

MINUTES OF THE REGULAR MEETING  
OF THE BRAHAM CITY COUNCIL  
TUESDAY, OCTOBER 16, 2018  
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 Vicky Ethen. City Administrator Sally Hoy was absent.

Present in the audience were City Engineer Brian Miller, Police Chief Eric Baumgart, and Delwayne Hahn from the Isanti County News.

The meeting opened with the Pledge of Allegiance.

Sullivan moved, and Jaques seconded to approve the minutes from the September 4, 2018 council meeting. Motion carried 5-0.

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

Kunshier moved, and Ethen seconded to approve payment of the September 2018 bills and payrolls as presented. Motion carried 5-0.

Chief Baumgart presented the police report to the council. He reported two failures with the Body Camera Systems—the first when his camera stopped working during a scuffle with a suspect, which was still covered by Detective Stahl’s camera, and the second with Officer Evans while tracking a suspect in the woods and a branch possibly bumped against the on/off button. He told the council he’d check on a possible feature where the on/off button would need to be held a few seconds before the camera will shut off.

He reported that search warrants to Snapchat and Facebook were being done on the open graffiti case, and he felt confident there would be resolution to the case by the November or December council meeting.

Baumgart reported they’d sold six vehicles on the online public auction, which cleaned out the vehicles stored at the sewer plant. He noted that out of the hail damaged vehicles, the City bought back two vehicles for \$125 each that were totaled, then he put them on the public auction. He reported the insurance paid the City \$2,181 on a Crown Vic, the City bought it back for \$125, then sold it on auction for \$1,325.

Baumgart reported that the forfeited 2013 Z71 pickup (Chev Silverado) was currently on auction. Council Member Ethen asked the name of the auction site, which he told her was [publicsurplus.com](http://publicsurplus.com). He noted the Chevy Caprice buyer was from Chicago, and the others were local. He reported that other than the two vehicles he bought back that were a total loss, the second 2010 Crown Vic was repairable but he would also put that car on the public surplus auction, and that the Fire Chief’s vehicle (2012 Ford Escape), the 2012 Chev Tahoe, and 2015

Ford Explorer were all damaged as well, but not totaled. He said the Ford was repaired, and the Chev and Fire Chief's car were in the process of being repaired.

He addressed the council regarding the squad car for sale from the City of Randall, which was added to the agenda. He reported there were a lot of unknowns coming with the next police vehicles in the market, and an opportunity had arisen to put in a bid on a 2016 Ford Interceptor SUV from the City of Randall because they'd disbanded their police department. Sullivan moved, and Kunshier seconded to ratify approval of submitting a bid to the City of Randall for the squad car in the amount of \$22,015. Motion carried 5-0.

Baumgart closed by stating the case load remains average, and the department covered all of its TZD hours. Discussion followed on the equipment needed for the Randall squad, but no further action was taken.

### BANKING TRANSACTIONS

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

8/31/18 Transferred \$119,948.64 from Horseshoe Meadows Wear Course D.S. Fund 303 to General Fund 101. This is the remaining money left after the bond was paid off in July and can be used for other projects and expenses.

10/4/18 Transferred \$7,749 from Lottery Checking to General Checking for reimbursement of August Lottery payouts.

10/4/18 Transferred \$4,621 from Lottery Checking to General Checking for reimbursement of September Lottery payouts.

Motion carried 5-0.

### ENGINEERING

Engineer's Update and Contractor Pay Requests on 2018 Streets and Utilities Improvements  
City Engineer Brian Miller presented the council with Pay Estimate No. 1 from Hardrives in the amount of \$27,220.83. He recommended the council authorize payment as soon as Administrator Hoy received the signed forms from the contractor.

Sullivan moved, and Ethen seconded to authorize payment of \$27,220.83 to Hardrives once the signed paperwork is received by the City Administrator. Motion carried 5-0.

Res. 18-19 Calling for Assessment Hearing on the 2018 Street Improvement Project  
Miller presented the council with the resolutions to declare the costs to be assessed and to order preparation of the proposed assessments. He noted that since the project is not done, he had to

give his best estimate on the final costs, estimating high, with final costs not determined until the paving is done next spring. He said the 429 process does allow assessments to be done on a reasonable estimate of what the project will cost. He noted that in order for the assessments to be on the tax rolls next year, the assessments need to be set and the notices sent out so the assessment hearing can correspond with the certification deadline.

