

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
TUESDAY, DECEMBER 4, 2018
FOLLOWING THE 7:00 P.M. TRUTH IN TAXATION MEETING

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

Present in the audience were: Delwayne Hahn from the Isanti County News, Scott McKinney from the Braham Journal, Police Chief Eric Baumgart, Robert Knowles, and Arlene Morgan.

The meeting opened with The Pledge of Allegiance.

Sullivan moved, and Kunshier seconded to approve the minutes from the November 13, 2018 Special Assessment Public Hearing and Regular Council Meeting. Motion carried 5-0.

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

Sullivan moved, and Jaques seconded to approve payment of the November bills and payrolls. Motion carried 5-0.

POLICE REPORT

Chief Baumgart presented the police report for the month of November.

Activity Report—

He provided a spreadsheet to the council that logged 657 calls for service for the month. He noted some of the serious activities that included a felony domestic assault, thefts from vehicles, accusation of sexual assault, and a burglary investigation. He noted that three of the thefts were charged, one is in the prosecution's hands for review, and one is unresolved. He noted that Wright County had arrested two individuals for stolen property, including a firearm, and that the individuals were known to the Braham area.

Baumgart told the council they will receive a year-end report through the Police Department's Records Management System with details of the police department's activities and trends for the year. He explained that Part 1 & 2 crimes are the more serious crimes, and year-to-date there had been 221 of these crimes, with 87% positive resolutions. He commended Detective Kevin Stahl for his work on the cases.

He noted that based on the call volumes of the department, some adjustments will be made in the days and hours of coverage. He reported that each time an officer goes to check the door on a business or residence, an ICR is generated, which provides the documentation that can be helpful during burglary investigations to narrow down the time of the crime.

Equipment—

He reported that the new squad computers which were purchased with the forfeited vehicle funds had arrived and were currently getting installed. He noted old laptops were still in use by him and Detective Stahl uses one at the school.

Baumgart said the PD is looking into a Wi-Fi camera surveillance systems that will cost approximately \$400. He noted the PD was currently borrowing the system from Cambridge.

Training—

Baumgart informed the council that the State's reimbursement for police training will increase from roughly \$300 per officer to \$1,000 per officer in 2019, affording the department to attend different training opportunities, along with POST mandated mental health training. He noted he had attended Internal Affairs training in the past, and would be sending Detective Stahl to the training as well.

He reported that the training Detective Stahl attended in 2018 has resulted in positive case resolution. He said Stahl is going through the final phase of the BCA Investigator/Detective Certificate Program, which will be completed next week.

Body-Cams Compliance Checks—

Baumgart reported no failures on the officers' use of the Body Cameras in November. He noted there was a mechanical failure with one camera, which was under warranty. He reported a citizen had made a data request with regard to the body camera footage, which he'd denied in writing because it contained private data and was part of an active investigation.

BANKING TRANSACTIONS

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

11/2/18 Transferred \$14,180.14 from the Street Maint. Aid in Des. Res. Savings to General Checking for Sealcoating

11/8/18 Transferred \$5,436 from Lottery Checking to General Checking for reimbursement of October Lottery payouts

11/21/18 Transferred \$8,500 from Lottery Checking to General Checking for the first half payment on the Liquor Store flooring

12/2018 Authorize a transfer of \$8,000 from the Liquor Fund to the General Fund to cover the cost of a commercial dryer for the Braham Fire Department. The Fire Department was successful in getting a grant for the purchase of a commercial washer to clean the turnout gear, but they did not get the grant for the dryer. I asked Liquor Store Manager Jacque Nordby if she would be in support of the Liquor Funds being used to the dryer, and she supports the transfer.

Motion carried 5-0.

ENGINEERING

Change Order for Patching on 4th St SW

This item was held over.

ORD. 280 RE: SNOW REMOVAL AND WINTER PARKING RESTRICTIONS

Lengthy discussion took place with regards to the Winter Parking Restriction in draft Ord. 280. Council Member Sullivan, from the Winter Parking Committee, told the council that it comes down to the fact that if someone parks on the dry pavement, they are taking the risk because the City has the right to ticket them if it snows. He said the City has a winter parking ordinance, so people should use common sense. He stated that there was a lot of discussion at the committee meetings, and other than adding the time of day for the parking restriction before and after the Nov. 1 to April 1 window, the ordinance draft was pretty common sense. He said a lot of the discussion was that the police department and the City wasn't out to get anybody, and that the ordinance covers the City when enforcement is needed.

