

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
TUESDAY, JANUARY 22, 2019**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Tuesday, January 22, 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, Brian Kirkham, and Gary Kirkeide

MEMBERS ABSENT: None

OTHERS PRESENT: City Attorney, Joe Murphy; Fire Chief, Don Krueger; 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.

2.0 PUBLIC COMMENT

Cindy Kallestad, 16220 Bataan Street NE, was present. Ms. Kallestad stated that in the past she has brought to the City Council's attention issues in the cul-de-sac by her house on Bataan Street NE. Ms. Kallestad stated that there have been issues with theft, trespassing, dumping junk, etc. Ms. Kallestad stated that she was in contact with Connexus Energy to install a streetlight, but she was informed by Connexus that the City requires boring under the cul-de-sac in order to install the streetlight and that she couldn't afford the money to do that. Ms. Kallestad stated that she was also told by Connexus that she could not illuminate the cul-de-sac. Ms. Kallestad stated that she is trying to protect her property by adding a streetlight and needs clarification on the installation of the streetlight. Fire Chief Krueger stated that the last discussion with Connexus was back in November and it was okay for Connexus to install a streetlight in the cul-de-sac. Fire Chief Krueger stated that staff will discuss the streetlight with Connexus and update Ms. Kallestad on the outcome of that discussion. Ms. Kallestad stated that she would also like to know where she can place a wood duck house on her property and whether it has to be off the right-of-way. Councilmember Doyle stated that she could contact the DNR to find out where they feel would be the best place to put up the wood duck house on her property. Ms. Kallestad stated that she wants to do it the right way. The City Council informed Ms. Kallestad that staff can help her on where the wood duck house can be placed on her property and will contact her with that information.

Christine Dahlman, 17540 Highway 65 NE, was present. Ms. Dahlman stated that she would like to again discuss the animal control contract of Gratitude Farms. Ms. Dahlman stated that Gratitude Farms is still in violation with their IUP (Interim Use Permit) with the City of East Bethel regarding boarding information on their website that is not allowed and has not been removed per the IUP. Ms.

Dahlman stated that Gratitude Farms is also in violation of their contract with the City of Ham Lake because the dogs are not being transported in proper crates. Ms. Dahlman stated that the City has the chance to cancel the contract with Gratitude Farms because they are in violation of the contract. Ms. Dahlman stated that Gratitude Farms is still not taking credit cards and does not work with the hardship cases of owners who can't afford to pay the full fee to get their dog back. Ms. Dahlman stated that Gratitude Farms is not holding the dogs for 5 days before selling the them; they are only holding the dogs for 4 days, which is a violation. Ms. Dahlman stated that Gratitude Farms is making a profit by selling the dogs on the 4th day. Councilmember Doyle stated that he has an issue with owners allowing their dogs to run at large and then they get picked up by Gratitude Farms. Ms. Dahlman stated that there are two other animal control businesses that the city can look at using. Mayor Van Kirk stated that he has made a list of the issues that Ms. Dahlman has brought up and would have staff look into it.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Lt. Derek Schuldt – Anoka County Sheriff's Office Monthly Report

Lt. Derek Schuldt gave a summary of the sheriff's report for the month of December.

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 January 7, 2019

4.2 Approval of claims in the amount of \$456,522.84

4.3 Approval of Resolution No. 19-03 accepting the low bid for the 2019 Bituminous Overlay Project

4.4 Approval of the Plans and Specifications for the reconstruction of Soderville Drive NE and authorization to advertise for bids

4.5 Approval of an Exempt Permit for Andover Boys Lacrosse Booster to hold a raffle on April 6, 2019 at Majestic Oaks Golf Club, 701 Bunker Lake Boulevard NE

4.6 Approval of appointment of Dawnette Shimek as Deputy City Clerk and Jennifer Bohr as Building Clerk/Zoning Official

4.7 Approval of reappointment of Dave Ringler and Brian Pogalz as Planning Commissioners with the term of March 15, 2019 to March 15, 2022

Motion by Kirkeide, seconded by Doyle, to approve the Consent Agenda as written. All in favor, motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS – None

6.0 PARK AND TREE COMMISSION RECOMMENDATIONS

6.1 Mark Smith, consideration of Parkland Dedication for the Sketch Plan of Catchers Creek of Ham Lake (4 Single Family Residential Lots) in Section 30 (40 Andover Boulevard NE)

Motion by Van Kirk, seconded by Kirkham, to concur with the recommendation of the Park and Tree Commission to accept money in lieu of parkland for the Sketch Plan of Catchers Creek of Ham Lake (4 Single Family Residential Lots) in Section 30 (40 Andover Boulevard NE). All in favor, motion carried.

6.2 Adoption of the Arbor Day Proclamation for May 4, 2019

Motion by Van Kirk, seconded by Doyle, to concur with the recommendation of the Park and Tree Commission to accept the Arbor Day Proclamation for Saturday, May 4, 2019. All in favor, motion carried

6.3 Discussion with Park and Tree Commissioner Tara Lanigan for the future development of parks

Park and Tree Commissioner Tara Lanigan, was present. Mayor Van Kirk stated that he would like the Park and Tree Commission to look at open space parks, dog parks, archery parks, etc. Mayor Van Kirk stated that the City is growing. Councilmember Doyle stated that existing parks need a face lift and new equipment that the parks don't already have should be looked at. Mayor Van Kirk stated that he would like the Park and Tree Commission to think outside the box. Commissioner Lanigan questioned if the Council was looking at large parks to add onto. Councilmember Doyle stated that he does not want to neglect the parks that already exist. Mayor Van Kirk stated that bigger properties should be looked at. Commissioner Lanigan questioned what kind of timeline the Council was looking at. The Council felt that this could be a yearlong process. Councilmember Kirkeide stated that the Council is going to be scheduling a joint meeting with the Park and Tree Commission and it could be discussed then. Councilmember Kirkeide stated that in the past, the neighborhoods have been invited to give their input on what they would like to see in the parks. Councilmember Doyle stated that other communities should be contacted to see what they are placing in their parks.

