of Allegiance.

Kunshier moved, and Leaf seconded to approve the minutes of the May 2, 2017 council meeting. Motion carried 4-0.

Kunshier moved, and Sullivan seconded to accept the agenda as amended. Motion carried 4-0.

Sullivan moved, and Leaf seconded to approve payment of the May 2017 bills and payrolls. Motion carried 4-0.

Chief Knowles gave the police report to the council. He reported 803 calls for service in May 2017, compared to 395 in May 2016.

Leaf moved, and Kunshier seconded to adopt Res. 17D-5 accepting the donations for May 2017. Motion carried 4-0.

BANKING TRANSACTIONS

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

5/1/17 Transferred \$4,823.84 from Horizons Grant Account to Horizons General Account to combine the two accounts for issuing checks for the Visit Friendly Braham sign. This will close the Horizons Grant Account.

5/10/17 Transferred \$6,355 from Lottery Checking to General Checking to reimburse for lottery payouts.

5/10/17 Wired \$1,125.20 to Midwest One Bank for Land Title Inc Trust Account for closing on Ercoa Building

Motion carried 4-0.

ENGINEERING

There were no engineering items.

UPDATE ON THE EASEMENT FOR THE 2ND ST SW HYDRANT

Administrator Hoy updated the council on the fire hydrant located at 2nd St SW and S. Douglas that had been hit by a vehicle. She noted that during the survey process to draft an easement to relocate the hydrant further onto the Moline property, the City Engineer's office found that there is a triangle of the property that was actually deeded to the City in 1904 for street purposes. She noted that according to the City Attorney, state statute includes utilities as part of street purposes, so an easement was no longer necessary.

LETTERS OF INTEREST FOR COUNCIL VACANCY

At the April council meeting, the council voted to post the council vacancy and request letters of interest from people interested in filling the remainder of Wayne Seiberlich's seat that runs through 12/31/18. The vacancy was advertised through the Isanti County News, Isanti-Chisago County Star, Braham Journal, City Website, and posted at the Braham Post Office, Frandsen Bank and Trust, and City Hall. Deadline to submit letters of interest was June 2, 2017 at 4:30 p.m.

The City received six letters of interest, which the mayor opened and read aloud at this meeting. The letters were submitted by (alphabetical order) Ross Benzen, Vicky Ethen, Lowell Jaques, Jake King, Allan Larson, and Mariann Wolff.

Council Member Sullivan asked for clarification that it was not mandatory that the candidates be present for this meeting, and council confirmed it was not mandatory. Discussion took place on how the council wanted to proceed, whether to hold a working meeting for further review of the letters, or to make the appointment at this meeting.

The council decided to take a vote on the candidates at this meeting. Leaf voted for Ross Bensen; Kunshier voted for Lowell Jaques; Carlson voted for Lowell Jaques; and Sullivan voted for Ross Benzen. With a tie vote, in accordance with State Statute, the mayor made the appointment, appointing Lowell Jaques to the council for the term to expire 12/31/18.

BRAHAM EDA RECOMMENDATION ON BROADBAND TO THE INDUSTRIAL PARK

At the special meeting held on Friday, April 4, 2017, the council voted to accept the Braham EDA's recommendation for the City to move forward with the project of running broadband to the Braham Industrial Park for the purpose of enhancing the Braham Industrial Park. The expense would be paid out of a \$40,000 General Fund Reserve.

Marshall Lind reported that RFPs were sent out to five companies, and the City received one back, from Genesis Wireless. He said the Braham EDA held two different meetings. The consensus from the May 22 meeting was to wait and be included in the Isanti County broadband project, but learned after the meeting that the County project could be a 10-year process. Lind said the EDA met again on May 30 to consider making a recommendation to the council. At the May 30 meeting, they recommended the council accept the proposal from Genesis Wireless and develop a contract with Genesis to get broadband fiber into the Industrial Park.