Miller reported that the resolutions apply only to the street improvements, so the dollar amount will not match the total contract. He reported the contract price for such improvement is \$346,886, and the expenses incurred or to be incurred in the making of such improvement amount is \$80,715 so the total cost of the improvement will be \$447,601. The portion of the cost of such improvement to be paid by the city is \$313,320.70 and the portion of the cost to be assessed against benefitted property owners is \$134,280.30. Miller told the council the assessments will be paid over 10 years, at 5.5% interest. He said the 5.5% was the figure used in the sale of the bonds, so if the bonds were at 4.5% typically the city uses 1% over the bonds, but he had not clarified it with David Drown.

Carlson moved, and Kunshier seconded to adopt Res. 18-19 declaring the costs to be assessed and ordering preparation of the proposed assessments. Motion carried 5-0.

#### Res. 18-21 calling for the Proposed Assessment Hearing

Miller provided the council with a list of properties proposed to be assessed. He reported there were 52 assessable units, where on the Feasibility Study they'd only accounted for 51. He reported the cost per unit is \$2,582.31 which he noted was also higher than what they'd anticipated with the Feasibility Study because the bids had come in higher than anticipated.

He compared this to the 2016 project, where the assessments were about \$2,400 per unit, noting they are close to the last street project. He noted that he didn't get the property owner's name for the prior Kaunonen properties updated on the list so that would be done. Miller noted there were four vacant lots that have their separate PID number, and past practice of the City has been to assess it if it was a buildable lot. He reported that for properties that could be subdivided, the practice has been to give the property only one assessment, and if it was subdivided within the next 10 years, they would get a prorated assessment for the lot they created.

Council Member Ethen asked Miller why Vern Fix's two vacant lots were being assessed when his property address is on 8<sup>th</sup> St. SE. Miller answered that the legal access for those lots would be S. Cypress, noting that if the County held true on the corner lot, they would require the driveway to come off S. Cypress rather than the County road. He noted those properties would probably require a pressure sewer when developed.

Council Member Sullivan asked if everyone on the list had been notified and know the assessment is coming. Miller answered that everyone on the list did get a notification of the improvement hearing, and everyone will get a notice again for the upcoming assessment hearing. Mayor Carlson asked if it included Vern Fix, and Miller answered yes. Council Member Ethen asked if Fix was aware that he had two lots that were going to be assessed, and Carlson said yes.

Jaques moved, and Kunshier seconded to set the November meeting for Tuesday, November 13, and adopt the resolution (Res. 18-21) calling for the assessment hearing to be held on Tuesday, November 13, 2018 at 6:30 p.m. Motion carried 5-0.

#### 2018 Streets and Utility Project Update

Miller reported that the paving had begun, and Hardrives would return tomorrow to apply the base course. He said the 4<sup>th</sup> and Cypress intersection was very soft, and Hardrives did lay some blacktop in there to see if it was firm enough to put an east/west lane across there tomorrow. He said the north part of the intersection is soft, and there was no way they were going to touch that until it freezes. He said the left side of Cypress between 3<sup>rd</sup> and 4<sup>th</sup> will depend upon how soft it is on whether they were going to get a lift on that before or after it freezes, but they were going to get one lane paved for sure between 3<sup>rd</sup> and 4<sup>th</sup> now so people will have pavement to drive on. Miller noted if the other side is too soft, they will take care of that when they come back to do the intersection once it's frozen. He said once the ground freezes, they can lay it down and actually compact it, noting if it can't be compacted, he was pretty sure it would not hold up. He said they were still looking at what they can do for the least amount of cost in the pre-work and prep.

Miller said it looked like everything was lining up pretty well with the driveways, noting the wear course still needs to be done. He said they planned to finish the bituminous paving tomorrow, then the utility contractor will come in and raise the manholes and valve boxes, and Hardrives will be in next week to apply the wear course. He told the council that all of the streets should have their wear course on them except the 4<sup>th</sup> and Cypress intersection and the block of Cypress between 3<sup>rd</sup> and 4<sup>th</sup>.

Council Member Sullivan asked if the residents will know what's going on before the November assessment hearing. Miller said that he talks with Administrator Hoy and she gets an update put on the website. He said he doubted it will be frozen enough to finish up everything before the assessment hearing, but noted it would be nice to have the first lift of blacktop on those sections before the hearing, although laying it down before the ground is frozen would not be money well spent.

Miller said that with this being the 3<sup>rd</sup> cycle of paving projects, he thinks it helps that the public sees the City is doing about the same thing with its street improvements in trying to get the roads back to good, serviceable roads. He said at the assessment hearings, people recognize it is their turn with the assessments. He said if the City holds a pattern on a regular interval, the taxpayers understand that the City is picking up a big chunk on the taxes and the local residents are picking up a chunk with their direct assessment.

