

**CITY OF HAM LAKE  
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES  
MONDAY, MAY 4, 2020**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, May 4, 2020 at 6:00 p.m. in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Mayor Mike Van Kirk and Councilmembers Tom Johnson, Jim Doyle, Brian Kirkham and Gary Kirkeide

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** City Attorney, Joe Murphy; City Engineer, Tom Collins; and City Administrator, Denise Webster

**1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance**

Mayor Van Kirk called the meeting to order and the Pledge of Allegiance was recited by all in attendance.

*(Item 12.2 was moved to the beginning of the agenda and continued discussion at the end of the agenda)*

12.2 Announcements and future agenda items

Mayor Van Kirk stated that there are restaurants in Ham Lake that have On-Sale liquor licensing that are coming due and felt that because it was not their choice to have to close, the fees should be waived for the year. Mayor Van Kirk stated that he would like to discuss this at the next City Council meeting. Mayor Van Kirk stated that he would also like to look at the possibility of pro-rating any property taxes for businesses in Ham Lake during the time that they were forced to be closed due to the Governor's orders. Mayor Van Kirk stated that Attorney Murphy should research if this is a possibility. Mayor Van Kirk stated that property taxes were based on pre-COVID-19. Mayor Van Kirk stated that because of new software that was purchased by Anoka County for property tax statements, the tax statements only came out about a week and a half ago. Mayor Van Kirk stated that if anyone has an issue with their tax valuation, they need to meet with the City Assessor's either Tuesday, May 5 or Wednesday, May 6, 2020 at the Anoka County Assessor's Office. Councilmember Johnson stated that there are also people leasing and how would that work for a tax rebate. **It was the consensus of the City Council to direct Attorney Murphy to research if a tax rebate can be given to businesses that were force to close due to the Governor's orders and if the City can just pick and choose who would get the rebate.** *(This item was also discussed at the end of the agenda).*

**2.0 PUBLIC COMMENT**

Mayor Van Kirk addressed the audience regarding Fox Run Park and the possibility of adding an archery range to the park. Mayor Van Kirk stated that at this time, there have been no final decisions made on whether to add an archery range to Fox Run Park.

Cindy Kallestad, 16620 Bataan Street NE, was present. Ms. Kallestad stated that she has requested several times that the guardrail be replaced on East Lake Netta Drive NE and was told it would be done this spring. Ms. Kallestad stated that it is a safety issue. Ms. Kallestad questioned if there has been any progress made on the Metropolitan Airports Commission (MAC) property to add walking trails. Councilmember Kirkham stated that he left messages with MAC, but hasn't received a call back yet. Mayor Van Kirk stated that he will try and get ahold of someone also. Public Works Superintendent Witkowski stated that the guardrail will be completed within the next month.

Doug Kasseh, 16777 Shenandoah Street NE, was present. Mr. Kasseh was before the City Council to address the possible archery range at Fox Run Park. Mr. Kasseh stated that Marshall Manor was discussed at one point. Mr. Kasseh stated that there are 3 undeveloped parks that should be looked at. Mayor Van Kirk stated that the Council is not going to force an archery range at Fox Run Park and other options will be looked at. Mr. Kasseh stated that he would like to be involved with finding a spot for an archery range.

Kevin Kliethermes, 3464 167<sup>th</sup> Lane NE, was present. Mr. Kliethermes questioned what kind of public notices are there for residents to be informed. Mayor Van Kirk stated that we don't usually send out notices when upgrading a park, but all the agendas can be found on the City's website. Mr. Kliethermes stated that he would like to be more involved in the Park and Tree Commission. Mayor Van Kirk stated that Councilmember Kirkham is the liaison for the Park and Tree Commission. Mr. Kliethermes stated that Metropolitan Airports Commission (MAC) property is dedicated land and cannot be touched.

Mark Koloff, 3222 168<sup>th</sup> Avenue NE, was present. Mr. Koloff stated that his biggest concern with adding an archery range to Fox Run Park would be the traffic. There was discussion of looking at either Ham Lake Park or Lion's Park as a possible site for an archery range. Councilmember Kirkeide stated that there are a lot of people who enjoy a nature park with no amenities.

Wayne Ostrowski, 3308 168<sup>th</sup> Avenue NE, was present. Mr. Ostrowski questioned the mound of dirt at Fox Run Park. Superintendent Witkowski stated that the dirt is from the 155<sup>th</sup> Avenue NE road construction project and the hauling of the dirt should be done by this Friday. Superintendent Witkowski stated that the dirt will be pushed into the sliding hill that is already there and then hydroseeded. Mr. Ostrowski stated that the drivers moving the dirt have been very courteous.