The council concurred that the broadband is necessary for development of the Industrial Park. Council Member Sullivan went on record to state he may have a conflict of interest because Genesis is a parent company of where he works. He noted that long before he had anything to do with the owners, it's been a no brainer to light Braham up for its future. All the council spoke in support of moving forward with forming the contract for broadband.

Discussion took place on the fact that Genesis' proposal is currently private data, so details of the proposal were not discussed. Administrator Hoy explained that once the contract is negotiated and comes back to council for approval, more of their information becomes public, but not to the extent of any trade secrets. Administrator Hoy noted that the Braham EDA had brought up questions to be covered in the contract, such as whether the City would want to retain any ownership or benefit from the fiber, or require that the fiber be open-ended. She noted the council could set up a committee to work with Genesis to work through those details, and that the council consider awarding the contract to Genesis contingent upon a contract being negotiated.

Council Members Sullivan and Leaf expressed the possibility of conflict of interest in their positions, with Sullivan's affiliation with the Genesis owners, and Leaf having her business in the Braham Industrial Park.

Sullivan moved, and Leaf seconded to appoint Mayor Carlson and Council Member Kunshier to a committee to work out the details of a contract with Genesis Wireless to extend broadband to the Braham Industrial Park. Motion carried 4-0.

APPOINT MARSHALL LIND AS CITY PLANNER

Administrator Hoy noted that Marshall Lind was appointed as the Braham representative for the Isanti County EDA, GPS 45:93, NLX, and alternate to the Hwy 65 Coalition, for both continuity and better time management of his hours in Braham. She said that with Lind serving in the capacity, it would be beneficial that people understand he has the authority to be representing the City at this level, so she recommended appointing him as the City Planner. Hoy explained he continues to be the building official/zoning administrator for the Braham-Milaca Joint Powers, where his job description provides for him to "*Perform other duties and assume other responsibilities as requested by the City/Administrator.*" She noted there is no discussion of any change in pay, as he is an employee of the Joint Powers and is just assuming the additional responsibilities assigned by each city according to his job description.

Hoy commended Lind for the excellent job he did working with Cambridge State Bank on the Ercoa property, and told the council the City closed on the property May 11.

Carlson moved, and Kunshier seconded to appoint Marshall Lind as City Planner for the City of Braham. Motion carried 4-0.

MINOR LOT SPLIT REQUEST

Marshall Lind addressed the council regarding a request by Carla Schmakel, owner of Main Avenue Hair, for a minor lot split for her property at 148 Main Ave. South. Lind explained that in the City's current zoning, the minimum lot size is 6,000 s.f. He said she currently does not have 6,000 s.f. before splitting anything off. He noted he'd explained to her that if she split it, he'd like to see the split piece added to the grocery store lot. He noted that way, rather than having two nonconforming lots, the other lot will be a conforming lot because it will be added to another lot.

Council Member Leaf asked if it had anything to do with her parking, and Lind said it did not. He said she does need 50' of street frontage for her business, which she will retain. Lind said the reason he's brought this to council isn't that it requires a variance or conditional use, but rather to ask the council if it is willing to allow one small lot, with the other part of it going to Mike's Discount Foods.

Carla Schmakel was present for the discussion. Sullivan asked if Mike's expressed interest in buying the split off lot, and Schmakel answered that nothing was set in stone. She said she talked to them today and he thought instead of splitting the lot, they could turn it into a shared parking lot. She said they were just discussing it, who would have responsibility of the upkeep and taxes. She said she knows the stipulation, though, that if she splits her lot, the split off portion has to be joined to Mike's. Schmakel said it's still up in the air, and not a done deal.

Sullivan noted its hard for the council to say until they have a plan, and Schmakel noted that it's hard to make a plan if they don't know that the council will allow it. Discussion followed regarding the salability of her building in the future if she's reduced the size of her lot.

Carlson moved, and Sullivan seconded to give Schmakel the option of doing a minor lot split, as long as the split off lot is joined to another lot. Motion carried 4-0.

