

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
TUESDAY, NOVEMBER 13, 2018
7:37 P.M.

The regular meeting was called to order at 7:37 p.m. with the following present: Mayor Patricia Carlson; Council Members Lowell Jaques, Shawn Sullivan, and Jeremy Kunshier; City Administrator Sally Hoy. Council Member Vicky Ethen was absent, recovering from surgery.

Present in the audience were Police Chief Eric Baumgart, City Engineer Brian Miller, Liquor Store Manager Jacque Nordby, Scott McKinney from the Braham Journal, and residents of the street improvement project: Ketrina Johnson, Jarod and Adam Jokinen, Brenda Turner, Vern Fix, Mrs. Otten, and James Moore.

The meeting opened with The Pledge of Allegiance.

Jaques moved, and Kunshier seconded to approve the minutes from the October 16, 2018 council meeting. Motion carried 4-0.

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

Sullivan moved, and Kunshier seconded to approve payment of the October 2018 bills and payrolls. Motion carried 4-0.

Chief Baumgart presented the police report. He reported the ICRs were over last year by 1,500. He noted that a theft had some publicity in town with felony activity, and the person is in the process of being charged.

He reported that there was an adult who purchased liquor for a minor at a party, which came through the liquor store, and they reported it.

Baumgart added that the body cams were continually working as they should.

BANKING TRANSACTIONS & TRANSFERS

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

10/16/18 Transferred \$15,663.43 from Grams Escrow to General Checking to cut a check back to Gina Grams for her driveway escrow

10/24/18 Transferred \$50.00 from Lottery Checking to General Checking for the Liquor Store's participation of the 10/31/18 Halloween party

10/24/18 Transferred \$250 from Lottery Checking to General Checking for store uniforms

10/24/18 Transferred \$50.00 from Lottery Checking to General Checking for National Child Safety Program

10/29/18 Transferred \$39,753.11 from East Central Cable Commission Account to General Checking Account to cover the quarterly ECCC fees distribution we ran through the City's A/P system rather than handwriting checks from the ECCC account. (Approved by City Auditor and unofficially by ECCC members, which they will ratify approval at their annual meeting in 2019.)

Small Cities Development Program Revolving Loan Payments:

6/20/18	\$ 138.00	Isanti County Recorder - Recording Mortgages that were missed by Lakes and Pines from personnel changeover
6/20/18	\$ 46.00	Kanabec County Recorder - Recording Mortgages that were missed by Lakes and Pines from personnel changeover
10/2/18	\$ 296.00	Lakes & Pines – Administration expense on new housing rehab loan application

Motion carried 4-0.

ENGINEERING

Engineer's Update and Contractor's Pay Requests on 2018 Streets and Utilities Improvements

City Engineer Brian Miller updated the council on the 2018 Street Improvement. He reported that the paving was completed, and the wear course was down on 3rd St. SE and Eastgate. He said the intersection at 4th St. and Cypress SE and between 3rd and 4th has the base course down. He noted the barricades are up, and once there's a good freeze, they'll be able to remove the barricades. He said they left the bituminous off around the manhole at 4th and Cypress and covered it with gravel to leave it accessible. He reported that Douglas-Kerr will come back in the spring to do the restoration work.

Council Member Sullivan asked Miller where the City sits on the list for the contractors to come back in 2019. Miller said Hardrives will likely wait until they have a plant in the area because there isn't a lot for them to do. He said he'd look at the driveway at 409 S. Cypress because that should not wait until spring. He said it appeared to be a gravel driveway, and the City has plenty of recycle to fill in the gap.

Miller presented the council with a payment estimate from Douglas-Kerr and recommended payment in the amount of \$24,788.82. Sullivan moved, and Jaques seconded to approve payment to Douglas-Kerr in the amount of \$24,788.82. Motion carried 4-0.

Miller presented the council with a payment estimate from Hardrives and recommended payment in the amount of \$205,392.81. Sullivan moved, and Jaques seconded to approve payment to Hardrives in the amount of \$205,392.81, contingent upon receiving the signed pay estimate forms. Motion carried 4-0.

