

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY AGENDA
MONDAY, JANUARY 7, 2019**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, January 7, 2019 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 Jim Doyle, Tom Johnson, Al Parranto, Gary Kirkeide and newly elected Councilmember Brian Kirkham

MEMBERS ABSENT: None

OTHERS PRESENT: City Attorney, Joe Murphy; Fire Chief, Don Krueger; City Engineer, Tom Collins; and City Clerk, 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.

OATH OF OFFICE – Mike Van Kirk, Jim Doyle and Brian Kirkham

City Clerk Webster administered the Oath of Office to Mike Van Kirk, Jim Doyle and Brian Kirkham.

2.0 PUBLIC COMMENT – None

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Al Parranto – Adoption and presentation of Resolution No. 19-01 for years of service as a Planning Commissioner and Councilmember

Mayor Van Kirk read a Resolution expressing the City Council and staff's appreciation for Al Parranto's service as a Planning Commissioner and Councilmember. **Motion by Doyle, seconded by Van Kirk, to approve Resolution No. 19-01, thanking Al Parranto for his years of service to the City. All in favor, motion carried.**

3.2 Shana Schmitz, Executive Director – Ham Lake Area Chamber of Commerce Monthly Report
Shana Schmitz gave an update on the upcoming Snowbowl event that will take place on February 9, 2019. Ms. Schmitz stated that the weather has not been cooperating, but they are still moving forward with the planning of the Snowbowl.

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 December 17, 2018
- 4.2 Approval of claims in the amount of \$532,575.80
- 4.3 Approval of an application for the Spring Lake Park Lions to conduct Off-Site Gambling to conduct bar bingo at Maxx Bar & Grill, 17646 Central Avenue NE on February 9, 2019
- 4.4 Approval of designation of appointment of representative and alternate to the Solid Waste Abatement Advisory Team (Jennifer Bohr and alternate Trudie Falk)
- 4.5 Approval of designation of the Star Tribune as the official newspaper
- 4.6 Approval of Plans and Specifications and authorization to advertise for bids for the 2019 tree removal projects for 155th Avenue NE from Naples Street NE to Lexington Avenue NE and Soderville Drive NE
- 4.7 Approval of designation of official depositories: 21st Century Bank, Falcon National Bank, RBC Capital Markets, Morgan Stanley, PMA Financial Network/PMA Securities, Inc.
- 4.8 Approval of a Resolution to schedule a public hearing to be held before the Economic Development Authority on Tuesday, January 22, 2019 to consider the sale of property located at 15633 Highway 65 NE (PIN 17-32-23-43-0003)

Motion by Kirkeide, seconded by Johnson, to approve the Consent Agenda removing Item 4.3 and 4.8. All in favor, motion carried.

Councilmember Johnson stated that Item 4.8 will be discussed under 7.0 Economic Development Authority.

Councilmember Doyle stated that he would like to see businesses within the City of Ham Lake utilize organizations like the Ham Lake Chamber of Commerce who give back to the community. **Motion by Johnson, seconded by Kirkham, to approved Item 4.3, the application for the Spring Lake Park Lions to conduct Off-Site Gambling to conduct bar bingo at Maxx Bar & Grill, 17646 Central Avenue NE on February 9, 2019. All in favor, motion carried.**

5.0 PLANNING COMMISSION RECOMMENDATIONS – None

6.0 PARK AND TREE COMMISSION RECOMMENDATIONS – None

Mayor Van Kirk stated that he would like a representative from the Park and Tree Commission to attend the next City Council meeting to discuss a possible archery park and dog park. Councilmember Kirkeide stated that there should be future joint meetings with both the Planning Commission and Park and Tree Commission.

7.0 ECONOMIC DEVELOPMENT AUTHORITY

- 7.1 Approval of Resolution No. 19-02 to schedule a public hearing to be held before the Economic Development Authority on Tuesday, January 22, 2019 to consider the sale of property located at 15633 Highway 65 NE (PIN 17-32-23-43-0003)

Motion by Van Kirk, seconded by Johnson, to approve Resolution No. 19-02, the scheduling of a public hearing to be held at 6:01 p.m. before the Economic Development Authority on Tuesday, January 22, 2019 to consider the sale of property located at 15633 Highway 65 NE (PIN 17-32-23-43-0003). All in favor, motion carried.