Council Member Ethen asked for clarification of the no parking before and after the Nov. 1 to April 1 window, and Chief Baumgart stated that goes for any time during the year when there is 2 inches or more of snow on the ground. He stated a snow emergency would be called at the time. Discussion continued. Administrator Hoy stated that her understanding is that the hours of the parking restrictions would still be 2 a.m. to 7 a.m. Chief Baumgart stated the snow emergencies could be broadcasted through social media, radio, television, or cell phones. He said he did not see a need to start ticketing people, and that the word "may" in the ordinance gives the officers discretionary powers, which they will always have in law enforcement. Baumgart said last spring was a prime example when it becomes a headache to plow and a safety issue for the plow drivers. He said if they don't plow, large chunks of ice are left on the road, creating a safety issue for emergency vehicles. He told the council this was a focus during the committee discussions.

Ethen asked about the increase in the fine amount, and Baumgart replied that the increase was recommended from the Fee Committee. Sullivan added that the increase was based on the habitual offenders.

Robert Knowles asked how people are going to be notified of a snow emergency. Hoy replied that the City will make its best effort during the daytime hours, but no one is coming into the office to put something on the City website at 3 a.m., nor would anyone sleeping check the City website at 3 a.m. She said she didn't think there was a perfect answer to this. She said if the parking restriction isn't in the ordinance, her concern was that more and more people will park in the streets, resulting in a warning, citation, or other. She said she didn't want people to feel the City set them up to fail.

Ethen expressed concern that if the restriction is through April 1, and it snows on April 15, a lot of people would think that the restriction is over. Hoy said the ordinance does get published and

posted on the website. She reminded the council that when this ordinance was on the agenda last spring, Street Supt. Dan Eklund had asked that the parking restriction be extended to April 15, and that was what started the whole discussion, because it did not go over well with all the council members. She said this left them with the question of how to catch the October and April snowfalls without extending the window.

Sullivan noted the ordinance draft is a catch-all, good ordinance that covers the City. He said a lot is left to the personal responsibility for everyone that if it snows, they need to get their cars off the streets.

Council Member Kunshier, from the Winter Parking Committee, stated it comes down to personal accountability. He said people typically watch the weather at night for their morning travel to work or whatever.

Baumgart noted that the notification process was addressed in the meetings. He said it will be a challenge to get people notified. He said the officer on patrol will take a measurement of snow, photograph and document it, and if there's 2 or more inches of snow, the police department will put it on their social media page and radio station. Ethen noted not everyone has their radio on in the morning. Kunshier said they would know the night before. Hoy said they would for the most part, unless there is a surprise snowfall of more than forecasted. She added again that she didn't think there was a perfect situation. She said in fairness to the residents, the City isn't out there to get revenue, but there has to be something that allows the City to tell them to get off the streets when necessary. Baumgart said the police department is going to lead into this with a soft approach, with efforts to educate the residents. He noted that with the new phone system, people should be able to call into a number to any snow emergency notices. He said the first notice will be a copy of the ordinance on the windshield, and the second notice would be a written warning. Council Member Jaques said that over the next four months until April, there would be a lot of discussion about ideas for notification.

Hoy noted the City Attorney has reviewed the ordinance, and if the council came to a consensus of what they want to see in the draft ordinance, it would be posted on the City website and in City Hall for December and on the council agenda in January for adoption. She said it would not become effective until it was published.

It was clarified that the hours for the winter parking restrictions were for the overnight hours, which was no different from the hours under the current ordinance. Chief Baumgart stated that if cars would need to be moved during daytime hours, people would be asked to move their cars. Hoy said the paragraph for the extension of the winter parking restriction window would read:

Before and after the November 1 to April 1 parking restriction, it shall be unlawful for any person to park a motor vehicle, or any owner to permit a motor vehicle be parked on any street or within the City's street right-of-way, which includes the boulevard, at any time *between the hours of 2 o'clock a.m. and 7 o'clock a.m.* when there is an average of 2 or more inches of snow on the City streets.

Jaques moved, and Kunshier seconded to accept the draft ordinance with the addition of the 2 a.m. – 7 a.m. language as read by Hoy. Motion carried 5-0.

RATIFY SALE OF VEHICLE

Sullivan moved, and Ethen seconded to ratify the sale of a 1999 Pontiac to Richard Chasteen for \$679.02. Motion carried 5-0.

2018 STREET ASSESSMENTS – UPDATE RE: VERN FIX’S VACANT LOTS

Administrator Hoy noted that at the November public hearing and council meeting, there was a question as to what the earlier conversation between the City and Vern Fix was with regard to combining his vacant lots for one assessment. She provided the council with the copy of a letter drafted by Building Official Marshall Lind to Mr. Fix to reiterate their past conversation that he could combine his lots but that he could not build on each lot in the future without dividing them, meeting City ordinance on lot size and street frontage, and extending water & sewer into the property. Hoy said that the assessment on the one vacant lot is deferred until November 2019 and he’d already paid off the assessment on the other vacant lot. This was for council information only and no council action was taken.

