

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
TUESDAY, MAY 2, 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. (Council Member Wayne Seiberlich resigned from council effective April 15, 2017.)

Present in the audience were: Delwayne Hahn from the Isanti County News, Scott McKinney from the Braham Journal, Kyla Rippey from the Braham Appreciation Day Committee, Liquor Store Manager Jacque Nordby, Ross Benzen, and Police Chief Robert Knowles.

The meeting opened with The Pledge of Allegiance.

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

Leaf moved, and Kunshier seconded to approve the minutes of the April 4, 2017 Annual Audit Presentation, April 4, 2017 Regular Meeting, and the April 14, 2017 Special Meeting. Motion carried 4-0.

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

Chief Knowles gave the police report. He reported 786 ICRs for April 2017, compared to 394 in April 2016. He noted there was an increase in the number of security checks in April.

Kunshier moved, and Leaf seconded to adopt Res. 17-D4 accepting the April 2017 donations as follows:

Braham Monument	Letters for Freedom Park Sign	Approx. value \$85
Braham Fire Relief	Advanced Graphics for Ambulance	\$1,978

Motion carried 4-0.

BANKING TRANSACTIONS

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

4/5/17 Transferred \$6,327 from Lottery Checking to General Checking for reimbursement of Lottery payouts

Motion carried 4-0.

ENGINEERING

There were no engineering items.

BID OPENING ON SALE OF VEHICLES & EQUIPMENT

The council opened the bids received for the advertised sale of vehicles and equipment, with the City reserving the right to reject any and all bids. The City received the following bids:

1966 Ford Pumper

Darryl Nelson	\$1,765
Thomas Boyer	\$1,766

1978 Ford Slough Pumper

Michael Christian	\$1,200
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1994 Ford Ambulance

Michael Christian	\$1,800
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Set of 12 Christmas Decorations

Dave Carlson	\$90
John Mikrot Jr.	\$240

Sullivan moved, and Kunshier seconded to tentatively award the sale of the following vehicles, **contingent upon Fire Department approval:**

1966 Ford Pumper – Thomas Boyer \$1,766
1978 Ford Slough Pumper – Michael Christian \$1,200
1994 Ford Ambulance – Michael Christian \$1,800

Motion carried 4-0.

Sullivan moved, and Leaf seconded to award the sale of the Set of 12 Christmas Decorations to John Mikrot Jr. for \$240. Motion carried 4-0.

Discussion followed regarding the possibility of putting the remaining items on auction, which Administrator Hoy would check into.

APPRECIATION DAY EVENTS LOCATION – APPRECIATION DAY COMMITTEE

Kyla Rippey from the Braham Appreciation Day Committee addressed the council to update them on the change in location of the Appreciation Day events to the City Hall parking lot and 2nd Street SW along City Hall. She noted the need for no parking signs, barricades, and cones, and Administrator Hoy told her to contact Dan Eklund to arrange that. Rippey noted that fencing would be run around the perimeter of the parking lot for the Beer Garden.

SUNDAY LIQUOR LEGISLATION – JACQUE NORDBY

Liquor Store Manager Jacque Nordby updated the council on the recent legislation to allow Sunday Off-Sale Liquor, effective July 1, 2017 with the first day to be open July 2, 2017 which is a holiday weekend. She noted that once the Sunday sales are legal, her plan was to open the store from 11 a.m. - 4 p.m. on Sundays, closed Easter Sundays, and 11 a.m. – 3 or 4 p.m. on Christmas Eve 2017. She noted they will start with 2 clerks on staff and eventually go to one, with her working most Sundays to begin with to see the amount of business and hear comments from the public. She said the Sunday sales would then be re-evaluated at the beginning of January 2018. Discussion followed regarding hours, holidays, the effect on weekend sales, and what the area municipalities were planning to do. The council asked Nordby to keep them updated. No council action was required at this time.

RESIGNATION OF SUE ANDERSON AS PART-TIME LIQUOR STORE CLERK

Due to commitments with her full-time job, Sue Anderson submitted her resignation from her part-time liquor store clerk position at Home Town Liquor. Sullivan moved, and Leaf seconded to accept her resignation with regret. Motion carried 4-0.

HIRING OF PART-TIME LIQUOR STORE CLERK

Leaf moved, and Kunshier seconded to approve the hiring of April White as part-time liquor store clerk, effective 4/19/17 at Step 1 of the 2017 Salary Schedule, \$11.18/hr. Motion carried 4-0.

