

MINUTES OF THE REGULAR MEETING
OF THE BRAHAM CITY COUNCIL
JULY 2, 2019
7:00 P.M.

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

Also present were Police Chief Eric Baumgart, City Engineer Brian Miller, and Delwayne Hahn from the County News Review.

The meeting opened with The Pledge of Allegiance.

Ethen moved, and Kunshier seconded to approve the minutes from the following June City Council meetings:

6/4/19 6:30 p.m. Annual Audit Presentation
6/4/19 7:04 p.m. Regular Meeting
6/10/19 3:00 p.m. Special Meeting to Interview Final Candidates
6/18/19 5:00 p.m. Special Meeting to Hire City Administrator

Motion carried 5-0.

Sullivan moved, and Knowles seconded to accept the agenda as presented. Motion carried 5-0.

Knowles moved, and Kunshier seconded to approve payment of the June 2019 bills and payrolls. Motion carried 5-0.

Chief Baumgart presented the police report. He reported 515 ICRs for the month of June, and updated the council on the police department's activities in the month.

He reported 12 domestic disorderly calls and 30 agency assists that included three cases that were conflict cases that had to be handled outside the other agencies. He noted he was pleased to see the outside agencies contacting Braham Police Department for assistance, and said it showed that the Braham PD is on the right track with investigations and internal affairs. He also reported 14 medicals, including one that was an active investigation related to a juvenile being injured and an individual being charged. Baumgart reported two major thefts with a felony warrant against one individual and two major search warrants resulting in the arrest of six individuals for drug enterprises. He referenced a letter from Captain Shawn Fisher of the Braham Fire Department commending Detective Stahl, Officer Zajac, Officer Lease, Officer Hagan, and Isanti C. Deputy Johnson for their diligent work, persistence investigating and succession of arrests in these cases.

He also reported a March case involving drugs, a pursuit, and possession of a sawed-off shotgun resulted in an individual being sentenced to 60 months.

Baumgart also updated the council on the Hwy 65/107 intersection. He reported two serious crashes at the project in June, along with numerous speeding violations through the work zone. He told the council the squads and fire vehicles are equipped with devices to change the lights at the intersection so emergency vehicles can pass through the intersection as safely as possible.

He told the council the August meeting will include a presentation that breaks down the police department activities, as well as Detective Stahl's activities and equipment. He said presentations on his activities as Chief, and Lt. Olson's activities will be made on the following months.

Lastly, Baumgart reported that Admin Fines were used to purchase a digital camera that has the technology to capture a fingerprint that cannot be seen with the human eye and a small cut in a tire that had run over a piece of glass. He noted that the equipment, along with Detective Stahl's attendance at a BCA school on how to photograph crime scenes properly, afforded cutting edge knowledge and equipment for the Braham PD to service its community and other area agencies. He told the council that the BCA has opted to withdraw from services that investigated any crime scenes beyond the active primary crime scene, leaving the secondary crime scene investigations to the County and Braham PD.

BANKING TRANSACTIONS

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

6/5/19 Transferred \$100 from Parks Savings to General Checking to cover the expense for a new sign in Hidden Park

6/10/19 Transferred \$5,145 from Lottery Checking to General Checking for reimbursement of Lottery payouts

6/11/19 Transferred \$22.05 from ECCC to General Checking for reimbursement of postage expense

Motion carried 5-0.

ENGINEERING

2018 Streets & Utilities Improvement

City Engineer Brian Miller presented Change Order #2 from Hardrives (now Minnesota Paving & Materials) on the 2018 Street Improvement in the amount of \$27,530 for removing and replacing 2" bituminous base course, mobilization, and leveling course and wear course on Cypress Ave. S. from 3rd St to 4th St. He reported that after the final unit quantities, the project

costs for the street portion were projected to overrun by \$390. He updated the council on the project to date, noting there were two sections of the base course that broke up over the winter that would need to be replaced before the wear course.

Council Member Ethen asked if it would look like patching, and Miller told her the paving crew was a good crew that would smooth out the construction joints. He said the street would have a joint at 3rd St. SE in the normal paving process of intersections, and at 4th because of the old pavement going east/west because Cypress was paved and the other streets were not.

