

**CITY OF HAM LAKE  
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES  
MONDAY, FEBRUARY 5, 2018**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, February 5, 2018 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, and Gary Kirkeide

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.

**2.0 PUBLIC COMMENT**

Mayor Van Kirk stated that anyone speaking at public comment will be civil.

Christine Dahlman, 17540 Highway 65 NE, was present. Ms. Dahlman stated that on the City Council agenda under Item 5.1, Mr. Olson is requesting a Certificate of Occupancy (CO) to operate Cedar Ridge Church. Ms. Dahlman stated that Mr. Olson wanted to open his church on February 4<sup>th</sup> before the City Council had approved his CO tonight, February 5<sup>th</sup>. Ms. Dahlman stated that at the Planning Commission meeting, the commissioner who inspected the property stated that “he feels the parking spaces are adequate”. Ms. Dahlman stated that we don’t base our decisions on feelings and the church should only be issued a Temporary Certificate of Occupancy until all items are completed on the property.

Susie Sauro, 14350 Vermillion St. NE, was present. Ms. Sauro stated that she was before the City Council to discuss the city’s animal control contract with Gratitude Farms. Ms. Sauro stated that her dogs got out of her yard and were picked up and brought to Gratitude Farms on a Friday in April of 2016. Ms. Sauro stated that she was on vacation and had no way to pay Gratitude Farms except by credit card, which they do not accept, they only accept cash. Ms. Sauro stated that one of the dogs was chipped and one had a vet tag. Ms. Sauro questioned why the vet was not contacted until Monday to find out who the dogs belonged to. Ms. Sauro stated that there is no place on the website for missing dogs. Ms. Sauro stated that she fears if her dogs get out again, she will lose them for good.

Christine Dahlman stated that the City has no idea what residents are paying to Gratitude Farms to get their dogs back. Ms. Dahlman stated that the City has a never ending contract with Gratitude

Farms. Attorney Murphy stated that it is an ongoing contract until there is an issue with Gratitude Farms. Ms. Dahlman stated that this should have been discussed at budget talks and that there would have been a savings of \$3,000 with using Dover Kennels. Mayor Van Kirk stated that Ham Lake does not have a Community Service Officer (CSO) and he is not going to take a Sheriff's Deputy off the streets to haul dogs around. Fire Chief Krueger stated that when he met last spring with Mr. Anderson of Dover Kennels, he did not receive a proposal from him, the information he brought to the meeting was information only. Mayor Van Kirk stated that there has been a lot of "hearsay" and the city does not operate on "hearsay". Mayor Van Kirk stated that there has been no reason to look at the contract because there has only been one unanimous compliant back in 2015. At that time the former Administrator and Fire Chief Krueger did an on-site inspection of Gratitude Farms and felt that the dogs were being taken care of and that they were doing a good service for the City. Mayor Van Kirk stated that Council has received letters supporting Gratitude Farms and that there are concerning issues in the letters regarding Dover Kennels. Mayor Van Kirk stated that he knows this is emotional and Council will look at the facts and ignore "hearsay".

Mark Anderson, Director and CEO of Dover Kennels, was present. Mr. Anderson stated that Dover Kennels offers professional services and felt that his contract should have been included in the packet tonight. Mayor Van Kirk stated that the contract is not on the agenda tonight and therefore the proposal would not be in the packet. Mr. Anderson stated that he was sorry for the misunderstanding. Mayor Van Kirk warned Mr. Anderson that if his attitude didn't change he could have to leave the meeting. Mayor Van Kirk stated that Mr. Anderson needs to talk civilly to the Council or he can pack it up and leave. Mr. Anderson stated that this is a one way street. Mayor Van Kirk stated that if Mr. Anderson interrupts one more time he is out the door. Attorney Murphy stated that he is going to explain the ground rules of Public Comment to Mr. Anderson. Attorney Murphy stated that there is an existing contract and is subject to renewal if the Council chooses. Attorney Murphy stated that there was no need to include his proposal in the packet at this time. Attorney Murphy stated that Mr. Anderson would be allowed to speak with the time period that the Mayor lays out. Attorney Murphy stated that there is no guaranteed action or the right of Mr. Anderson to submit a proposal at this time. Mr. Anderson stated that he is presenting information that he believes should have been included in the packet. Mr. Anderson stated that he sent an original email to each Councilmember last April. Mr. Anderson stated that the City is not inviting competition, which would lower fees. Mayor Van Kirk stated that at the time the City contracted with Gratitude Farms, it was the only local business offering animal control. Mr. Anderson stated that he does not charge a retainer fee, will pick-up dogs 24/7 and the city only pays if the dogs are not claimed. Mr. Anderson stated that all impound records per State Statute 346.47 are public information. Mr. Anderson stated that his motive is legitimate and legal. Mr. Anderson stated that he has a mission to get all pets to their owners even if the owner can't afford it.

