

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
TUESDAY, JUNE 4, 2019
7:04 P.M.

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

In the audience were: Liquor Store Manager Jacque Nordby; Police Officer Kevin Lease; Delwayne Hahn from the County News Review; City Engineer Brian Miller; Police Lieutenant Lance Olson; Mark Nelson & Andy Olson from East Central Energy, and Vern Fix.

The meeting opened with The Pledge of Allegiance.

Sullivan moved, and Knowles seconded to approve the minutes from the May 7, 2019 council meeting. Motion carried 4-0.

Kunshier moved, and Sullivan seconded to accept the agenda with the addition of St. Peter & Paul's license and permit applications. Motion carried 4-0.

Sullivan moved, and Knowles seconded to approve payment of the May bills and payrolls as presented. Motion carried 4-0.

Lt. Lance Olson gave the police report for May. He explained that he was covering the meeting for Chief Baumgart, who was at a Shoot House training. He told the council that Chief Baumgart and he had attended training on disciplinary procedures to make sure their procedures were in compliance; Detective Stahl was working on a Criminal Sexual Conduct investigation; the department had a couple of theft cases sent to Kanabec and Isanti Counties, several convictions of high-level drug arrests and weapons, and patrol staff was doing a very good job with traffic stops. He noted that Part-time Officer Shawn Machin started on 5/28/19 and was doing very well; annual officer training was ongoing; the Hwy 65 project was moving along with a few minor crashes; and Pie Day planning was being covered. He reported ICRs for the month of May that included one major case, one Criminal Sexual Conduct, eight domestics, and 24 medicals. Olson reported that in doing the internal review of the Body Camera system, they found a couple issues that need to be addressed in the policy, so they will be working on that.

BANKING TRANSACTIONS

Kunshier moved, and Knowles seconded to approve the following banking transactions: 5/9/19 Transferred \$5,681 from Lottery Checking to General Checking for reimbursement of Lottery payouts.

ENGINEERING

City Engineer Brian Miller updated the council on the status of several engineering items.

2018 Streets & Utility Improvement Project

Miller reported he'd been in contact with Kevin Foster from Hardrives, the new contact after Darren McAlpine left the company last November, noting that was the reason he wasn't responding to Miller's emails since November. Miller said he will contact Foster next Monday and set up a time to go through the project to determine quantities, and what needs to be done yet to finish the street portion of the project. He noted that Hardrives is doing the work out on the Hwy 65/107 intersection and that they'd like to come in and complete the project before July 4. Miller said he told Foster the longer they leave the project, the more time allowed for the water to dissipate on Cypress between 3rd and 4th St. Miller said he told Foster not to have things torn up for July 4 or Pie Day. He noted that he and Street Supt Dan Eklund would drive a heavily-loaded City truck over the base course so they can locate any areas that are flexing, to determine what areas need excavated to replace the soils with better materials. He said there were two spots where the bituminous is broken up, which didn't surprise him, but that most of it held up over the winter pretty well.

With regard to the utilities portion of the project, he noted there were areas where the restoration of vegetation didn't take. He said he'd take a look at the areas of work with Dan Eklund and then contact Douglas-Kerr.

WWTF Old Lab/Motor Control Bldg.

Miller reported their firm's architectural group is working on the specs to demolish the old structure and rebuild a new roof over the foundation, providing access for the stairway and lifting pumps or heavier pieces out of the basement. He said a quick sketch shows taking the top off, put a tall wall on the north side where the stairway is located, and a short wall on the south side, where it will slope down, with a hatch to access the heavy basement equipment with a winch.

NPDES Permit and new Phosphorus Limits

Miller reported that Engineer Bill Chang was working with the City on MPCA's new phosphorus limits in the NPDES Permit renewal.

WTP – Water Tank Overflow

Miller reported that during the normal MDH inspections, they raised the issue that there currently wasn't an overflow pipe in the building. He said that Bill Chang was the design engineer on the project, so he would work on an overflow pipe design. Miller said the MDH approved the plans as they were without the pipe, but that didn't mean a new person from the MDH wouldn't set new standards for the City.