LIQUOR STORE SNOW SHOVELING/REMOVAL POLICY

Sullivan moved, and Kunshier seconded to approve the Snow Shoveling/Removal Policy for the Liquor Store that was drafted by Liquor Store Manager Jacque Nordby after an employee slipped and fell while shoveling in improper winter footwear. Motion carried 5-0.

RAFFLE PERMIT APPLICATION – STS PETER & PAUL CATHOLIC CHURCH

Ethen moved, and Sullivan seconded to approve the raffle permit application from Sts. Peter & Paul Catholic Church for a raffle to be held January 12, 2019, contingent upon meeting all requirements. Motion carried 5-0.

RES. 18-24 APPROVING CONTRACT WITH A CITY OFFICIAL

Administrator Hoy reported that the City received two quotes for fencing at the City Shop and widen the fencing at the WWTF, and received the following two quotes:

Carlson Fencing	\$3,200
Deutschlander Fencing	\$6,818

Hoy reported that Carlson Fencing is owned by Mayor Carlson and her husband, and that according to City Attorney Joel Jamnik and the LMC Memo on Official Conflict of Interest, the City may enter into a contract with an elected official when competitive bidding is not required (under \$175,000), and

- (a) the interested officer abstains from voting on the matter,
- (b) the council approves the contract by unanimous vote,
- (c) the council passes a resolution setting out the essential facts, such as cost savings, and
- (d) before paying the claim, the interested officer files an affidavit with the clerk that contains:
 - a. their name and office,
 - b. itemized billing,
 - c. contract price,
 - d. reasonable value,
 - e. the interest of the officer,
 - f. and a declaration that the contract price is as low as or lower than could be obtained from other sources.

Hoy noted that with a substantial savings of \$3,600 for the taxpayers, it would make sense to contract with Carlson Fencing if all the requirements are met.

Sullivan moved, and Ethen seconded to adopt Res. 18-24 approving the contract with a City Official and authorize the contract with Carlson Fencing in the amount of \$3,200 contingent upon meeting all the requirements. Carlson abstained. Motion carried 4-0.

RES. 18-25 ADOPTING THE 2019 FINAL LEVY

Kunshier moved, and Ethen seconded to adopt Res. 18-25 adopting the 2019 Final Levy of \$620,559. Motion carried 5-0.

RES. 18-26 ADOPTING THE 2019 FINAL BUDGET & SALARY SCHEDULE:

Sullivan moved, and Jaques seconded to adopt Res. 18-26 adopting the 2019 Final Budget and Salary Schedule.

General Fund Revenues	\$1,182,293
General Fund Expenses	\$1,182,293
Total Revenues	\$4,083,876
Total Expenses	\$4,031,983

Motion carried 5-0.

2019 LICENSE RENEWALS

Kunshier moved, and Ethen seconded to approve the following license renewals for 2019 contingent upon meeting and maintaining all licensing requirements:

Alcohol, Tobacco, & Amusement Devices

Braham Brewing Company Inc.	On-Sale Intox Liquor & Sunday Liquor
Braham Lanes	On-Sale 3.2 Malt Liquor
DG Retail (Dollar General)	Tobacco
Home Town Liquor (City doesn't issue its own liquor license)	Tobacco
MN Stores LLC (Dino Mart)	Off-Sale Malt Liquor Tobacco
Raven Properties LLC (Rysdam' s Pizza Pub of Braham)	On-Sale Intox Liquor & Sunday Liquor 3 Amusement Devices

Water/Sewer Excavation

D & M Excavating

Sullivan abstained due to being an employee of a KBK, owned by the owners of Braham Brewing Company. Motion carried 4-0.

RESCHEDULE JANUARY COUNCIL MEETING

Sullivan moved, and Kunshier seconded to move the January 2019 council meeting to Tuesday, January 8, 2019 at 7 p.m. Motion carried 5-0.

UPDATE SAFETY COMMITTEE MEMBERS

Ethen moved, and Carlson seconded to approve the update to the Safety Committee as follows:

Sally Hoy	City Administrator – Safety Officer
Sue Hasser	Account Clerk *
Stephanie White	Billing Clerk*
Dan Eklund	Street Supt.
Jeff Jones	Street Maint. *
Jeff Jones	Fire Chief
Eric Baumgart	Police Chief
Kevin Stahl	Police Officer*
Jacque Nordby	Liquor Store Manager

* Non-Management Positions

Motion carried 5-0.

RAFFLE PERMIT APPLICATION
KANABEC FRIENDS OF THE NRA

Ethen moved, and Sullivan seconded to approve the application of the Kanabec Friends of the NRA to hold a raffle at the Braham Event Center on February 21, 2019, contingent upon meeting all requirements. Motion carried 5-0.

Ethen moved, and Jaques seconded to adjourn. Motion carried 5-0. Meeting adjourned at 8:08 p.m.

Respectfully Submitted,

Sally A. Hoy
City Administrator