8.0 APPEARANCES

8.1 Jerry Dymanyk, 3063 144th Avenue NE, appealing the classification of dog as dangerous

Attorney Murphy stated that the City Council is acting in a judicial function and should review the facts and determine if the definition of “dangerous dog” meets the state statute definitions. Jerry Dymanyk was present. Mr. Dymanyk handed out a packet of information for the City Council containing a summary of the incident when Moby attacked the postal worker, the police report, a letter from animal control, explanation of the dogs behavior from a behavioral therapist, letters on behalf of Moby and five preventative steps that he is taking to prevent this from happening again. Mr. Dymanyk stated that Moby is a German Shepard and he got him when he was 6 month old, about 4 years ago. Mr. Dymanyk stated that he had attended puppy training classes with Moby and hired a trainer for Moby. Mr. Dymanyk stated that he unfortunately didn’t follow through with the trainings. Mr. Dymanyk stated that he has an invisible fence and Moby has never left the yard. Mr. Dymanyk stated that kids will come into the yard to play with Moby and he has never had an issue with a delivery person coming to the house before. Mr. Dymanyk stated that the postal worker dropped the package on the front step and when she made eye contact with Moby she started screaming and running from the front door. Mr. Dymanyk stated that Moby then ran through the front door and went after the postal worker. Mr. Dymanyk stated that he has hired a dog therapist for Moby, is going to reroute the invisible fence to the back yard, has added a door barrier so Moby can’t go near the front door and there will be no more packages being delivered to the house. Nancy Dymanyk was present. Ms. Dymanyk reiterated what her husband had stated about the incident and how it occurred. Ms. Dymanyk stated that as soon as her daughter heard the screams she called for Moby and he returned immediately into the house.

Mr. Dymanyk stated that he would like to have Elizabeth come up and tell the Council how Moby is around her and her children. Elizabeth stated that she has two children who are often around Moby and he has never been a dangerous dog. Elizabeth stated that Moby is good natured around the kids and stated that the Dymanyk’s have taken precautions so this doesn’t happen again.

Councilmember Doyle asked if the dog has been to the vet since the incident. Mr. Dymanyk stated that he has not and Moby is up to date on all of his vaccinations. Councilmember Doyle stated that he owns a dog and they do become part of the family. Councilmember Doyle stated that he would personally give the dog another chance. Mayor Van Kirk stated that if this is a state statute, why is the City involved. Attorney Murphy stated that the owner can appeal the “dangerous dog” designation with the City Council and the Council can change the designation from “dangerous” to “potentially dangerous”. Councilmember Kirkham questioned if there was any liability to the City if the designation was changed and the dog bit again. Attorney Murphy stated that there is liability on the City if they decide to change the designation and the dog bites again. Attorney Murphy stated that it is presumed that the City would follow the state statute.

Mayor Van Kirk asked Lt. Derek Schuldt of the Anoka County Sheriff’s Office to give his account of the incident. Lt. Schuldt stated that he feels this was a substantial dog bite, which required stitches. Lt. Schuldt stated that they are not looking at having the dog put down, but to have more steps put in place to keep it from happening again.

Mayor Van Kirk stated that the City Council should review all the information that was presented tonight and make a decision at the next meeting. Attorney Murphy stated that the City has 10 days

from the appeal to make a decision and since the next meeting isn't for another 15 days, would it be okay with Mr. Dymanyk if the decision would be made at that meeting. Mr. Dymanyk stated that he is okay to wait until the next meeting for a decision. Councilmember Johnson questioned if an invisible fence is a secure enclosure or would it need to be a physical fence. Councilmember Kirkeide stated that it is the Council's due diligence to examine the dog and asked Mr. Dymanyk if it would be okay for the council to visit the property and the dog. Mr. Dymanyk stated that it would be fine. Councilmember Johnson stated that the Council takes this very seriously and needs to do their due diligence. **It was the consensus of the City Council to place this item on the January 22, 2019 agenda for a decision.**