### **3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS**

#### **3.1 Karen Skepper, Executive Director of Anoka County HRA - discussion of the completed market analysis study on a new senior housing building**

Karen Skepper, Executive Director of Anoka County HRA was present. Ms. Skepper stated that the City Council authorized the Anoka County HRA to complete a demand study for senior housing. Ms. Skepper stated that it was determined by the study that there was a demand for senior housing. Ms. Skepper stated that the "Primary Market Area" (PMA) includes the communities of Andover, Bethel, Columbus, East Bethel, Ham Lake and Oak Grove. Ms. Skepper stated that it is

estimated that the PMA will constitute 70% of the market support for senior housing and the remaining 30% will come from outside the defined PMA. Ms. Skepper discussed the older adult (Age 55+) population and household trends, older adult and senior household incomes, senior household tenure, and home resale values. Ms. Skepper stated that the preliminary conclusions show support for additional active adult rental senior housing in the PMA currently and over the next five years. Mayor Van Kirk stated that he would have to believe that there are private sector developers that would be looking to build senior housing if there is a market for it. Ms. Skepper stated that the City of Blaine has developers building senior housing due to the amenities that the City of Blaine has to offer. Mayor Van Kirk questioned if the septic system at the Willows is currently failing. Ms. Skepper stated that the septic system is not failing, but believes it is too small. Ms. Skepper stated that there is a second site next to the Willows where a senior housing facility could be built. Councilmember Doyle stated that if a new senior housing building was constructed next to the Willows could the septic systems be combined. Ms. Skepper stated that this is the first review of the possibility to build a senior housing building and if the City was interested they would need to adopt a Resolution to direct the Anoka County HRA to look further into constructing a senior housing building. Mayor Van Kirk stated that the Building Department Committee should meet to discuss this. Councilmember Kirkeide stated that when he was on the Planning Commission he recalls that there was questions regarding the septic system. Councilmember Kirkeide questioned how much should government be involved. Councilmember Kirkeide stated that this needs to be discussed a lot more. The Council thanked Ms. Skepper for her presentation.

3.2 Troy Lachinski, Heart Safe East Bethel and Wendy Renner, Ham Lake Area Chamber of Commerce – Update on Heart Safe and AED Program

Troy Lachinski, Heart Safe East Bethel (and East Bethel Firefighter) and Wendy Renner, Ham Lake Area Chamber of Commerce were present. Mr. Lachinski stated that he is a “Heart Safe Champion” of East Bethel and Ms. Renner is a “Heart Safe Champion” of Ham Lake. Mr. Lachinski stated that a Heart Safe Program is going to make a safer community in the case someone goes into cardiac arrest. Mr. Lachinski stated that there is a 95% mortality rate when someone goes into cardiac arrest. Mr. Lachinski stated that they are going around the community to teach people how to do CPR (cardiopulmonary resuscitation) and use the AED (automated external defibrillator). Mr. Lachinski stated that most people will die waiting for help and the first thing people should do is start CPR. Mr. Lachinski stated that they want a safe community and there are Heart Safe classes for anyone wanting to learn how to do CPR and use the AED. Ms. Renner stated that a grant program has been started by the Ham Lake Area Chamber of Commerce and currently \$22,000 has been donated to help purchase new AED’s for businesses in the community. Ms. Renner stated that all businesses are eligible for the grant; they need to go to the Chamber’s website and complete the grant application. Councilmember Parranto asked when and where the next Heart Safe Classes will be held. Mr. Lachinski stated that the next classes will be on February 20<sup>th</sup> and March 20<sup>th</sup> at the Ham Lake Fire Station #1. The City Council thanked Mr. Lachinski and Ms. Renner for the update.

3.3 Ben and Jeff Landwehr – Request for a variance to construct a pole type structure at 4121 Interlachen Drive NE

Ben Landwehr was present. Mr. Landwehr asked the City Council if they had a chance to review his request for an accessory building. Attorney Murphy referred to his memo to the City Council stating that there are three practical difficulties in complying with the City Code in determining if

variance can be granted. Attorney Murphy stated that the proposal is for a pole type structure, which is not allowed in the City Code on properties of less than 5 acres, and therefore there needs to be unique circumstances to grant the variance. There was discussion of the building type and Mr. Landwehr stated that there was an issue with the 90 mile an hour wind shear and that is why he is requesting a pole type structure. Councilmember Kirkeide stated that a stick built structure can be built to withstand wind shear. Mayor Van Kirk stated that either the City Council needs to grant the variance or change the City Code to allow a pole type structure. Attorney Murphy stated that the issue is that a pole type structure is only allowed on lots over 5 acres and Mr. Landwehr has less than 5 acres. Mr. Landwehr stated that he is requesting to construct a 40 X 60 building. Councilmember Kirkeide stated that this building can be stick built and trusses can extend to 40 feet. Councilmember Kirkeide stated that if we allow this pole type structure, there will be pole type structures built all over the city. Councilmember Kirkeide stated there is no hardship to grant a variance. Mayor Van Kirk questioned why he doesn't do slab on grade. Mr. Landwehr stated that his engineer says you can't do slab on grade over 1000 sq. ft. Councilmember Kirkeide stated you can get trusses to extend beyond 40 feet. **Motion by Van Kirk, seconded by Johnson, to direct Attorney Murphy to prepare Findings of Fact denying the variance request by Ben and Jeff Landwehr to construct a pole type structure on less than 5 acres at 4121 Interlachen Drive NE. All in favor, motion carried.**