Administrator Hoy asked Miller if the drainage issue at the Lyons property was being addressed, and he reported that would be a separate project. He told the council that a possible solution would be to directional bore of pipe from the back yard, across 3rd St. SE, then north for a distance until the topography drops off into a drainage area. He said there is gravity flow from Lyon property to the north. Miller said he'd have to take a look at the impact on the properties and approach the property owners about granting easements.

Miller reported on the S. Cypress and S. Elmhurst sanitary sewer line repairs. He told the council that VisiSewer had a piece of equipment break down, so he'd contacted HydroClean for a quote. He noted that both projects were outside the Utility contract, and included the completion of the last 50' of the S. Elmhurst sewer line by the WWTF and repairs to joints in both lines.

Miller updated the council on the old lab building demolition and rebuild at the WWTF, stating he should have plans done by the following week for PeopleService and City staff to review.

Sullivan moved, and Kunshier moved to approve Change Order #2 from Hardrives in the amount of \$27,530. Motion carried 5-0.

ORD. 287 UPDATING TOBACCO ORDINANCE, INCLUDING T-21

Administrator Hoy reported that at the June council meeting, the council voted to move forward with adoption of T-21, raising the legal age to purchase tobacco products to 21. She presented the council with Ord. 287 updating the City's Tobacco Ordinance that included T-21.

Discussion took place regarding the fine amounts, where the council concurred with changing the amounts in the draft.

Sullivan moved, and Knowles seconded to move forward with the adoption process with the following changes for violations and penalties under Section 13: \$75/\$200/\$250 for Licensees, \$50/\$75/\$100 for Other Individuals, and \$25/\$50/\$75 for Minors; with an effective date of Jan. 1, 2020. Motion carried 5-0. The updated Ordinance will be posted for the month of July and back on the August agenda for final adoption.

CHANGE DATE FOR AUGUST COUNCIL MEETING

With August 4 being National Night Out and August 13 being set as the State Primary Election at the Secretary of State's Office, Sullivan moved, and Ethen seconded to move the August council meeting to Monday, August 12. Motion carried 5-0.

CAPITAL IMPROVEMENT PROJECTS

Res. 19-10A-C Awarding Bids for the Capital Improvement Projects

Administrator Hoy reported that the City advertised for bids on the Capital Improvement Projects on May 30, with bid opening on June 24. All three projects—the Fire Hall Roof Replacement, Shop Cold Storage Shed Upgrade, and the Police Garage Renovations were all bid separately because of the work detail. She presented the bid results below. She reported the bids came in higher than estimates, meaning approximately \$11,000 will need to be covered by the City's reserves rather than holding a new public hearing to increase the authorized amount for the Capital Improvement Bonds.

FIRE HALL ROOF REPLACEMENT

Roof Tech, Inc.	\$126,000 (includes 15 yr. warranty, labor and materials). Included 5% bid bond.
McDowell Co.	\$134,000 (additional \$750 for 15 yr. warranty, \$2,000 if City will charge for a building/electrical/mechanical permits, \$9,970 to taper roof, and \$950 for performance bond.) Included 5% bid bond.
NHH Roofing Plus	\$159,000. Did not include 5% bid bond or certified check.

Kunshier moved, and Ethen seconded to adopt Res. 19-10A awarding the bid to Roof Tech, Inc. at \$126,000. Motion carried 5-0.

Hoy reported that on the following two projects, none of the bidders included the 5% bid bond/certified check with their bid. She said she checked with both City Attorney Joel Jamnik and Financial Advisor Jason Murray as to whether the City could award the bids without it. She reported Joel Jamnik told her that although this is not an informality to be waived, if neither bidder complied, the City can proceed as proposed with little risk of a challenge. She reported Jason Murray checked with Chris Virta from Fryberger (the City's bond counsel), and he saw no issues with the City moving forward to award the bids.