RES. 17-4 ACCEPTING THE RESIGNATION OF WAYNE SEIBERLICH FROM THE BRAHAM CITY COUNCIL AND DECLARING A VACANCY

From the Administrator's Report—

At the end of the Special Meeting held April 14, 2017, Council Member Wayne Seiberlich resigned his position on the Braham City Council, effective April 15, 2017 due to the fact that he'd purchased a house outside of the Braham City Limits. Res. 17-4 accepts his resignation and declares a vacancy on the council. Seiberlich served on the council 2009-2012, then again 2015-April 14, 2017. The City expresses its sincere gratitude for his dedication and service to the City while serving on the council.

Sullivan moved, and Leaf seconded to adopt Res. 17-4 accepting Council Member Seiberlich's resignation with regret, and declaring a vacancy on the council. Motion carried 4-0.

Administrator Hoy then read the information from the League of MN Cities to the council in reference to filling a council vacancy as follows:

If less than 2 years remain in the term, a special election is not required. Once the council receives the resignation, it will need to adopt a resolution accepting the

resignation and declaring a vacancy. The vacancy does not need to be filled by a previous council member or someone who ran for election. State law provides that statutory city councils make the appointment to fill a vacancy, except in the case of a tie vote when the mayor makes the appointment. That means all the remaining members of the council, including the mayor, can vote on the appointment. And as long as at least a quorum of the council is present, a majority vote of those present is sufficient to make the appointment. The outgoing council member cannot vote on the replacement (unless the vacancy was the result of being elected as mayor). So this leaves the mayor and 3 council members voting = 4 votes. If there is a tie vote, the mayor makes the appointment. (Confirmed by the City Attorney.) State law does not place any limitation on a mayor's ability to make an appointment in the case of a tie vote. As a result, the mayor can appoint any qualified person willing to fill the vacancy even if that person was not the subject of the original appointment vote.

Hoy notes there are different ways the council can proceed in filling the position. Because there is no set requirement for posting the vacancy, appointing a prior council member, or appointing someone who ran for election, the council may use whatever process it chooses up until the voting. She noted it can take the month of May to come up with names or get letters of interest or applications; it can fill the position at the June meeting or do interviews at the June meeting or a special meeting; or wait for the July meeting to make the appointment. She said it is up to the council what process it wants to take to get the names.

Sullivan asked if the City posts the vacancy, and Hoy said that is up to the council. She said there are no set guidelines on the process, so it is up to the discretion of the council on how it wants to come up with the candidates. She noted that discussion on the candidates and interviews with the candidates has to be at a public meeting.

Sullivan noted that in posting the vacancy, it can reach people who want to be on the council. He noted this would be completely above board and gives everyone the opportunity, giving the council something to start with, especially if they are saying why they would like to serve on the council, as opposed to just asking someone who may not really want to serve but will still say yes out of obligation. He opined that the fairest and right process was to let the public know the process, and if interested in filling the position, tell us who you are and why you want the seat. He said the council can talk about it at the June meeting, then go from there.

Kunshier asked if the vacancy would be posted on the website or how would the City go about it. Hoy noted it would be in the paper, and the press would announce it. She asked Sullivan if this was his motion.

Sullivan motioned, and Kunshier seconded to take this month to post the vacancy to let people know, and if they are interested in sitting in the seat, they submit a letter of interest explaining why they would like to be part of the Braham City Council, adding what qualifies them for the position, that it be submitted to the paper and put on the City's website, with a deadline of June 2, 2017 at 4:30 p.m. The press asked if it would be put in the legal section of the paper, and Hoy said yes. Motion carried 4-0.

CITY EMAIL ADDRESSES FOR COUNCIL MEMBERS

Administrator Hoy noted that one of the items Council Member Sullivan asked about when coming on council was setting up City email addresses for the council members. Hoy said that after the mayor and she attended the League of MN Cities' Loss Control Workshop on April 18th and getting input from the City Attorney, they were of the opinion that the council members should have a separate email address to be used for City business. An excerpt from the City's Personnel Policy and other LMC information regarding Social Media and Computer Use was in the packets for council information.

Sullivan moved, and Leaf seconded to approve City email addresses being set up for the Mayor and City Council Members. Motion carried 4-0.

NLX TIER 2 ENVIRONMENTAL ASSESSMENT

Mayor Carlson announced that the NLX High Speed Rail Tier 2 Environmental Assessment was now available for review and comments on the MNDOT website. She noted MNDOT is taking comments through May 24, 2017. She said people can also get to the EA through a link on the City's website.

The press was asked if they had any questions. They asked for confirmation of the Sunday hours for the Liquor Store, and Nordby confirmed 11 a.m. – 4 p.m.

Sullivan moved, and Leaf seconded to adjourn. Motion carried 4-0.

Respectfully Submitted,

Sally A. Hoy
City Administrator