

**CITY OF HAM LAKE  
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES  
MONDAY, AUGUST 17, 2020**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, August 17, 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, Gary Kirkeide, and Brian Kirkham

**MEMBERS ABSENT:** Councilmember Jim Doyle

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

**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.

**2.0 PUBLIC COMMENT**

Christine Dahlman, 17540 Highway 65 NE, was present to report ongoing alleged violations by the City's animal control service and asked the City Council what it will take to get a new animal control officer.

Erik and Casey Redland, 13820 Ghia Street NE, were present before the City Council requesting vacation of a public easement that abuts their property (Lot 6, Block 1, Red Fox Hollow 2<sup>nd</sup> Addition). The City Council discussed this at its June 15, 2020 meeting. Ms. Redland stated that she has concerns with the people using the easement and also with the conservation of the area. Attorney Murphy stated that he has not fully researched the possibility of vacating the easement, but for the City to vacate an easement it must be in the best interest of the City. Attorney Murphy added that this property was platted in 2017 and it would be unusual to vacate an easement so recently acquired. Attorney Murphy stated that if the easement were vacated, it would be given back to the developer as it was part of the parkland dedication for the plat. Mayor Van Kirk stated that they are planning to install a fence with woodchips on the path and signage to clearly define the use. Ms. Redland stated she would like more communication with the City in this matter.

**3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS**

**3.1 Lt. Derek Schuldt, Anoka County Sheriff's Monthly Report**

Lt. Schuldt gave a summary of the Sheriff's report for the month of July 2020.

**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 July 20, 2020 and August 3, 2020
- 4.2 Approval of claims in the amount of \$317,596.96
- 4.3 Approval of Resolution No. 20-22 to appoint signers and authorized traders for bank and investment accounts
- 4.4 Approval of a Proclamation proclaiming October as Domestic Violence Awareness Month
- 4.5 Approval of a Proclamation proclaiming September 17 – September 23 as Constitution Week
- 4.6 Approval of a Temporary One-Day ON-Sale Liquor License for the Dylan Witschen Foundation (non-profit) at The Willow Tree Winery, 828 Constance Boulevard NE on September 11, 2020
- 4.7 Approval of a Temporary One-Day ON-Sale Liquor License for the Ham Lake Lion's at Fitaholics Fitness, 13352 Aberdeen Street NE on September 12, 2020
- 4.8 Approval of a variance for proposed signage for Ham Lake 1 Stop Liquor, 16205 Lexington Avenue NE
- 4.9 Approval of the amended contract with Gratitude Farms
- 4.10 Approval of purchasing a new Wide Area Mower for the Public Works Parks Department
- 4.11 Approval of purchasing a new Excavator for the Public Works Department
- 4.12 Approval of purchasing of a new Single Axel Snow Plow Truck for the Public Works Department
- 4.13 Road Committee Recommendations:
  - (1) Approval of ordering the Plans and Specifications for reconstruction of Lund's Lakeview Forest
  - (2) Approval of accepting Nettas Preserve project when the \$7,093.36 bituminous density penalty is paid – This item was discussed later in the meeting and a motion followed the discussion
  - (4) Approval of directing the Attorney to acquire drainage and utility easement from 15514 Wake Street NE
  - (11) Approval of the JPA (Joint Powers Agreement) with the City of East Bethel for the reconstruction of 181<sup>st</sup> Avenue NE

**Motion by Van Kirk, seconded by Kirkham, to approve the August 17, 2020 Consent Agenda with the omission of item 4.1. All present in favor, motion carried.**

**Motion by Van Kirk, seconded by Kirkham, to approve item 4.1 of the consent agenda. Mayor Van Kirk and Councilmembers Johnson and Kirkham voted yes. Councilmember Kirkeide abstained. Motion carried.**

***Item 4.13 Road Committee Recommendations (2) Approval of accepting Nettas Preserve project when the \$7,093.36 bituminous density penalty is paid was discussed later in the meeting and a motion was made following discussion.***

## **5.0 PLANNING COMMISSION RECOMMENDATIONS**

- 5.1 Gary Anderson requesting a Conditional Use Permit to operate Gary Anderson Landscaping, Inc., a landscaping business, at 13763 Johnson Street NE

**Motion by Van Kirk, seconded by Kirkham, to concur with the Planning Commission and approve the application, as presented by Gary Anderson, requesting a Conditional Use Permit to operate Gary Anderson Landscaping, Inc., a landscaping business, at 13763 Johnson Street NE subject to business office hours of 7:00 a.m. – 5:00 p.m., Monday through Friday and occasional Saturdays, storing nothing in the outside storage area that is higher than the wall and meeting all State, County, and City requirements. All present in favor, motion carried.**

5.2 Tim Thomas, Appliance Solutions, requesting a modification to fenced area approved with Certificate of Occupancy at 16345 Highway 65 NE

**Motion by Van Kirk, seconded by Johnson, to concur with the Planning Commission and approve the modification to the fenced area approved with the Certificate of Occupancy at 16345 Highway 65 NE requested by Tim Thomas, Appliance Solutions, subject to constructing an eight-foot-high fence in the location shown on the site plan submitted August 4, 2020, using metal panel fencing (special purpose fence) if approved by City Council or other permitted CD-1 fencing material, ensuring any area the public or employees walk on is hard surfaced inside of the fenced area, no storage outside of the fenced area, striping the parking lot and marking handicap spaces with all work to be completed by October 15, 2020 and meeting at State, County and City requirements. All present in favor, motion carried.**