7.0 ECONOMIC DEVELOPMENT AUTHORITY

7.1 6:01 p.m. – Public Hearing – to be held before the Economic Development Authority to consider the sale of property located at 15633 Highway 65 NE (PIN 17-32-23-43-0003) and adoption of Resolution No. 19-04

Mayor Van Kirk called the public hearing to order at 6:42 p.m.

Mayor Van Kirk opened the public hearing at 6:42 p.m. for public comment. There was no public comment. Mayor Van Kirk closed the public hearing at 6:42 p.m.

Motion by Van Kirk, seconded by Doyle, to approve Resolution No. 19-04 authorizing the Ham Lake Economic Development Authority the sale of real property located at 15633 Highway 65 NE (PIN 17-32-23-43-0003). All in favor, motion carried.

8.0 APPEARANCES

8.1 Anthony Revutskiy – 13408 Highway 65 NE – Discussion of site plan for fencing/screening
Councilmember Johnson stated that the site plan looks good and the areas that were discussed will be screened. Councilmember Johnson stated that Mr. Revutskiy will work with the Building Department on the type of fencing that will be used for the screening.

9.0 CITY ATTORNEY – None

10.0 CITY ENGINEER – None

11.0 FIRE CHIEF – None

12.0 COUNCIL BUSINESS

12.1 Committee Reports – None

12.2 Discussion of the appealing of the dangerous dog classification for Jerry Dymanyk at 3063 144th Avenue NE

Mayor Van Kirk read the definitions for a dangerous dog and after reviewing the testimony from the last meeting from Mr. Dymanyk, he feels that Moby was unprovoked and there was substantial body harm to the mail carrier and therefore the dangerous dog classification should be upheld. Mayor Van Kirk stated that the City is responsible for public safety and if this was to happen again, the City would be liable. There was discussion of what proper structure means. Attorney Murphy stated that the house is a proper structure as long as the dog is not able to get outside on his own, such as through an open window. Councilmember Johnson stated that this discussion is going beyond what the Council is being asked to decide. Councilmember Johnson stated that the question needs to be answered if Moby was provoked and if there was substantial bodily harm. Councilmember Johnson stated that he feels that there isn't much to object to.

Mr. Dymanyk was present. Mr. Dymanyk read the Post Office mail carrier rules regarding how to handle a dog and what and what not to do. Mr. Dymanyk stated that the mail carrier did exactly what they were trained not to do; scream and run from the dog. Councilmember Doyle stated that there may be rules and regulations for the Post Office, but there are none for other people coming to the door.

Mayor Van Kirk stated that the City Attorney has given the City Council three options: 1) If the council believes that Moby, without provocation, inflicted substantial bodily harm on the post office employee on the Dymanyk's property, then the "dangerous dog" designation should be upheld, 2) If the council believes that Moby bit the post office employee, unprovoked, but that the bite did not cause "substantial bodily harm," then the council should amend the designation to "potentially dangerous dog." and 3) If the council believes that Moby did not bite the post office employee or that Moby was provoked by an act that the post office employee could reasonably expect may cause the dog to attack or bite, then the council should reverse the designation. Mayor Van Kirk stated that public safety is his #1 concern and he cannot by good faith, reverse the decision.

Judy Dymanyk, Mr. Dymanyk's daughter-in-law was present. Ms. Dymanyk stated that she has been doing research on the term "provocation" and stated that the last thing that the mail carrier should have done was to scream and run. Ms. Dymanyk stated that the post office has this training for a reason. Councilmember Johnson stated that most people would have done the same thing. Ms. Dymanyk stated that Moby is around kids all the time that are running around and screaming and has never attacked them. Councilmember Kirkham stated that he asked the City Attorney at the last meeting if the City could be liable if the dog bit again and he stated yes and therefore he cannot change the designation.

Bryan, a resident at the Dymanyk's was present. Bryan stated that he and his kids have been around Moby and has never seen this aggressive behavior. Bryan stated that he feels the mail carrier did provoke the dog.

Mayor Van Kirk surveyed the Council and asked who feels that the designation of Moby should stay “dangerous”. All Councilmembers felt that the classification should be upheld. **Motion by Van Kirk, seconded by Johnson, to uphold the dangerous dog classification for Moby, located at the Dymanyk’s property, 3063 144th Avenue NE. All in favor, motion carried.**

12.3 Discussion of scheduling joint meetings with both the Planning Commission and Park and Tree Commission

Motion by Kirkeide, seconded by Van Kirk, to schedule a Joint Meeting with the Planning Commission on Monday, March 11, 2019 at 6:00 p.m. All in favor, motion carried.

Motion by Kirkeide, seconded by Van Kirk, to schedule a Joint Meeting with the Park and Tree Commission on Wednesday, March 20, 2019 at 6:00 p.m. All in favor, motion carried.

12.4 Announcements and future agenda items

Mayor Van Kirk stated that the upcoming Snowbowl will be on February 9, 2019.

Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 7:10 p.m. All in favor, motion carried.

Denise Webster, City Clerk