9.0 CITY ATTORNEY – None

10.0 CITY ENGINEER – None

11.0 FIRE CHIEF

11.1 Discussion of future of Fire Station #3

Fire Chief Krueger gave a brief update to the City Council regarding the purchasing of the property on 149th Avenue NE and Lexington Avenue NE back in 2005/2006 for future Fire Station #3. Fire Chief Krueger stated that new development is progressing in this area, response times are longer/delayed to this area of the city, property insurance ratings (ISO) are higher in this area, currently there are firefighters in this area that could be assigned to Fire Station #3 and construction costs are likely to increase over time. Fire Chief Krueger stated that he contacted Jeff with Inspire Architects and briefly discussed the proposed project in general, and the estimated cost of a feasibility study, which he believes could be prepared for \$2,500 or less. Fire Chief Krueger stated that there are several funding possibilities, including the Fire Equipment fund, which has over a million dollars right now, so \$500,000 could be used towards the building; also there is monies in the Building Fund and the potential for the use of Reserve money. Mayor Van Kirk stated that there is the potential for constructing the Fire Station without having to get a loan. Councilmember Doyle stated that the City could be ahead of the game with the increase in growth and the safety of residents in that area. Councilmember Kirkeide stated that Fire Station's #2 and #3 were previously on a referendum, which did not pass, but when Fire Station #2 was proposed alone, it passed. Mayor Van Kirk stated that Fire Station #3 has been discussed since 2004 or so. Councilmember Kirkham questioned if there are any grants available. Fire Chief Krueger stated that he is not aware grants available for station construction. **It was the consensus of the City Council to authorize Fire Chief Krueger to further explore options and projected costs for design and construction of Ham Lake Fire Station #3, not to exceed \$2,500 and present the findings to the Building Committee.**

12.0 COUNCIL BUSINESS

12.1 Committee Reports – None

12.2 Consideration of appointment of Acting Mayor, Committee liaisons and liaisons with other organizations: Acting Mayor, Personnel (2), Economic Development, Met Council (2), Law Enforcement (2), Fire Department Liaisons (2), North Central Suburban Cable Communications Commission (and alternate), Ham Lake Chamber of Commerce (2), Road Committee (2), Ham Laker Task Force (2), Audit (2), Building/Energy Committee (2), Park and Tree Liaison (2), Fire Relief Association Board of Trustees (3), Code Review Committee

(2) (and alternate), Metropolitan Council reform effort Committee, Building Department Committee (2)

Motion by Van Kirk, seconded by Doyle, to approve the following appointments for 2019:

- EDA President (1).....Mayor Van Kirk**
 - EDA Vice President (1).....Councilmember Johnson**
 - Acting Mayor (1).....Councilmember Johnson**
 - Personnel (2).....Mayor Van Kirk & Councilmember Doyle**
 - Economic Development (2).....Mayor Van Kirk & Councilmember Kirkham**
 - Met Council & Metropolitan Council reform.....Councilmembers Kirkeide & Johnson effort Committee (2)**
 - Law Enforcement (2).....Mayor Van Kirk & Councilmember Johnson**
 - Fire Department Liaisons (2).....Mayor Van Kirk & Councilmember Doyle**
 - North Metro Telecommunications.....Councilmember Kirkham (alternate: Mayor Commission (1) Van Kirk)**
 - Chamber of Commerce (2).....Councilmember Kirkham & Fire Chief Krueger**
 - Road Committee (2).....Councilmembers Kirkeide & Doyle**
 - Ham Laker Task Force (2).....Mayor Van Kirk & Councilmember Johnson**
 - Audit (2).....Councilmembers Johnson & Doyle**
 - Building/Energy Committee (2).....Councilmembers Kirkeide & Johnson**
 - Park and Tree Liaison (2).....Councilmembers Kirkham & Doyle**
 - Fire Relief Association Board of Trustees (3).....Councilmember Kirkham, Fire Chief Krueger & City Clerk Webster**
 - Code Review Committee (2).....Mayor Van Kirk & Councilmember Kirkeide (alternate: Councilmember Kirkham)**
 - Building Department Committee (2).....Mayor Van Kirk & Councilmember Kirkeide**
- All in favor, motion carried.**

12.3 Announcements and future agenda items

Councilmember Kirkeide stated that everyone should bring their ideas to the future joint meetings with the Planning Commission and Park and Tree Commission.

Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 7:19 p.m. All in favor, motion carried.

Denise Webster, City Clerk