Hoy noted that if the City rebids the projects, there is no guarantee the contractors will (a) rebid it again with busy schedules, (b) not increase the bid amounts, or (c) not include the 5% bid bond/certified check again.

COLD STORAGE SHED

St. Florian Remodelers LLC	\$124,256.13
NHH Roofing Plus	\$163,500.00

Hoy noted if the council wanted to move forward with the award, Res. 19-10B would award the bid to the low bidder, St. Florian Remodeling, for \$124,256.13.

Hoy reported the City did receive a separate bid for concrete work from Unlimited Concrete Concepts for \$20,133 but the City did not advertise separately for the concrete work.

POLICE GARAGE

The City received one bid for the Police Garage renovation.
St. Florian Remodelers LLC \$17,140.

No other bid was received.

Hoy noted if the council wanted to move forward with the award, Res. 19-10C would award the bid to the low bidder, St. Florian Remodeling, for \$17,140.

Kunshier moved, and Ethen seconded to adopt Res. 19-10B awarding the bid to St. Florian Remodelers for \$124,256.13, and Res. 19-10C to St. Florian Remodelers for \$17,140, both contingent upon City Attorney approval that this would not create a Conflict of Interest because the owner of St. Florian Remodelers was Erik Wentworth, a part-time on-call snow relief driver for the City. (Administrator's Note 7/3/19: Per City Attorney Joel Jamnik, awarding the bids to St. Florian Remodelers would not create a Conflict of Interest because Wentworth was not involved in the bidding process, nor had any authority in the award of the bids. Jamnik recommended the City move forward with the awards.)

Permit Fees

The council also discussed whether to charge for any of the building permits. Ethen moved, and Knowles seconded to exempt the permit fees. Motion carried 5-0.

Authorize City Staff to Submit Loan Application to MN Rural Water

Sullivan moved, and Ethen seconded to authorize City Staff to submit the loan application to MN Rural Water for funding the Capital Improvement Projects. Motion carried 5-0.

BRAHAM'S SANITATION CONTRACT

Administrator Hoy reported that the City's contract with Waste Management ends 12/31/19, and that at the June council meeting the council voted to move forward with the process to advertise for a new sanitation contract. She told the council she received and compared copies of the Request for Proposals (RFPs) from area cities, and found Cambridge's to be the most detailed, which she used as a template for Braham. She said she'd added questions to cover the concerns she'd heard in the City with regard to the City's current contract. Hoy noted the draft had been reviewed by the City Attorney, and if it met everything the council wanted included, it could be advertised.

Discussion took place on some changes in the draft. Carlson moved, and Sullivan seconded to approve the RFP with the following changes: Rewording the question regarding additional

charges if the container is too full to close the lid, correcting the recycling pickup to bi-weekly, and adding a question as to the location of their customer service office. Motion carried 5-0.

INTERIM USE PERMIT FOR RAVEN PROPERTIES FOR KARAOKE EVENT

The council reviewed the Interim Use Permit Application from Raven Properties, dba Braham Pizza Pub, to hold karaoke on their back patio on July 13, 2019, with music ending at 12:30 a.m. July 14, 2019. City Planner Marshall Lind has recommended approval with the conditions listed in the permit. Knowles moved, and Ethen seconded to approve the Interim Use Permit with the amendment that the music must end at 12:00 a.m. on July 14, 2019. Motion carried 5-0.

LIQUOR LICENSE AMENDMENT FOR RAVEN PROPERTIES FOR KARAOKE EVENT

Sullivan moved, and Kunshier seconded to amend the On-Sale Intoxicating Liquor License for Raven Properties to include their entire property on July 13-14, 2019. Motion carried 5-0.

ORD. 286 REGULATING PUBLIC NUISANCES WITHIN THE CITY OF BRAHAM

The council reviewed Ord. 286 regulating public nuisances within the City. Chief Baumgart noted the major changes were the deletion of the number of vehicles allowed per property and adding the noxious weeds/long grass regulation. Administrator Hoy added there was also an amendment of some of the language with regard to the enforcement and abatement procedures. She said the LMC model has every nuisance enforcement and abatement going through the City Council that is currently being done by the City staff and Police Department. Hoy said that only in major cases has the council gotten involved with nuisance enforcement and abatements in Braham. She said the City Attorney Joel Jamnik concurred that it was impractical to run all the enforcement through the council and had reviewed the final draft.

