

MINUTES OF THE REGULAR MEETING  
OF THE BRAHAM CITY COUNCIL  
TUESDAY, JANUARY 2, 2018  
7:00 P.M.

SWEARING IN OF POLICE CHIEF ERIC BAUMGART

Eric Baumgart was sworn in as Police Chief of the Braham Police Department by Mayor Carlson.

SWEARING IN OF POLICE OFFICERS

Lance Olson was sworn in as Lieutenant of the Braham Police Department by Chief Eric Baumgart.

Tanner Hagan was sworn in as Police Officer of the Braham Police Department by Chief Eric Baumgart.

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

Delwayne Hahn was present from the Isanti County News, and Scott McKinney was present from the Braham Journal.

The meeting opened with The Pledge of Allegiance.

Sullivan moved, and Kunshier seconded to approve the minutes from the 12/5/17 Public Improvement Hearing, 12/5/17 Truth in Taxation Meeting, and 12/5/17 Regular meeting. Motion carried 4-0.

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

Kunshier moved, and Jaques seconded to approve payment of the December bills and payrolls. Motion carried 4-0.

Police Chief Eric Baumgart presented the police report to the council. He noted that the Administrative Citations and attendance at community events were going well, the purchase of Police Department cell phones enabled people to leave messages for the Police Department and afforded the officers access of the Lexipol Policy through the phones. He announced that he and Lieutenant Olson had finished setting up the Lexipol Policy and it was now available to the officers.

## 2018 SQUAD PURCHASE

The council reviewed the information regarding the purchase of a 2018 Ford AWD Police Interceptor from Ford of Hibbing in the amount of \$28,761.45 as part of the Squad Replacement Program. Administrator Hoy noted that outfitting the squad was in addition. She reported the City had \$28,000 in the Squad Replacement Reserve, and \$15,000 in the 2018 Budget for Squad Replacement, which was anticipated to cover the total costs.

Discussion took place on the state bid process, and Baumgart noted Ford of Hibbing had the state bid. Sullivan moved, and Carlson seconded to approve purchase of the 2018 Ford AWD Interceptor as presented. Motion carried 4-0.

## CALL FOR PUBLIC HEARINGS ON BODY/SQUAD CAMERAS

Administrator's Report:

We've held off on initiating the BWCs until the State Auditor's Office and League of MN Cities could determine what exactly the legislators were requiring with the audit process. With the OSA and LMC seeming no closer in an answer after 6 months, and with failing squad cameras now, we feel we need to move forward with the implementation of Body Worn Cameras in 2018, with an integrated body/squad cameras system through Watch Guard that also replaces the squad cameras. With regards to the audit requirements, Chief Baumgart will do internal audits monthly, and the Braham PD and Isanti PD will conduct each other's external audits. This covers both internal and external audit processes until we are given a different direction from the State, should one ever be decided on. If it ends up that a for-profit agency has to be hired, we will deal with that then by either adding to the budget or stopping use of the BWCs. The squad cameras would still be in use, something that is a must and currently needs upgrading.

Chief Baumgart addressed the council, recommending the City move forward with purchasing Body-Worn Cameras in combination with new squad cameras. He noted that the police department was recently experiencing failures of the squad cameras, which were reaching the 10-year-old mark. He explained with the new squad cameras and Body-Worn Cameras being integrated, it automatically downloads to a server, securing the data.

Administrator Hoy noted that State Statute requires three public meetings to be held for implement the use of BWCs. She said the first meeting for the concept of implementing BWCs was held July 5, 2017. She said the council needs meetings yet for the budget/purchase of the cameras and for the adoption of the BWC Policy. She said she checked with the City Attorney, and he said they could be run back-to-back, but that they should be two separate meetings because of how the statute is written.

She noted if the council is in support of moving forward, it will need to call for two public hearings to be held in February. The date of when to hold the February meetings was discussed, with Feb. 6 being unavailable due to it being Caucus Night.