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

**7.0 ECONOMIC DEVELOPMENT AUTHORITY**

7.1 Approval of the CARES Act Funding and Business and Nonprofit Relief Grant Program Guidelines, Vendor Agreement and Grant Applications/Agreements with the Grant Recipients

Mayor Van Kirk stated that the City has received 1.2 million dollars from the State of Minnesota for the CARES (Coronavirus Aid, Relief, and Economic Security) Act Funding. With this money, the City will grant businesses up to \$20,000.00 and non-profits up to \$5,000.00 for expenses incurred beginning March 1, 2020 as a result of the COVID-19 pandemic. Administrator Webster stated that they are currently working on finding a vender to administer the grant. Once a vender is found, postcards will be mailed to all homes and businesses notifying them that there will be a ten-day application window. The vender will be paid through the CARES Act Funding. Mayor Van Kirk also wrote an article for the September Ham Laker to notify residents and business owners of the upcoming grant application. The City's website will also be updated when more information is available. Discussion followed regarding application dates and guidelines.

**Motion by Van Kirk, seconded by Kirkham, to adopt the CARES Act Funding and Business and Nonprofit Relief Grant Program Guidelines. All present in favor, motion carried.**

**Motion by Van Kirk, seconded by Johnson, to delegate authority to Administrator Webster, Finance Director Worcester and Attorney Murphy when a vender is secured and allowing the changing of the 10-day window to receive the applications. All present in favor, motion carried.**

4.13 Road Committee Recommendations – continued following consent agenda approval  
(2) Approval of accepting Nettas Preserve project when the \$7,093.36 bituminous density penalty is paid.

Johnny Mold, Operations Manager for Prefer Paving & Ready Mix Inc. was present to discuss request that the paving project in Nettas Preserve (670' of paving) not be penalized. Mr. Mold stated that the top lift of bituminous paving was completed on October 24, 2019. The pavement was later cored for densities and did not pass MnDot requirements. Mr. Mold stated that they had their own cores sampled and they came back better than MnDots minimum requirements. Discussion followed regarding the road being a low traffic road. Mr. Mold stated that he has not been paid by the developer and he does not want to have his \$25,000.00 job reduced by \$7,000.00. Mr. Mold stated he would be willing to extend the warranty

period to two or three years and not have to pay the penalty. Engineer Collins stated that this is the lowest density he has seen and additional random cores were done. Engineer Collins stated that they could offer a 50% deduction or penalty or remove and replace the road. MnDot stated that the life of the road may be shortened by 4 years. Mr. Mold stated that an additional inch was added which was an additional \$5,000.00 in mix to insure that the road would pass testing. Councilmember Johnson stated that he is concerned with setting precedent if they do not collect the penalty recommended; how do they hold the next contractor liable. Mayor Van Kirk stated that the contractor is showing due diligence as he is willing to extend the warranty period. Councilmember Kirkeide stated that cold weather paving shouldn't be done. Mr. Mold stated that he was being pushed by the developer and RFC Engineering. Engineer Collins stated that there would not have been any penalty if the paving waited until spring. Engineer Collins stated that it was the bottom lift that was deficient, and that's why the top lift was an inch over the recommended depth. Attorney Murphy stated that if the City Council is choosing not to enforce this contract, this one variation would not set precedent. Discussion followed regarding changing the minimum temperature for paving from 40 degrees to 50 degrees. **Motion by Kirkeide, seconded by Van Kirk to accept a 3 year warranty for the paving in the project of Nettas Preserve and waive penalties. Mayor Van Kirk and Councilmembers Kirkham and Kirkeide voted yes. Councilmember Johnson voted no. Motion carried.**

## 8.0 APPEARANCES

8.1 David Erickson (not present), 4215 Constance Boulevard NE, appealing the classification of dog as dangerous

Mr. Erickson requested to be placed on the agenda to appeal the classification of his dog as dangerous and was not present. **Motion by Van Kirk, seconded by Johnson, to declare the classification of the dog Lassie owned by David Erickson at 4125 Constance Boulevard NE as dangerous. All present in favor, motion carried.**

8.2 Finance Director Andrea Worcester - 2<sup>nd</sup> Quarter Financial Report

Finance Director, Andrea Worcester, gave the 2<sup>nd</sup> Quarter Financial Report. Ms. Worcester reported on the Overall Cash Position by Fund Type, Cash Balances by Fund Compared to Prior Year, General Fund Cash Balances, and General Fund Budget and Actual. Ms. Worcester stated that the City's General Fund Cash is higher than last year due to receiving the additional tax settlement in June.

9.0 CITY ATTORNEY - None

10.0 CITY ENGINEER – None

11.0 CITY ADMINISTRATOR - None

12.0 COUNCIL BUSINESS

12.1 Committee Reports – None

12.2 Consideration of the First Reading of an Ordinance regarding Article 11-270 – Inground Swimming Pools – fencing

The City Council discussed amending Article 11-270 regarding Inground Swimming Pools – fencing. The City Council requested that this item be placed on the next City Council agenda to discuss types of

fences to allow. **This was considered the First Reading of an Ordinance regarding Article 11-270 – Inground Swimming Pools – fencing.**

12.4 Announcements and future agenda items - None

**Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 7:33 p.m. All present in favor, motion carried.**

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Dawnette Shimek, Deputy City Clerk