Ratify Approval of Patching on 4th St SW

Miller told the council that he would talk to Hardrives on whether they will invoice the City separately for the patching on 4th St. SW or include it in a change order. This item was held off until the December meeting.

Res. 18-22 Adopting Assessments on the 2018 Street Improvement Project

Miller reported the council had two options—

- 1) Adopt Res. 18-22 as is, adopting the assessments on 51 properties effective November 13, 2018.
- 2) Make any adjustments on the assessments.

Discussion followed with Vern Fix with on his assessment for his properties. Miller said each parcel should have received a notice. Administrator Hoy left to check the Affidavit of Mailing. Mayor Carlson asked if dropping an assessment changed the assessment amounts, and Miller reported that it did not, and the City would pick that amount up. Council Member Sullivan clarified with Fix that Marshall Lind has told him he couldn't put the parcels together, and Fix said that Marshall said he could, but that he couldn't do it now because the (assessment) process was already in progress. He told the council he wanted and was going to turn the two lots into one lot. Discussion took place on whether the lots were buildable. Fix said the lots were high enough, but needed soil borings.

Miller cautioned the council that whatever they decided here, and whatever reasons they based for that decision, basically is setting it on record.

Hoy returned and reported that only one notice was sent to Fix, and Fix said there was only one letter in that envelope. Further discussion followed regarding the assessments on Fix's two lots. Miller noted that any appeal to the assessment needs to be done at the public hearing and before the adoption of the assessment roll. Miller said the City has an Affidavit of Mailing showing that a notice was sent, but not whether both notices were sent. He said his main concern is that whatever reason the City gave for dropping the assessment will become part of the record, where somebody in the future can say they have the same situation. He said another council had determined a lot wasn't assessed because it wasn't buildable, and that put something in the record.

Hoy left to check the file for documentation about the earlier conversations with Fix. She returned and read an email she'd sent to City Engineer Miller that Fix asked about combining his lots, but no answer was in the file. Miller did not recall the email. She asked Fix what happened from that point. Fix said that's what he's always wanted to do is combine the two lots into one. He said he has no problem with paying one assessment, but not two.

Miller said an option the City could take would be to adopt the assessment roll, then take action by a motion to not certify one of the properties with the understanding that Fix would combine the two lots, and that if he didn't combine them, the City would certify the second parcel in 2019.

Jaques moved, and Kunshier seconded to adopt Res. 18-22 adopting the assessment roll for the 2018 Street Improvements. Motion carried 4-0.

Sullivan moved, and Kunshier seconded to not certify one of Vern Fix's parcels until November 2019, and that if he combines the lots before then, to cancel the assessment. Motion carried 4-0.

DEED LOAN FOR ERCOA DEMOLITION – RES. 18-23 CALLING FOR PUBLIC HEARING ON TAX ABATEMENT – DEC. 10, 2018

The council reviewed the Project Schedule, Resolution 18-23, and the Debt Service Schedule drafted by Jason Murray from David Drown’s office to meet requirements for the DEED loan that would fund the demolition of the old Ercoa building.

Sullivan moved, and Carlson seconded to adopt Resolution 18-23 calling for a special meeting public hearing for Tax Abatement for the DEED Loan to be held at 6:30 p.m. on Monday, December 10, 2018. Motion carried 4-0.

PUBLIC NUISANCE ORDINANCE #283 FOR ADOPTION

Administrator Hoy reported that Public Nuisance Ordinance #283 was first reviewed by the council at the October council meeting and has been posted in City Hall and on the City website. Sullivan moved, and Kunshier seconded to adopt Public Nuisance Ordinance #283. Motion carried 4-0.

PARKING CHANGE ON FINNERTY CIRCLE – ONE-YEAR REVIEW

Chief Baumgart addressed the council regarding the one-year review for the change in parking to allow angle parking on Finnerty Circle. He reported there was one opposition to this action, which was on another cul-de-sac during a big holiday gathering. He said the vehicle was moved and the issue resolved. He said that for Finnerty Circle, they have not had any issues with the parking change. He recommended that no change be made unless it is challenged, then address it at that time. Motion made by Sullivan, seconded by Jaques. Motion carried 4-0.