RESCHEDULE JULY AND AUGUST MEETING DATE

Due to the first Tuesday in July being the 4th of July, and the first Tuesday in August being National Night Out, Sullivan moved, and Carlson seconded to change the dates/times of the meeting to:

July: Weds, July 5, 2017 at 4:00 p.m.

August: Tues., Aug. 1, 2017 at 4:00 p.m.

Motion carried 4-0.

RES. 17-5 ADOPTING THE ANNUAL UPDATE TO THE DATA PRACTICES POLICY

Administrator Hoy noted that cities are required to update their Data Practices Policy annually by Aug. 1 of each year. She presented the 2017 update to the council for adoption, noting she'd worked with the City Attorney's office on the update and added Inventory List, and it was ready for council adoption.

Sullivan moved, and Kunshier seconded to adopt Res. 17-5 adopting the 2017 update of the City's Data Practices Policy and added Inventory List. Motion carried 4-0.

RES. 17-6 AND RES. 17-7 ADOPTING SOCIAL MEDIA POLICIES FOR THE CITY OF BRAHAM AND BRAHAM POLICE DEPARTMENT

Administrator Hoy noted that the City had its annual League of MN Cities Insurance Trust (LMCIT) Loss Control survey visit in April, with this year's focus being on computer security. She noted the visit went very well, and most of the policies they recommended cities to have were already in place, with the exception of Social Media Policies for the City and Braham Police Department. The policies were drafted from models provided by the LMC and reviewed by the City Attorney.

Sullivan moved, and Kunshier seconded to adopt Res. 17-6 and Res. 17-7 adopting Social Media Policies for the City of Braham and Braham Police Department. Motion carried 4-0.

AMEND PERSONNEL POLICY RE: PAYDAY

Administrator Hoy informed the council that for City staff to receive payroll logs on Fridays, and run them by 2 p.m. for direct deposits on Mondays were stressful. She noted that many times there are questions on payroll logs, and little time for them to get the correct information to run the payroll by the 2 p.m. deadline. She noted at times, the payroll just had to be run, and corrections made on the following payroll, or a supplemental payroll run.

She reported that in February, staff started looking at how they could make payroll flow better. They felt that by changing the actual payday to the Friday following the current Monday payday, payroll logs could be turned in on Monday for the pay period cut off of Saturday, and staff would have more time to follow up with any questions on the payroll logs and run the payroll. She said they talked to the employees back in February to get their input, and with everyone being okay with it, they planned to implement the change in May, where a 3rd pay period existed, giving the employees 3 months to adjust their home budgets accordingly.

Hoy noted that Section V., B. Under Employee Compensation and Benefits in the City's Personnel Policy states that City employees shall be paid on Monday every two weeks. She

recommended “on Monday” be dropped from the section, leaving it that City employees shall be paid every two (2) weeks.

Carlson moved, and Sullivan seconded to amend Section V., B. of the City’s personnel policy by deleting the words “on Monday”. Motion carried 4-0.

CALL FOR PUBLIC HEARING FOR JULY MEETING
FOR BODY-WORN CAMERA PROGRAM

Sullivan moved, and Leaf seconded to call for a Public Hearing to be held at 4:00 p.m. on Weds, July 5, 2017 for the purpose of the taking public comment on the implementation of body-worn cameras by the Braham Police Department. Motion carried 4-0.

ART KAUNONEN’S RESIGNATION
FROM THE BRAHAM PLANNING COMMISSION
AND DECLARING A VACANCY

The council discussed the vacancy on the Braham Planning Commission with Art Kaunonen's resignation. Mayor Carlson noted she could contact some of the people who were interested in the council position to see if they would want to serve on the Planning Commission.

Sullivan moved, and Leaf seconded to accept Art Kaunonen’s resignation from the Braham Planning Commission, and to declare a vacancy on the commission. Motion carried 4-0.

Leaf moved, and Sullivan seconded to adjourn. Motion carried 4-0. Meeting adjourned at 8:18 p.m.

Respectfully Submitted,

Sally A. Hoy
City Administrator