#### DEED LOAN AWARD FOR OLD ERCOA BUILDING DEMOLITION

*Administrator's Report-- At the July 10 council meeting, the council approved Res. 18-11 approving a loan application to DEED for the demolition of the old Ercoa building. The City received the award letter from DEED in September. The loan is 2% for up to 15 years, and may*

*be deferred for up to 2 years. City Planner Marshall Lind is commended for drafting a successful application.*

Mayor Carlson told the council that Administrator Hoy was in the process of working on the DEED loan requirements, and at this time, the council action should be to acknowledge the DEED loan award letter.

Ethen moved, and Kunshier seconded to acknowledge receipt of the DEED loan award letter. Motion carried 5-0.

### BID AWARD FOR ROOF REPLACEMENTS

The council reviewed the following two bids received at the Oct. 9 bid opening for roof replacements from the August 26 hail damage:

Berwald Roofing, St. Paul	\$919,323
NHH Building and Restoration, Isanti	\$187,000

Mayor Carlson told the council that weather would determine how much they can get done this year. She said if it gets too cold, they probably won't lay the asphalt shingles until next year (needing heat to seal).

Administrator Hoy reported in her Administrator's Report that Chris Otto, the City's LMCIT adjuster, reviewed the bids and gave the City the go ahead to accept the low bid from NHH Building and Restoration for \$187,000.

Sullivan moved, and Jaques seconded to accept the bid from NHH Building and Restoration. Motion carried 5-0.

Jaques commented that NHH did his roof, and they did a very good job.

### PHONES & PHONE SERVICE QUOTES

*Administrator's Report-- The City requested quotes from Nextera, Midco, and TDS (current phone service provider) for new City phones and IP hosted phone system. Basically, all the phones and features are pretty much the same, so our focus was more on monthly costs and customer support. The results of the quotes, with staff comments, are as follows:*

#### MONTHLY COSTS

<u>Nextera</u>	
<i>Hosted IP Services – 4 Year Contract</i>	<i>\$ 335.15/mo. w/tax and surcharges</i>
<i>Installation – One time charge</i>	<i>\$ 258.00</i>
<i>Purchase of phone equipment</i>	<i>\$2,052.05</i>

*Or Lease to Own – 3 Year Term*

*\$ 62.00/mo.*

*Tish, Eric, Sue, Steph and I met with the Nextera Rep on Sept. 13. We were all impressed with the level of customer support Nextera offers. They are a smaller business, and have offices in Minnetonka, Brainerd and Baxter. They partner with Genesis for the sale of their phones and service.*

*Installation: They do onsite installation, training, and troubleshooting.*

*Support: Online and Onsite*

*Backup: Genesis has 2 week backup for power outages*

*TDS*

*Hosted IP Services – 3 Year Contract*

*\$385.15/mo. w tax and surcharges*

*Installation – Setup via Web*

*\$150.00*

*Purchase of phone equipment - Promo*

*\$164.11*

*Lease to Own – 3 Year Term*

*\$48.60/mo.*

*(Cordless phones not available)*

*Sue, Steph, and I did a phone conference with TDS, the City's current provider, for their presentation. TDS is in 36 states, and their main office is out of Madison, Wisconsin. Support technicians are in Madison, WI; Knoxville, TN; and Pequot Lakes, MN. There is no field technician. Installation would need to be done by the City, with their technician guidance via the web. All support is done online, through switches and remotely through a cloud. They have no cordless phones, so those would need to be purchased separately. Need to purchase switch & router.*

*Installation: Via web instructions with a TDS technician*

*Support: No onsite support available*

*Backup: No backup available*

*Midco*

*Information pending-----*

Mayor Carlson reported she sat in a staff meeting with Nextera, and found their proposal very interesting. She directed the council to the proposals received so far, and Council Member Sullivan asked if Midco's proposal was coming yet. Carlson said that one was still pending. She told the council that Nextera technicians will actually come and set up the phones and train the staff.

Chief Baumgart added that the benefits he saw from the meeting was the onsite installation and training, the system, and the backup for power outages through Genesis' generator. He said that from what he understood from TDS, they would not send a technician to install the equipment, but would instead mail the equipment to the City and follow up with a call on how to install and operate it. Baumgart said Nextera would come out and install the equipment, then teach the staff how to use it. He said the PD would go from a \$24 answering machine to the ability for people

to get through to public safety by the push of a button. He noted that the Nextera rep was very down to earth, friendly, and local.

Baumgart told the council that his personal experience with Midco during outages was that it was difficult to get a person to talk to.