RESIGNATION OF MARK JONES AS PART-TIME LIQUOR STORE CLERK

Sullivan moved, and Jaques seconded to accept the resignation of Mark Jones as part-time liquor store clerk, effective 9/30/18. Motion carried 4-0.

LIQUOR STORE FLOORING REPLACEMENT

Liquor Store Manager Jacque Nordby addressed the council regarding replacement of the Liquor Store flooring. She received the following quotes:

Garage Floor Coating of MN	\$19,999.99 Includes \$2,000 for grinding and repair to concrete, and second coat
Millz House	\$18,000.00 Does not include grinding or repair to concrete or second coat
Millz House	\$17,000.00 Includes addn’l clear coat, but not repairs

Nordby told the council that the carpeting in the store was going on 16 years and was looking bad, along with carpeting coming up during vacuuming and wrecking the vacuums. She said she'd looked at other options besides carpeting, and the flooring she decided on was an epoxy-coated floor. She said that Dan Eklund and she had looked at the showroom at Garage Door Coating and Millz House flooring, and preferred the Millz House flooring. She noted these were the top two contractors that have done liquid art flooring for other businesses that has been up to standard and durable. She showed the council pictures of the flooring she was interested in at Millz House, and noted there is a limited lifetime warranty on the floor coating.

Discussion took place on how long the store would be closed for the renovation, which Nordby said would be the first two-weeks in January when there would be the least amount of impact on sales. She said the area of the store that would be done is the showroom, the sales floor, and the office. Nordby told the council that one of her liquor companies offers a service where they have 10-15 people come in with boxes and pack up the inventory, which will be stored in the coolers because she can't locate any heated storage units.

Council Member Sullivan asked about the employees being off work for the time, and Nordby said they would still get hours in helping to prepare the store for the renovation.

Nordby said she'd also like to have the walls painted at the same time, and had requested quotes from three painters three weeks ago, and received only one quote back, from Scott's Decorating in the amount of \$2,790.

Nordby noted there were funds in both the lottery and liquor funds. Hoy noted that the balance in the Liquor Fund was \$74,500 and the Lottery was \$37,000 at the end of September.

Sullivan moved, and Carlson seconded to accept the proposal from Millz House for \$17,000 with a possible addition of \$500 for repairs. Motion carried 4-0.

Sullivan moved, and Kunshier seconded to accept the proposal from Scott's Decorating for painting in the amount of \$2,790 with an allowance for change orders. Motion carried 4-0.

AUTHORIZE PURCHASE OF SQUAD COMPUTERS

Chief Baumgart reported that the squad computers were 13 years old, and two were failing. He recommended the proceeds from the forfeited 2013 Chevy Silverado that sold for \$16,500 be used to purchase 4 new Panasonic Tough Book squad computers for \$12,700. He noted that he'd received the following three quotes, but received a lot of negative feedback about the Dells with regard to temperatures. He reported that the chiefs he'd talked to at the conference last week said it could take up to two hours for the Dells to boot up in the cold weather. He said the Toughbooks will fire up within 10 minutes when it is -30 degrees.

Complete Integrated Solutions – Toughbooks	\$12,700
Baycom – Toughbooks	\$15,168
Dell	\$ 8,730

Baumgart said that in sticking with the Toughbooks, there's not a lot of change in switching the squads over. He said he was still getting numbers together for the printers. He reported that 90-95% of Minnesota law enforcement use Toughbooks.

Sullivan moved, and Jaques seconded to approve the Braham Police Department's purchase of the Complete Integrated Solutions Toughbooks for \$12,700. Motion carried 4-0.

RATIFY TRANSFER OF RIFLES BETWEEN BRAHAM PD AND ISANTI COUNTY SHERIFF'S DEPT

Sullivan moved, and Kunshier seconded to approve the transfer of two H&K UMP .45 rifles from the Braham PD for two Colt 9mm rifles from Isanti County Sheriff's Dept. Motion carried 4-0.