Sullivan moved, and Kunshier seconded to call for two public hearings on February 12, with the first Public Hearing on the purchase of the BWC at 7:00 p.m., and the second Public Hearing on adoption of a BWC Policy at 7:15 p.m. Motion carried 4-0.

T-21 MOVEMENT RE: TOBACCO USE  
ISANTI COUNTY COMMISSIONER TERRY TURNQUIST

Isanti County Commissioner Terry Turnquist addressed the council regarding the possibility of Isanti County adopting T-21, meaning that a person would have to be 21 to purchase tobacco products, including E-cigs. He said that he had been appointed to the Substance Abuse and Recovery Coalition for the County, and that Pastor Gary Shaw from Braham also sat on the coalition. He said they meet monthly, and their focus at this time is consideration of adopting T-21. He noted he was just giving the council a heads up that the County may adopt this. He noted the cities of Edina and Eden Prairie have adopted it, and he wasn't aware of any counties that had adopted it yet. He said they were hoping the State would just do it, but that he didn't think that was going to happen. He said there are other states that have adopted it.

He said there would be two Coalition public meetings held-- February 20 at the Braham Event Center, and March 14 at the Hardy Center in Cambridge. He noted that T-21 would be part of the meeting that night, and that the council was welcome to attend. He asked if the council had any questions about T-21.

Mayor Carlson asked if they had approached any of the businesses that sell tobacco on how they felt about it. Turnquist noted he'd been assigned to the Braham area, and that he would be swinging by to talk to them.

Council Member Sullivan asked if all the cities in the County had to be on board for it to pass in the County, and Commissioner Turnquist answered that if the County passes it, Braham would be in it. He said Braham can be more restrictive, but not less restrictive.

Home Town Liquor Manager Jacque Nordby was present, and commented that with some of these things being adopted, it has really affected the sale of flavored cigars. She said the store gets its tobacco from Watson, and if they get their products from a distributor who is located there, the store can't get the cigars, so they have lost a lot of products in the last year just because their suppliers are in those districts.

Commissioner Turnquist noted that the flavored tobacco was geared toward the younger crowd, and that moving the age to 21 would widen the gap between high school students under the age of 18 trying to find someone 21 years old to buy for them. He noted this was just a heads up to the council on what was on the County's radar. No action was taken.

On a separate note, Commissioner Turnquist expressed his appreciation to Council Member Lowell Jaques for serving on the County's Planning Commission, noting it is not a small job and they have long, in-depth meetings.

## BANKING TRANSACTIONS

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

12/1/17 Transferred \$217 from Lottery Checking to General Checking to cover costs of Liquor Store uniforms for employees

12/12/17 Transferred \$3,550 from Lottery Checking to General Checking for reimbursements of lottery payouts

12/21/17 Transferred \$700 from General Checking to Des. Reserve Savings for Buy-backs on two confiscated vehicles

12/21/17 Transferred \$1,809 from Des. Res. Savings to General Checking for Fire Turnout Gear

Motion carried 4-0.

## ENGINEERING

There were no engineering items.

### ORD. 278 AMENDING LIQUOR ORD. 254 RE: PERSONS AND PLACES ELIGIBLE FOR LICENSES

The council reviewed Ord. 278 amending Liquor Ordinance 254 regarding persons and places eligible for licensing. Administrator Hoy noted the ordinance was posted for the month of December and was ready for council adoption. She also noted ordinances become effective upon adoption and publication.

Jaques moved, and Kunshier seconded to adopt Ord. 278 amending Liquor Ord. 254. Council Member Sullivan abstained due to conflict of interest through his employment. Motion carried 3-0.