4th & Cypress Drainage – Lyon Property

Miller reported Lyons have had standing water in their back yard for a long time, and a pump was installed to pump the water downstream, causing neighbors to have a wet basement, which they don't typically have. He told the council the City may have an opportunity to set up a gravity system that would flow to the north, depending on the ability to pump that down. He said it would have to be a small diameter pipe because there is only 1.3 feet of fall from Lyon's

back yard to the wetland to the north of 3rd St. SE. He said the City doesn't have easements yet to get that pipe in, so he needs to verify where the City's utilities sit, and then approach property owners to see if they are willing to grant an easement to get the pipe put in.

Administrator Hoy asked Miller about the option of running the pipe to the east into a wetland with no neighboring properties. Miller told her that area drains back to the south, which is normally backed up because it is extremely flat and therefore doesn't flow well. He said by the lay of the land, the drainage would have gone to the wetland north of 3rd, which is not typically flooded. He said a small diameter pump to the north will not be a very fast flow, but it would be a system that doesn't depend on a pump working, and someone remembering to turn the pump back on every spring. He said once it is diagramed out, the next step would be to approach the property owners. He told the council that if they were not agreeable to it, there is a way to push it through a public process, although not a friendly process.

Horseshoe Utility Easement

Miller reported that when Appaloosa Court was put in, they didn't have a defined street right-of-way because each building has its own piece of property, and the rest of the area is in common. He said the utilities were put in and constructed, per the plans, through that common area, but it did not have a specific written easement for the water/sewer line between 3rd and 4th St. Miller told the council the developer was going bankrupt, noting why the easement was not completed. He said there are two things to look at—1) The utilities have been in long enough for the City to have prescriptive rights to the public utilities that are in there so the City may not need to get the easement, or 2) get the homeowner's association to sign off on a written easement for the utilities.

S. Elmhurst and S. Cypress Sewer Line Repairs

Miller told the council there are sewer line repairs needed on both S. Cypress and S. Elmhurst. He said that a section of pipe on S. Elmhurst will need to be televised again because it was under water when previously televised. He told them that with the amount of rain, the I & I will cause the flows in S. Elmhurst to be too high to televise, so Visu-Sewer will need to block off the sewer line and pump it down in order to effectively televise the rest of it. Miller told the council he knows there are three or four joints that should be repaired on S. Elmhurst, but that they didn't look so bad as to be causing severe problems, but he wants to check the rest of it before going ahead with the repairs. He told them once it stops raining for awhile, they would get the televising done.

T-21

Administrator Hoy reported to the council that the State legislature did not adopt any legislation enacting a T-21 law, and asked the council if they wanted to move forward with an ordinance or hold it over. The consensus of the council was to move forward with adoption of a T-21 Ordinance, which will be presented as a draft at the July 2 council meeting, with an effective date of January 1, 2020.

HIRING PROCESS FOR NEW CITY ADMINISTRATOR

Mayor Carlson reported that the Personnel Committee interviewed four top applicants on Weds, May 29, and selected two top candidates for final interviews. She reported that both candidates have City Administrator backgrounds. She said the council will need to set two special meetings—

- 1) Monday June 10 at 3:00 p.m. for council interviews on top two finalists.
- 2) Authorize the Personnel Committee to move forward with the next steps that will include background and reference checks on the top two finalists.
- 3) Monday June 17 for council action to hire the new administrator.

Council Member Knowles told the council that Monday, June 17 did not work for him, but Tuesday, June 18 did. The council briefly discussed a time for the June 18 meeting.

Sullivan moved, and Knowles seconded to set the special meetings for Monday, June 10 at 3:00 p.m. and Tuesday, June 18 at 5:00 p.m., and to authorize the Personnel Committee to move forward with the next steps in the hiring process which will include reference checks on the top two finalists and a criminal history background check on the final candidate. Motion carried 4-0.

CONFIRM DATE FOR JULY COUCIL MEETING

Sullivan moved, and Knowles seconded to move the July council meeting back to the regular 1st Tuesday of the month, July 2 at 7 p.m. Motion carried 4-0.