RATIFY SALE OF VEHICLES

Sullivan moved, and Kunshier seconded to ratify the sale of the following vehicles through the online public auction and to continue the attempt to sell one remaining vehicle:

9/23/18	Forfeited 1987 Chev. Caprice	\$899	Timothy Pettway
9/23/18	2003 Ford Crown Vic Police Interceptor	\$210.51	David Sturdevante
9/23/18	2000 Ford Crown Vic Police Interceptor	\$177.51	David Sturdevante
9/28/18	Forfeited 1999 Chev Cavalier	\$135	Dennis C. Peterson
9/28/18	Forfeited 2000 Chev Cavalier	\$156	Dennis C. Peterson
10/15/18	2005 Ford Crown Vic Police Interceptor	\$1,325	Michael Zelinski
10/22/18	Forfeited 2013 Chev Silverado	\$16,500	Princeton Auto

Motion carried 4-0.

LETTER OF RECOGNITION TO BRAHAM PD AND BRAHAM FIRE

Chief Baumgart reported that on the evening of November 6 at approximately 10 p.m., the owner of a vehicle on Hwy 65 by the county line call 911 because her one-year-old infant was choking. He reported that Officer Kevin Lease and Captain Shawn Fisher, Firefighter Eric Jones, and Firefighter Ryan Davis responded. He reported that as his supervisor, he'd given Officer Lease a Letter of Commendation. Baumgart said the female sent an email to Sheriff Caulk explaining that she felt the services were extremely compassionate and incredible. He noted that he'd sent a letter to Fire Chief Jeff Jones to be presented to the three firefighters for a very good job that was very positive for the City.

GARBAGE SERVICE COMPLAINT

The council reviewed a letter from Mark Nelson, Manager of Government & Business Relations at East Central Energy regarding his complaint with Waste Management for garbage service. Discussion followed with regard to the contract and options when the contract expires. Administrator Hoy noted that the City can request RFPs, or sealed bids. She noted that if the

council opens the garbage service to more than one hauler, there will be more trucks on the City streets, which will increase the wear and tear on the streets. The council concurred if the City went with another hauler, it could do yearly contracts. They concurred they've heard numerous complaints about Waste Management.

Administrator Hoy told the council she had informed the City's contact at Waste Management about the concerns, so they were aware.

No action was taken, with the contract with Waste Management running through 12/31/19.

CANVAS VOTES FROM NOVEMBER 6, 2018 MUNICIPAL ELECTION

Mayor Carlson read the Canvas of Votes as follows:

Number of persons registered at 7 a.m.: 867
Number of new registrants on election day: 61
Number of signatures on the polling place roster: 569
Number of spoiled ballots: 9

Mayor

Patricia (Tish) Carlson
Polling Place: 469
Total with absentee ballots: 515
Total Write-ins: 26

Robert (Bob) Knowles

Polling Place: 270
Total with absentee ballots: 302

Ryan Davis

Polling Place: 159
Total with absentee ballots: 171

Vicky Ethen

Polling Place: 216
Total with absentee ballots: 238

Ross Benzen

Polling Place: 208
Total with absentee ballots: 224

Sullivan moved, and Kunshier seconded to accept the Canvas of Votes from the November 6, 2018 Municipal Election. Motion carried 4-0.

REMOVE STATUES

Mayor Carlson informed the council that the Pie Sculptures in the park across from City Hall were rotting and falling apart, with one of the hands actually falling off the lady statue. She

recommended the statues be removed and replaced with the same planters that were being purchased in Freedom Park.

Sullivan moved, and Kunshier seconded to remove the statues and replace them with the planters. Motion carried 4-0.

BRAHAM \$25 LOCKOUT CHARGE

Chief Baumgart noted that charging a \$25 fee for lock out calls was discussed and recommended by the Fee Committee, and he would like to get it initiated. He noted that the PD doesn't do lockouts for vehicles because it does not want to open up the liability for damages. He explained that the lockouts he's referring to would be any businesses or homes the PD has the keys for. Baumgart said the past practices is that they would get a certain number for free, then the habitual callers would get a \$10 fee.

Sullivan moved, and Carlson seconded to charge a \$25 flat rate for every lockout call. Motion carried 4-0. Baumgart clarified it would be any person, home, or apartment, and council concurred.

Sullivan moved, and Kunshier seconded to adjourn. Motion carried 4-0. Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Sally A. Hoy
City Administrator