

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY AGENDA
MONDAY, FEBRUARY 4, 2019**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, February 4, 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; City Engineer, Tom Collins; City Clerk, Denise Webster; and Deputy City 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

Cindy Kallestad, 16220 Bataan Street NE, was present before the City Council to revisit a topic discussed at the January 22, 2019 City Council meeting. Ms. Kallestad stated that there appears to be some miscommunication between the City Council, Becky Bergherr, Engineering Services at Connexus and herself as she was informed that the City Council said something like “No light from a security light installed on my property will illuminate the cul-de-sac bordering her front yard”. Ms. Kallestad stated it was her understanding that someone from the City would be contacting Ms. Bergherr regarding this matter. Ms. Kallestad is requesting written documentation as to the right-of-way designation in front of her property. Fire Chief Krueger stated that he had called Ms. Bergherr and she was going to be out of the office until today. Fire Chief Krueger stated the code isn’t clear as to what can or cannot be placed in the City right-of-way. Fire Chief Krueger stated he communicated this with Ms. Kallestad prior to the meeting and will further communicate with Ms. Kallestad in writing.

Tom Reiner, was present and requested to speak with the City Council regarding item 12.2 on the City Council’s agenda. Mayor Van Kirk stated that Mr. Reiner would be allowed to speak more in depth regarding item 12.2 later in the meeting.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Shana Schmitz, Executive Director – Ham Lake Area Chamber of Commerce Monthly Report
Shana Schmitz stated that they are preparing for the upcoming Snowbowl and are bringing in snow from the St. Paul Winter Carnival. Ms. Schmitz stated that so far they have 20-plus people signed up

to create snow sculptures, 15-plus for the broomball tournament and 10-plus for the bike race. Ms. Schmitz stated that they will be using Horizons Church parking lot for Snowbowl parking. Ms. Schmitz stated that the Ham Lake Chamber of Commerce currently has 102 members. Ms. Schmitz stated that Majestic Oaks may be changing bingo from Saturday to Sunday. Ms. Schmitz reminded everyone that the Snowbowl will be held on Saturday, February 9, 2019 from 10:00 a.m. to 3:00 p.m.

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 22, 2019
- 4.2 Approval of claims
- 4.3 Approval of Findings of Fact Resolution 19-05 declaring the dangerous dog classification for Moby the dog (owner Jerry Dymanyk) located at 3063 144th Avenue NE
- 4.4 Approval of a Resolution 19-06 for Advancement of Municipal State Aid (MSA) Funds
- 4.5 Approval of a Resolution 19-07 requiring “No Parking” on 155th Avenue NE from Naples Street NE to Lexington Avenue NE
- 4.6 Approval of a Resolution 19-08 requiring “No Parking” on Aberdeen Street NE from 144th Avenue NE to 145th Avenue NE
- 4.7 Approval of a Resolution 19-09 accepting the low bid for the 2019 Tree Removal Project at 155th Avenue NE from Naples Street NE to Lexington Avenue NE, Soderville Drive NE and Public Works
- 4.8 Approval of Excluded Bingo on four dates (April 6th, May 4th, October 5th and November 2nd, 2018) for Blaine Central Alano, 13536 Highway 65 NE
- 4.9 Approval of reappointment of Al Stauffacher, Tim Donnay and Doug Miller as Park and Tree Commissioners with the terms of March 15, 2019 to March 15, 2022
- 4.10 Approval of hiring a part-time Audio Video Operator
- 4.11 Approval of the Agreement with Northern Lighter Pyrotechnics for fireworks display on Saturday, June 29, 2019 at Lion’s Park (1220 157th Avenue NE)
- 4.12 Approval of the replacement of the Vactor Vacuum Truck for the Public Works Department
- 4.13 Approval of scheduling the Citywide Recycling Days for Saturday, May 4, 2019 and Saturday, September 14, 2019

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 – None**
- 7.0 ECONOMIC DEVELOPMENT AUTHORITY – None**
- 8.0 APPEARANCES – None**
- 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 Suspension of the Public Works Superintendent and scheduling of public hearing for discharge for cause pursuant to Article 2-400 of the Ham Lake City Code

Tom Reiner, along with his wife Brenda and Brother-in-law, Greg Walsh, an Attorney associated with Michael O'Neil were present before the City Council. Attorney Murphy stated that he was contacted by Attorney O'Neil about 5:00 p.m. prior to the meeting regarding this subject.

Mr. Reiner gave a brief statement as follows: Mr. Reiner stated he wants to know why he is being considered for suspension, who is behind this, and who is supporting him. Mr. Reiner stated he does not know what's going on and feels this is created by one individual with others support in a hostile work environment, age discrimination and/or perceived disability or the costs associated with that disability. Mr. Reiner added that he believes he should be paid while on suspension, if put on suspension. Mr. Reiner thanked the City Council.

Mayor Van Kirk stated the Personnel Committee made the decision to place Mr. Reiner on administrative leave with pay pending tonight's decision. A public hearing will then be scheduled to present the City Council with information to allow them make an informed vote whether or not to terminate Mr. Reiner's position as Public Works Superintendent. The Personnel Committee has been working with outside consulting firms to find solutions to identify problems in the Public Works Department. There was a consensus that a solution was not probable and a determination was made to move in the direction to terminate. Findings and facts will be presented to the Council at a public hearing and the Council as a whole will make any decisions. Pursuant to Article 2-400 of the Ham Lake City Code the City Council will vote to suspend Mr. Reiner with pay until the hearing is held. If suspension is voted on and passes, then the City Council will schedule a public hearing. **Motion by Van Kirk, seconded by Doyle, to suspend Public Works Superintendent, Tom Reiner and schedule a public hearing for discharge for cause pursuant to Article 2-400 of the Ham Lake City code.**

Discussion followed. Councilmember Kirkeide asked if while he is suspended if he will earn pay and all benefits normally accrued. Mayor Van Kirk said he would. Councilmember Johnson asked for clarification whether this is a public hearing and not closed session. Attorney Murphy stated that a public hearing will be held pursuant to the City Code and ultimately, the City Council needs to make the decision. Attorney Murphy added that it is a special setting, where it wouldn't be on a scheduled Monday night agenda. It would be a different date and time with the same location. **All in favor, motion carried.**

Attorney Murphy stated that the City Council will set the date and time for the public hearing where Mr. Reiner will have an opportunity through himself or through his representatives to address the City Council. The City Council ultimately under the terms of the ordinance, will take a vote as to whether or not to proceed with termination. Attorney Walsh asked if Mr. Reiner has been provided all of the information regarding the full basis of discharge. Attorney Murphy stated that additional information will be provided and that he will be available to discuss, in advance, the information that will be presented at the hearing with Mr. Reiner's attorney. Discussion followed regarding scheduling the hearing. The City Council agreed on Wednesday, February 13, 2019 at 6:00 p.m. Mr. Reiner was in the audience and stated that February 13, 2019 will also work for him. **Motion by Van Kirk, seconded by Doyle, to schedule a public hearing for Wednesday, February 13, 2019 at 6:00 p.m. in the City of Ham Lake Council Chambers for discharge for cause pursuant to Article 2-430 of**

the Ham Lake City Code in the matter of the Public Works Superintendent Tom Reiner. All in favor, motion carried.

12.3 Announcements and future agenda items - None

Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 6:19 p.m. All in favor, motion carried.

Dawnette Shimek
Deputy City Clerk