INTERIM USE PERMIT - ECE POLLINATOR GARDEN

Administrator Hoy reported that City Planner Marshall Lind, Mayor Carlson and she met with Mark Nelson, Alicia Kroll, and Andy Olson from East Central Energy back in December to discuss their request to have a Pollinator Garden on the ECE property located on the north side of the pond along Hwy 107. As they explained, Pollinator Gardens were spreading across the Country, and with the right conditions, can be an asset to a community and the environment as well. Hoy told the council that over the past few months they have addressed the City's concerns with being able to restrict the establishment of Pollinator Gardens so they would not be an excuse for people or businesses to stop mowing their lawns. She said ECE has come back with conditions that could be set to regulate these gardens, which Marshall Lind added for conditions necessary in order to grant the Pollinator Garden within the City limits.

With Lind on vacation, Hoy asked Mr. Nelson if the conditions were acceptable to ECE, and he replied they were, but requested a Nov. 1 deadline rather than Oct. 1 for cutting down the plants after the growing season. Lind had already moved the deadline to Nov. 1 in the permit, so it was ready for approval.

Sullivan moved, and Kunshier seconded to approve the Interim Use Permit for East Central Energy with the conditions listed in the permit. Motion carried 4-0.

HAZARDOUS PROPERTY CONCERN

The council discussed concerns with a hazardous property located at 310 West Central Drive. Hoy told the council that City Planner/Building Official Marshall Lind made several attempts to get the owners to bring their property into compliance last year, but to no avail. She told the council that if the council wants to move forward with enforcement process, Lind would send a certified letter to the owners, giving them notice to respond, and if not, it would be forwarded to the attorney's office.

Sullivan moved, and Carlson seconded to authorize Marshall Lind to move forward with the enforcement. Motion carried 4-0.

ORD. 286 REGULATING PUBLIC NUISANCES WITHIN THE CITY OF BRAHAM

This item was held over until Chief Baumgart is available.

RATIFY APPROVAL OF INTERIM USE PERMIT FOR TIKI TIM'S FOOD TRUCK

Carlson moved, and Knowles seconded to ratify approval of an Interim Use Permit application from Tiki Tim's to have a food truck at the KBEK event on May 24. Hoy explained that due to the timeline, this could not wait for the June council meeting, so an Interim Use Permit was granted with stipulations that covered any City concerns.

Carlson moved, and Knowles seconded to ratify approval of the Interim Use Permit for Tiki Tim's to have a food truck at the KBEK Event on May 24, 2019. Motion carried 3-0. Council Member Sullivan abstained, as he is employed by KBEK.

BRAHAM'S SANITATION CONTRACT

Administrator Hoy told the council that the current sanitation contract with Waste Management terminates Dec. 31, 2019, and if the council's intention is to go out for bid, the City should start the process early, allowing time for a potential future contractor to prepare for servicing the City of Braham effective Jan. 1, 2020. Sullivan moved, and Kunshier seconded to authorize staff to move forward with soliciting bids for the service. Motion carried 4-0.

RESCHEDULE AUGUST COUNCIL MEETING DUE TO NATIONAL NIGHT OUT

Due to National Night Out falling on the first Tuesday in August, Administrator Hoy asked if the council wanted to move the meeting to Aug. 13. Knowles moved, and Kunshier seconded to

move August meeting to Tuesday, Aug. 13. Motion carried 4-0. (*Administrator's Note: This date will need to be changed at the July council meeting because Aug. 13 is State Primary.*)

PERMIT/LICENSE APPLICATIONS
STS PETER & PAUL CATHOLIC CHURCH
FOR SEPT 21, 2019

Sullivan moved, and Knowles seconded to approve the below permits and licenses for Sts. Peter & Paul Catholic Church for Sept. 21, 2019:

- City Raffle Permit – Raffle
- Special Event Permit – Fall Festival, Downhill Derby & Auction: 6 a.m. - Midnight
- Special Event Permit – 4-5K Run/Walk: 7 a.m. – 10:30 a.m.
- Live Band: 5 p.m. – 8 p.m.
- Karaoke: 2 p.m. – 5 p.m.
- Temporary On-Sale Intox. Liquor License

Motion carried 4-0.

Before the meeting closed, the council briefly discussed long grass issues within the City. Administrator Hoy told the council that City Planner Marshall Lind had sent letters out before he went on vacation, and she would check with him on particular properties when he got back

Sullivan moved, and Kunshier seconded to adjourn. Motion carried 4-0. Meeting adjourned at 7:43 p.m.

Respectfully Submitted,

Sally A. Hoy
City Administrator