### KANABEC COUNTY EDA INVESTMENT FOR BRAHAM INDUSTRIAL PARK

Administrator Hoy noted she put this on the agenda to let the council know the City received a summary of expenses the Kanabec County EDA paid on the Shovel-Ready Certification for the Braham Industrial Park. She said the EDA paid a total of \$13,940 not including the countless staff hours Heidi Steinmetz has put into the project. The council directed Hoy to send a letter of thanks to the Kanabec County EDA.

## DRAFT ORD. 279 ESTABLISHING FEES FOR FIRE SERVICE

The council reviewed the draft of Ord. 279 establishing fees for fire service, giving the City the option of certifying unpaid fire call bills to the property taxes. Administrator Hoy explained that the Braham Fire Department runs an average of \$3,000 unpaid fire calls annually. Unpaid bills then go to a collection agency, who retains 40% of the amount they collect, and 50% if they have to collect it through an attorney. She presented the LMC model ordinance that allows cities to certify delinquent fire call bills to the property owner's taxes, regardless of whether the call was on site or off site of that property, such as a vehicle fire or car accident. Hoy noted she had verified this with City Attorney Joel Jannik, and upon council approval, the ordinance would be posted and brought back for adoption at the February council meeting.

Kunshier moved, and Sullivan seconded to move forward with posting Ord. 279 for adoption. Motion carried 4-0

## 2018 APPOINTMENTS & DELEGATIONS

Mayor Carlson has made her recommendations for 2018 Appointments and Delegations as follows:

Acting Mayor: **Jeremy Kunshier**

Check Signers: **Tish Carlson**  
**Sally Hoy**  
**Shawn Sullivan**

Authority of Safety Deposit Box: **Tish Carlson**  
**Sally Hoy**  
**Shawn Sullivan**

Custodian of Petty Cash: **Sue Hasser**

Cable Commission: **Tish Carlson**

Joint Powers Bldg. Official: **Tish Carlson**  
**Sally Hoy**

City Planner: **Marshall Lind**

Planning Commission Ex-Officio: **Lowell Jaques**  
(Non-voting position) **Alt: Tish Carlson**

Isanti County EDA: **Marshall Lind**  
**Alt: Tish Carlson**

ICICLE Rep: **Tish Carlson**  
(Isanti County Initiative on Collaboration, Leadership and Efficiency)

NTI/GPS 45:93 Representative: **Marshall Lind, Alt: Tish Carlson**  
(Northern Technology Initiative)

Weed Inspector: **Tish Carlson (Must be mayor)**

Assist. Weed Inspector: **Marshall Lind**

Streets Committee: **Jeremy Kunshier**  
**Lowell Jaques**

Emergency Management Director: **Eric Baumgart**

Firefighter's Relief Assn.: **Tish Carlson (Must be mayor)**  
**Jeremy Kunshier**

AWAIR Safety Management: **Tish Carlson**  
**Alt: Shawn Sullivan**

Braham Park Reps: **Tish Carlson,**  
**Shawn Sullivan – appointed 7/5/17**

Personnel Committee & Union Negotiations: **Tish Carlson**  
**Jeremy Kunshier**

Budget Committee: **Tish Carlson**  
**Jeremy Kunshier**

Management Discussion and Analysis (MD&A) Committee: **Sally Hoy**  
**Tish Carlson**

Chamber Representative: **Tish Carlson**  
**Alt: Shawn Sullivan**

NLX High Speed Rail Representative: **Marshall Lind**  
**Alt: Tish Carlson**

Isanti & Kanabec Counties Water Management Task Force Rep: **Marshall Lind**

Wellhead Protection Manager: **Marshall Lind**

Water Management Plan Task Force Representative: **Marshall Lind**

Added: Truck Hwy 65 Coalition: **Shawn Sullivan**  
**Alt: Marshall Lind**

Jaques moved, and Sullivan seconded to approve the appointments as presented. Motion carried 4-0.

Sullivan moved, and Kunshier seconded to designate the Isanti County News as the City's Official Newspaper. Motion carried 4-0.