Council Member Sullivan went on record to say he works a lot with Genesis. They were not his boss, but rather a sister company so he was going to abstain. He said Nextera is a totally different company but they are all supportive. He noted that when the City needs something, they are going to be able to call Ryan at Genesis.

Baumgart noted that he talks to Ryan weekly on IT matters.

Sullivan said he was abstaining but going on record that he thought it was a great idea, and that leasing was preferred because if something breaks, they fix it. Mayor Carlson noted there were a couple other places in town working with Nextera as well.

Ethen moved, and Carlson seconded for the City to enter into a contract with Nextera for phones and phone service. Motion carried 4-0. Sullivan abstained.

#### REVISIT SNOWPLOWING, SNOW REMOVAL, AND WINTER PARKING RESTRICTIONS ORD. #280

*Administrator's Report-- This item is back on the agenda for council discussion for the upcoming winter season, as requested by the council back in March 2018. Because this affects both the Street Department and Police Department, I would ask that the council appoint a committee to meet with both departments for further review of any changes to the current ordinance.*

Mayor Carlson noted that Administrator Hoy recommended appointing a committee to meet with Chief Baumgart and Street Supt. Dan Eklund. Council Member Sullivan asked about the timeline. Council Member Ethen concurred it was a good idea to appoint a committee.

Discussion took place. Chief Baumgart suggested the City operate under its current ordinance for the beginning of winter. He said that from a law enforcement and safety standpoint, if there is no snow on the ground in the first month, they aren't going to have an issue with vehicles being left on the street. He said their concern is when there is snow, and vehicles have to be plowed around, which leaves big chunks of ice and creates a jarring for a person's operations, which can result in a crash. He told the council that over the course of his career in Braham, enforcing the no parking restriction is fine, but it limits the citizens' ability to use the streets for parking when they don't have to.

Mayor Carlson appointed Council Members Kunshier and Sullivan to a committee to revisit the snowplowing, snow removal, and winter parking restrictions. The committee agreed to meet on Oct. 25 at 5 p.m. at the KBK studio.

## PURCHASE OF EXCESS LIABILITY COVERAGE & WAIVER OF STATUTORY LIABILITY LIMITS

*Administrator's Report-- Each year with the City's annual insurance renewal, the City has the option of purchasing Excess Liability Coverage and waiving the Statutory Tort Liability Limits.*

*Excess Liability-- 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 City would have to either draw on existing funds or go to its taxpayers to pay that judgement. The City paid \$5,683 for this Excess Liability coverage for 2018.*

*Waiving Statutory Limits-- The reason the City would want 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. Waiving the limits for Municipal and Auto Liability is \$714 (2018 was \$640); Waiving the limits for the Excess Liability is \$884 (2018 was \$856). It cannot be waived on one and not the other. The LMC's memo with more detailed explanation of the options is in the packets.*

Jaques noted the City does this every year, and moved to approve the purchase of Excess Liability Coverage and Waive the Statutory Liability Limits. Seconded by Ethen. Motion carried 5-0.

## CHANGE NOVEMBER MEETING DATE

The council took action on changing the November meeting date earlier in the meeting, under Engineering.

## DRAFT NUISANCE ORDINANCE #283

The council reviewed Draft Nuisance Ordinance #283 taken from the LMC model ordinance. Per the Administrator's Report, the draft was reviewed by the City Attorney and would be posted in October and back on the agenda in November for adoption.

## LEAD & COPPER TESTING RESULTS

The council reviewed the results from the MN Dept of Health Lead and Copper testing reporting that the City's public water system **has not exceeded** the action level for lead or copper. Per the Administrator's Report, the individual test results were mailed out on 9/10/18.

Carlson moved, and Kunshier seconded to accept the MN Dept of Health test results. Motion carried 5-0.

## RES. 18-20 CERTIFYING DELINQUENT BILLS

Ethen moved, and Sullivan seconded to adopt Res. 18-20 certifying delinquent water/sewer, mowing, and fire bills to the property taxes. Motion carried 5-0.

## CONTRACT RENEWAL WITH KANABEC COUNTY ASSESSOR

The council reviewed the contract renewal from the Kanabec County Assessor's Office for assessing the 13 parcels that are in Braham, Kanabec County, with the 2018 and 2019 assessment amounts at \$7.25 per parcel, and the 2020 and 2021 assessment amounts at \$7.50 per parcel.

Kunshier moved, and Ethen seconded to approve renewal of the contract with Kanabec County Assessor's Office. Motion carried 5-0.

Ethen moved, and Sullivan seconded to adjourn. Motion carried 5-0.

Written off the audio recording of the meeting.  
Respectfully Submitted,

Sally A. Hoy  
City Administrator