Sullivan moved, and Kunshier seconded to move forward with the adoption process of Ord. 286. Motion carried 5-0. The Ordinance will be posted for the month of July and back on the August agenda for adoption.

RES. 19-11 ADOPTING THE ANNUAL DATA PRACTICES POLICY UPDATE

Administrator Hoy reported that cities are required to update their Data Practices Policy annually by Aug. 1. She said that according to City Attorney Joel Jamnik, he was not aware of any new legislation to update the language the City currently had in the policy, so the only changes were to the charges to reflect the 2019 wages & benefits.

Ethen moved, and Knowles seconded to adopt Res. 19-11 adopting the annual Data Practices Policy Update. Motion carried 5-0.

ANNOUNCEMENT – 2020 CENSUS REPRESENTATIVES NEEDED

Mayor Carlson announced that one or two people from the City of Braham are needed to serve on the Isanti County Complete Count Committee to promote citizen participation in the 2020 census and that these did not need to be City Officials. Delwayne Hahn was asked to announce this in his meeting coverage.

ISANTI COUNTY CONTRACT FOR PROSECUTION SERVICES

The City reviewed the contract renewal from Isanti County for prosecution services that included an annual 2.8% COL increase for the next 3 years. Chief Baumgart told the council he was pleased with their services and felt the City did well with no increases to the contract amount for the past 10 years. Knowles moved, and Ethen seconded to approve the contract renewal with Isanti County for prosecution services. Motion carried 5-0.

MDH 2019 SANITARY SURVEY

The council reviewed the MDH 2019 Sanitary Survey results from their annual on-site inspection of the City's Public Water System. Hoy reported they again mention the need for a larger backup well and an overflow pipe for the Water Treatment Plant.

She noted the larger backup well would most likely be funded through a low-interest PFA Loan, and the timing for issuing that debt is something the council has to decide. In the 2018 annual audit presentation, City Auditor Greg Burkhardt made note of the debt amount in the Water Fund for the 2004 Water Treatment Plant (Last pmt 2023) and the 2010 Water Tower/Radio-Read Meters (Last pmt 2029). She told the council they will need to determine the timeline for issuing new debt for a new production well, and whether to wait 4 years for the Water Treatment Plant debt to be paid off, or to add a third debt to the Water Fund by putting in the new well before 2023.

Hoy said the need for a new backup well was discussed with the 5-Year Capital Improvement Plan, and it was also included in the City's 10-Year Water Supply Plan to the DNR. PFA funding will require the project to get on the Intended Use Plan first. She reported this was something that could be started anywhere from next year to 2023, depending on the timing of the project and issuing debt. She said the City had begun the budgeting process for the debt payments on a new well in the 2019 budget so this should continue.

Hoy said the overflow pipe for the Water Treatment Plant was one of the items City Engineer Brian Miller mentioned at the June council meeting as being on his list of things to work on. He had gone back and forth with the MDH about this in the past years because, as he noted at the council meeting, the MDH approved the plans of the Water Treatment Plant without this overflow pipe being included. Hoy said the MDH however continues to list this as a deficiency in their annual inspections so the City should just get it done.

HEART SAFE COMMUNITY AWARD

Mayor Carlson told the council that the City of Braham received a Heart Safe Community Award from Isanti County Public Health, recognizing communities for providing citizens and visitors exceptional preparedness for cardiac emergencies.

INITIATIVE FOUNDATION REQUEST FOR FUNDING

Ethen moved, and Knowles seconded to approve an allocation of \$825 in the 2020 budget for the Initiative Foundation to support continued economic development. Motion carried 5-0.

Ethen moved, and Knowles seconded to adjourn. Motion carried 5-0. Meeting adjourned at 8:23 p.m.

Respectfully Submitted,

Sally A. Hoy
City Administrator