Barb Koloff, 3222 168<sup>th</sup> Avenue NE, was present. Ms. Koloff stated she works from home it would have been nice to know what was happening with all trucks of dirt going to Fox Run Park. Ms. Koloff questioned if there could be a path constructed on East Lake Netta Drive NE. Engineer Collins stated that when the road is upgraded there could be a bike lane, but that would not be for another 20 years. Ms. Koloff stated that she is concerned about safety on that road. There was discussion of Public Works adding gravel or wood chips on the east side of the road for people to walk adjacent to East Lake Netta Drive NE. Mayor Van Kirk stated that Public Works should look into doing that.

Katherine Porter, 16710 Lexington Avenue NE, was present. Ms. Porter stated that she had received her property tax statement and it has increased. Ms. Porter stated that there was a road construction

project last year and she was told that she would have one deferred assessment, but on her taxes, it is an active assessment. Engineer Collins stated that the City has already been in contact with Anoka County to rectify the issue.

Mayor Van Kirk thanked everyone that was at Public Comment for being cordial and for giving their feedback.

### **3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS – None**

### **4.0 CONSENT AGENDA**

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

- 4.1 Approval of minutes of April 20, 2020
- 4.2 Approval of claims in the amount of \$234,104.38
- 4.3 Approval of Resolution No. 20-10 amending North Metro Telecommunications Commission Joint and Cooperative Agreement (JPA)
- 4.4 Approval of Resolution 20-11 Supporting the Protections of Community Television Act
- 4.5 Approval of the First Reading of an Ordinance amending Subdivision Regulations Article 10-103 to reduce the qualifying lot sizes for lot divisions that are not required to have access onto a paved public road
- 4.6 Approval of an Exempt Permit for Rocky Mountain Elk Foundation to hold raffle on September 26, 2020 at Willow Tree Winery, 828 Constance Boulevard NE

**Motion by Kirkeide, seconded by Kirkham, to approve the May 4, 2020 Consent Agenda. All in favor, motion carried.**

### **5.0 PLANNING COMMISSION RECOMMENDATIONS**

- 5.1 Jim Malvin, EKN Properties & Tim Lang, Lang Builders requesting Sketch Plan approval for Evergreen Estates (36 single family residential lots) located in Section 21

Jim Malvin, EKN Properties, was present. **Motion by Van Kirk, seconded by Doyle, to concur with the Planning Commission and approve the Sketch Plan presented by Jim Malvin, EKN Properties and Tim Lang, Lang Properties, for Evergreen Estates, a 36-lot single family residential development, located in Section 21 subject meeting the requirements of the City Engineer as noted in the April 23, 2020 memo and meeting all City, State and County requirements. All in favor, motion carried.**

### **6.0 PARK AND TREE COMMISSION RECOMMENDATIONS – None**

### **7.0 ECONOMIC DEVELOPMENT AUTHORITY – None**

### **8.0 APPEARANCES – None**

### **9.0 CITY ATTORNEY**

- 9.1 Discussion of Tobacco sales and City Ordinance

Attorney Murphy stated that recently the federal government passed legislation raising the minimum age for the purchase of tobacco products from 18 to 21 years if age. Attorney Murphy stated that in

order to make the City Code consistent with federal law, he is recommending changing those code provisions that currently refer to the tobacco purchase age as 18 and changing it to 21 years of age. Attorney Murphy stated that the federal law does not specifically address the age of the seller and under the current city code, an applicant for a tobacco license may not be “under the age of 18 years”. **It was the consensus of the City Council to raise the purchasing age to 21 years old, but keep the sellers age to 18 years old.** Attorney Murphy stated that he will draft an Ordinance for the First Reading at the next meeting.

**10.0 CITY ENGINEER** – None

**11.0 CITY ADMINISTRATOR**

Administrator Webster stated that the Ham Lake Chamber of Commerce has decided to cancel the Freedom Festival schedule for June 27<sup>th</sup> and tentatively reschedule it for Saturday, August 29, 2020.

**12.0 COUNCIL BUSINESS**

12.1 Committee Reports – None

12.2 Announcements and future agenda items (continued)

Councilmember Johnson stated that he is in favor of waiving the on-sale liquor license fees this year, but is unsure of the property tax rebate. Councilmember Johnson stated that this is something that action could be taken in the future or the end of the year. Councilmember Kirkeide stated that the City Council needs to be cautious when dealing with other federal agencies as they may come up with other solutions for businesses. Councilmember Johnson stated that offering a property tax rebate could open up a can of worms.

**Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 6:55 p.m. All in favor, motion carried.**

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Denise Webster, Administrator