Sullivan moved, and Carlson seconded to designate Frandsen Bank & Trust as the City's Official City Depository. Motion carried 4-0.

Sullivan moved, and Jaques seconded to appoint Joel Jamnik/Campbell, Knutson Law Firm as the City's Attorney. Motion carried 4-0.

Kunshier moved, and Carlson seconded to appoint Brian Miller/MSA Professional Services as the City Engineer. Motion carried 4-0.

Kunshier moved, and Jaques seconded to appoint David Drown Associates as the City's Financial Advisor. Motion carried 4-0.

Sullivan moved, and Carlson seconded to reappoint Tish Carlson to the Braham EDA. Motion carried 4-0.

Kunshier moved, and Sullivan seconded to reappoint Gary Skarsten to the Braham Planning Commission. Motion carried 4-0.

Sullivan moved, and Carlson seconded to reappoint Betty Keenan to the Braham HRA Board. Motion carried 4-0.

#### ON-SALE LIQUOR LICENSE APPLICATION – BRAHAM BREWING COMPANY INC

The council reviewed the application from Braham Brewing Company Inc. for an On-Sale Intoxicating Liquor License and Sunday License. Administrator Hoy noted that with council adoption of Ord. 278, they would be eligible for an On-Sale License under the classification of "Theater" for the Wiese Auditorium. She noted ordinances become effective upon council adoption and publication, so license approval should be *effective upon Ord. 278 publication, license approval at the State, and Braham Brewing Company meeting and maintaining all licensing requirements.*

Carlson moved, and Kunshier seconded to approve the On-Sale Liquor License and Sunday Liquor License application for Braham Brewing Company Inc., contingent upon Ord. 278 publication, license approval at the State, and Braham Brewing Company meeting and maintaining all licensing requirements. Council Member Sullivan abstained due to conflict of interest through his employment. Motion carried 3-0.

#### RES. 18-1 DECLARING A VACANCY ON THE CITY COUNCIL

The council reviewed Resolution 18-1 declaring a vacancy on the City Council with the resignation of Council Member Traci Leaf at the end of the December 5, 2017 council meeting.

She provided the council with the excerpt from the May 2, 2017 Administrator's Report for the council to use as a guide in filling the seat, noting the scenario has not changed.

From the Administrator's Report:

According to the League of MN Cities (LMC) Handbook, 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. (I have confirmed this voting process with 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.

As in the prior vacancy, 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. It can take the month of January to come up with names, appoint someone who already expressed interest in the May list, or open it up for new Letters of Interest. This appointment will be for the remainder of 2018, as the term is up at the end of the year, then the voters decide who will serve the 2019-2022 term. As noted back in May, State Statutes do not allow city councils to close a meeting to discuss or interview council candidates, so all of that would need to take place during public meetings.

Sullivan made a motion that the council do as they did in the prior vacancy by asking people to submit a Letter of Interest by the February meeting. Kunshier stated that because there was less than a year left in the term, the more time they spent on it was wasting time because the appointment would be one or two months out. Mayor Carlson recommended they ask a past council member to fill in. Discussion followed. A second was called on the motion, and with no second to Sullivan's motion, the motion died.

Carlson moved, and Jaques seconded to adopt Res. 18-1 declaring a vacancy and to appoint Vicky Ethen to fill the term expiring 12/31/18, contingent upon her accepting it. Ayes: Jaques, Carlson, Kunshier. Nay: Sullivan, noting he wasn't voting against Ethen, but on how the council was doing it. Motion carried 3-1.

RES. 18-2 APPROVING A CHANGE IN THE AREA OF BRAHAM FIRE COVERAGE  
IN NESSEL TOWNSHIP

The council reviewed Res. 18-2 approving a change in the area of Braham Fire Coverage for Nessel Township, per the township's request, which would result in Braham Fire with 1<sup>st</sup> Responders picking up Sections 1 and 2 from Rush City Fire; and Rush City Fire with no 1<sup>st</sup> Responders picking up Sections 28-33 from Braham Fire, effective January 1, 2019. Administrator Hoy noted that Mutual Aid does not pertain to 1<sup>st</sup> Responders, so with the line change, Braham Fire will no longer be responding to medicals in Sections 28-33.