#### **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 16, 2018
- 4.2 Approval of claims in the amount of \$311,467.11
- 4.3 Approval of Ordinance No. 18-03 amending Article 9-220.6 adding Motor Vehicle Sales Lots as a Permitted Use in I-P (Industrial Park) Zoning
- 4.4 Approval of Excluded Bingo on four dates (April 7<sup>th</sup>, May 5<sup>th</sup>, October 6<sup>th</sup> and November 3<sup>rd</sup>, 2018) for Blaine Central Alano, 13536 Highway 65 NE
- 4.5 Approval of Resolution No. 18-04 adopting the low bid for the 2018 Tree Removal Project for Aberdeen Street NE, Baltimore Street NE and 148<sup>th</sup> Lane NE and 149<sup>th</sup> Avenue NE
- 4.6 Approval of scheduling the Citywide Recycling Day for Saturday, May 5, 2018 from 8:00 a.m. to Noon
- 4.7 Approval of purchasing a 72 inch mower for the Public Works Department in the amount of \$23,624.44
- 4.8 Approval of purchasing new AV Equipment from Z Systems in the amount of \$91,996.36

**Motion by Kirkeide, seconded by Parranto, to approve the Consent Agenda removing Item 4.1. All in favor, motion carried.**

**Motion by Johnson, seconded by Parranto, to approve Item 4.1, minutes of January 16, 2018 as written. Mayor Van Kirk and Councilmember Kirkeide, Johnson and Parranto voted yes. Councilmember Doyle abstained. Motion carried.**

## 5.0 PLANNING COMMISSION RECOMMENDATIONS

### 5.1 Tim Olson requesting a Certificate of Occupancy to operate Cedar Ridge Church at 16405 Aberdeen Street NE

Mayor Van Kirk stated the proposed future parking would be addressed with the continuing growth of the church congregation. **Motion by Van Kirk, seconded by Johnson, to concur with the recommendation of the Planning Commission to approve a Certificate of Occupancy as requested by Pastor Tim Olson to operate Cedar Ridge Church at 16405 Aberdeen Street NE, subject to all parking, driveway and sidewalk being maintained on-site on a hard surface, proposed parking area and sidewalk to meet City requirements, receiving approval by the Coon Creek Watershed District and the City Engineer, with such driveway and sidewalk being constructed no later than May 31, 2018, striping of parking stall spaces (minimum 9' x 20' spaces, handicap parking spaces to be a minimum of 8' x 20' plus 5' x 20' hashed spaces), and maintaining minimum 24' wide driving isles posted with signage stating no parking, and meeting all State, County and City requirements.** Discussion followed. Engineer Collins stated that the consultant is working on the site plan to submit to the Coon Creek Watershed District for approval. **All in favor, motion carried.**

### 5.2 Jeff Stalberger, Crosstown Development, LLC, requesting Sketch Plan approval for Crosstown Rolling Acres (98 Single Family Residential lots) in Section 6 (located at Crosstown Boulevard NE, between University Avenue NE and Polk Street NE)

Councilmember Kirkeide stated that this development will be completed in phases. **Motion by Kirkeide, seconded by Johnson, to concur with the recommendation of the Planning Commission to approve the Sketch Plan of Crosstown Rolling Acres, 98 Single Family Residential Lots in Section 6, as presented by Jeff Stalberger, Crosstown Development, LLC, subject to meeting the recommendations of the City Engineer, Anoka County Highway Department and all State, County and City requirements. All in favor, motion carried.**

### 5.3 Jeff Stalberger, Crosstown Development, LLC, requesting a lot line adjustment to increase the lot size at 831 173<sup>rd</sup> Avenue NE – approval required as this will be an exception to the plat of Crosstown Rolling Acres in Section 6

**Motion by Johnson, seconded by Parranto, to concur with the recommendation of the Planning Commission to approve the lot line adjustment in Section 6 and increasing the lot size of 831 173<sup>rd</sup> Avenue NE to 5.11 acres, subject to meeting all State, County and City requirements. All present in favor, motion carried.**

## 6.0 PARK AND TREE COMMISSION RECOMMENDATIONS – None

## 7.0 ECONOMIC DEVELOPMENT AUTHORITY – None

## 8.0 APPEARANCES

### 8.1 Finance Director Sharon Kutzke – 4<sup>th</sup> Quarter 2017 Financial Report

Finance Director Kutzke gave the financial report for the 4<sup>th</sup> Quarter of 2017. Finance Director Kutzke reported on the General Fund actual to original budget and Revenues actual to original budget. Finance Director Kutzke reviewed the Expenditures actual to original budget, actual to original by department and actual to budget by category. Finance Director Kutzke reported on the comparison to the prior year for revenues and expenditures. Finance Director Kutzke stated that property taxes are \$107,574 more than last year. Finance Director Kutzke reviewed the General

Fund Balance and the fund balance as of the 2018 budgeted expenditures is at 61.1%. Finance Director Kutzke stated that this is higher than the recommended range of 35% to 50%. Finance Director Kutzke stated that the City's bond ratings from Moody's has been upgraded from Aa2 to Aa1 and from S&P (not previously rated) was an AA+. Mayor Van Kirk questioned how the City could get a Prime Rating. Finance Director Kutzke stated that the city would need to implement additional policies and procedures. Finance Director Kutzke stated that the 2017 Audit Report will be presented to the City Council on May 7, 2018 and the audit fieldwork will be conducted on March 12, 13 and 15, 2018.

#### 8.2 Finance Director Sharon Kutzke – Consideration of Transfer of Funds

Finance Director Kutzke discussed the possibility of transferring some funds to the Revolving Street Fund. Councilmember Kirkeide stated that the Road Committee has reviewed streets that are still in good condition and can be postponed for future street improvements at a later date. **Motion by Johnson, seconded by Doyle, to transfer \$250,000 from the General Fund to the Revolving Street Fund, to be recorded as of December 31, 2017. All in favor, motion carried.**

#### 9.0 CITY ATTORNEY – None

#### 10.0 CITY ENGINEER

##### 10.1 Discussion of the 2040 Comprehensive Plan

Engineer Collins stated there are available funds from the Anoka County HRA to pay for the update to the 2040 Comprehensive Plan. Engineer Collins stated that the City did receive \$20,000 from the Metropolitan Council Planning Assistance Grant to help pay for the updated Comprehensive Plan. Engineer Collins stated that a draft of the Comprehensive Plan has been submitted to the Met Council for comments. There was discussion if the City Council would like to have the Met Council attend a meeting to do a presentation and if the City Council would like to ask for public involvement in the updating of the Comprehensive Plan. Councilmember Kirkeide stated that the public can at any time comment on the Comprehensive Plan. **It was the consensus of the City Council that they do not feel that the Met Council needs to attend a meeting.**

#### 11.0 FIRE CHIEF – None

#### 12.0 COUNCIL BUSINESS

##### 12.1 Committee Reports

Mayor Van Kirk stated that the Meet the Deputies has been moved to the March 5, 2018 City Council meeting.

##### 12.2 Discussion of designation of the official newspaper

Mayor Van Kirk stated that the Star Tribune offers competitive pricing and staff liked the idea of being able to publish 7 days a week. **Motion by Kirkeide, seconded by Doyle, to designate the Star Tribune as the official legal newspaper for the City of Ham Lake. All in favor, motion carried.**

##### 12.3 Discussion of Planning Commissioner educational workshops

Mayor Van Kirk stated that the Planning Commissioners have been offered to attend educational workshops in the past. Mayor Van Kirk stated that most classes are held during the weekdays and

feels that the commissioners should be compensated for their time away from their jobs, such as \$100 a day. Councilmember Kirkeide stated that these classes are crucial and having the zoning knowledge will help the Planning Commissioner's when making decisions. Mayor Van Kirk stated that he would like staff to research future dates for educational workshops that the Planning Commissioners can attend. Councilmember Kirkeide stated that he would like feedback from the Planning Commissioners on who would attend these classes.

12.4 Discussion of animal control

Mayor Van Kirk stated that Tammy Gimpl of Gratitude Farms did not get to defend herself because of current legal issues. Mayor Van Kirk stated that if Council agreed, he would like to meet with staff to review the animal control issues and meet with Ms. Gimpl of Gratitude Farms. Mayor Van Kirk stated that he would like to discuss Ms. Gimpl taking credit cards as a form of payment. Councilmember Johnson stated that the City should not dictate how she gets paid. **It was the consensus of the City Council to have Mayor Van Kirk meet with staff and Ms. Gimpl of Gratitude Farms to review the animal control issues.**

12.5 Announcements and future agenda items

Mayor Van Kirk stated that the Snowbowl is this Saturday, February 10, 2018.

**Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 7:52 p.m. All in favor, motion carried.**

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Denise Webster, City Clerk