Carlson moved, and Jaques seconded to adopt Res. 18-2 approving the change in the boundary line of Braham Fire coverage for Nessel Township, as Nessel Township requested. Motion carried 4-0.

AMENDMENT TO PERSONNEL POLICY

Administrator Hoy noted that with Chief Knowles' retirement, the City found what the extreme of the City's Personnel Policy for vacation carry-over can do to City operations and budget. The City's original policy allowed a carry-over of 80 hours, but that was increased to "2 x's the annual accrual" because some of the employees were having difficulty using their vacation time and requested a longer time to use it. She noted the extension did not prove to help the matter, and only created a larger bank that still couldn't get used.

Hoy reported that Chief Baumgart surveyed a number of police departments, and the majority of them, including Isanti, Cambridge, and Isanti County all have a maximum accrual of 240 hours (30 8-hr. days) for vacation. She said she'd met with the department heads to come up with a plan that would rein in the max vacation accrual that was fair to the employees but didn't jeopardize the operations of the City upon a long-term employee leaving. She presented their recommendation as a 2-step process:

Step 1-- A reduction of maximum ***carry-over of 30 days***, effective on the employee's 2020 anniversary date. (For a long term employee, this is a reduction of 20 days, so one full month). The City is not in a position to do payouts, so this gives the employees 2 years to use up their excess vacation. Any excess at their 2020 anniversary date would be rolled to their sick time banks if the max bank of 360 hours could absorb it, and any excess over that would be forfeited. The sick bank is NOT paid out at the end of employment, so this does not jeopardize the City, yet it puts a cushion for an employee, should they have a major accident or illness and need the paid time off. The Personnel Policy states that a doctor's note may be required for more than 3 days off, so there is a safeguard in place so the sick time is not abused.

Step 2—The options for a second reduction would be determined in 2020.

Hoy commended the Department Heads for their willingness to work at this reduction, finding a solution that kept positive employee morale.

Sullivan moved, and Carlson seconded to amend the City's Personnel Policy for Step 1 as presented. Motion carried 4-0.

CHANGE DATE FOR FEBRUARY COUNCIL MEETING  
AND SET DATE FOR ANNUAL AUDIT PRESENTATION

With Feb. 6 being Caucus Night, Sullivan moved, and Kunshier seconded to set the annual City Audit presentation for 6:30 p.m. on February 12; and the Regular Meeting for 7:30 p.m., following the 7:00 and 7:15 Public Hearings. Motion carried 4-0.

RES. 18-3 DESIGNATING POLLING PLACE FOR 2019

Administrator Hoy told the council that the LMC was suggesting cities adopt their annual resolution designating a polling place, which is due each year by December 31, as part of their January housekeeping. She presented Res. 18-3 designating the polling place for 2019. Sullivan moved, and Carlson seconded to adopt Res. 18-3 designating the Braham City Hall as the polling place for 2019. Motion carried 4-0.

REVIEW LIST OF CITY POLICIES—  
BUSINESS ASSISTANCE POLICY UPDATE FOR FEBRUARY MEETING

Administrator Hoy presented a list of all the City policies to the council. She noted that with the last audit, the City Auditors suggested the council review the City's policies annually at its January meeting. She noted that due to the amount and large size of some of the policies, Mayor Carlson had recommended the council take one a month for review. Hoy presented the council with Res. 18-4 updating the City's 2006 Business Assistance Policy to review for the February council meeting.

Sullivan moved, and Kunshier seconded to adjourn. Motion carried 4-0. Meeting adjourned at 8:08 p.m.

Respectfully Submitted,

Sally A. Hoy  
City Administrator