

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
MONDAY, APRIL 16, 2018**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, April 16, 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, Al Parranto, Tom Johnson 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

Christine Dahlman, 17540 Highway 65 NE, was present. Ms. Dahlman questioned if Ham Lake tax payers money should be used to support a business that is being run illegally in East Bethel. Attorney Murphy stated that it is between the business and the City of East Bethel to determine if the business is being run illegally in their city. Fire Chief Krueger stated that Gratitude Farms does have an IUP (Interim Use Permit) from the City of East Bethel for their business. Ms. Dalman read an email from the Mayor of East Bethel and stated that per the email the Mayor stated that Gratitude Farms was running a commercial kennel business illegally. Mayor Van Kirk stated that everything that has been brought before the Council by Ms. Dahlman has been reviewed and most of it is “hearsay”.

Brook Parent, 1807 140th Lane NE, was present. Mr. Parent stated that he would like to speak when Item 5.2 is discussed.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

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

Lt. Derek Schuldt gave a summary of the sheriff’s report for the month of March.

3.2 Nancy Braastad, President of Ham Lake Development Co. – Requesting approval for a Ham Lake Beautification Grant for H & H Contracting Company, 1327 153rd Lane NE, Ham Lake

Nancy Braastad, President of the Ham Lake Development Co., was present. Ms. Braastad stated that H & H Contracting Company is going to be improving the landscaping and perimeter fencing. **Motion by Van Kirk, seconded by Johnson, to approve a Ham Lake Beautification Grant in the amount of \$8,000.00 for H & H Contracting Company at 1327 153rd Lane NE for improving the landscaping and perimeter fencing. 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 April 2, 2018
- 4.2 Approval of claims in the amount of \$447,748.95
- 4.3 Approval of the resignation of Public Works Maintenance Employee Ryan Hentges
- 4.4 Approval of the 2019 Budget for the Upper Rum River and Sunrise River Watershed Management Organizations
- 4.5 Approval of Resolution No. 18-24 designating the polling sites for the Primary (August 14, 2018) and General (November 6, 2018) Elections
- 4.6 Approval of a one year extension for the Commercial Site Plan for an addition at Primary Automation, 13361 Aberdeen Street NE
- 4.7 Approval of accepting the MSA 134th Avenue NE, Aberdeen Street NE and Eveleth Street NE construction/reconstruction project and commencing the one-year warranty period
- 4.8 Approval of the 2018 Residential Recycling Agreement with Anoka County

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

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Jim Malvin, I.R. Properties, LLC, requesting Preliminary Plat approval and rezoning to PUD (Planned Unit Development) the plat of Rylie's Way (6 lots) in Section 1. (This application was tabled at the April 10, 2017 Planning Commission meeting) (this is considered the First Reading of a rezoning Ordinance)

Motion by Johnson, seconded by Parranto, to concur with the recommendation of the Planning Commission and approve the Preliminary Plat and Rezoning to PUD (Planned Unit Development) of the plat of Rylie's Way, as submitted by Jim Malvin, I.R. Properties, LLC, consisting of six lots in Section 1, subject to meeting the recommendations of the City Engineer and all City, State and County requirements. All in favor, motion carried.

This is considered the First Reading of a Rezoning Ordinance.

- 5.2 Consideration of renewal of the Private Kennel License for Samir Salama (renewal date May 1, 2018) to keep 3 dogs at 1818 140th Avenue NE (this discussion was tabled at the Planning Commission's October 23, 2017 meeting)

Attorney Murphy gave a brief background on the Private Kennel License that is being discussed for renewal by Dr. Salama. Attorney Murphy stated that Dr. Salama currently has a Private Kennel License that allows him to keep up to three dogs. Attorney Murphy stated that a complaint was received by the City, and per the City ordinance; if there is a complaint regarding the property it triggers a review of the Private Kennel License by the Planning Commission. Attorney Murphy stated that the City Council can 1) approve the Private Kennel License as it currently is with the existing conditions set forth by the Planning Commission; 2) renew the license with amended conditions or; 3) deny the license. Attorney Murphy stated that there have been complaints that Dr. Salama has more than three dogs on the property and a breeding business is being operated at the property. Attorney Murphy stated that Dr. Salama is in

the process of building a structure in Athens Township and Dr. Salama states that is where the dogs will be kept, other than the three that he is requesting to keep at his property in Ham Lake.

Dr. Salama and his Attorney, Adam Ripple, were present. Dr. Salama stated that the Private Kennel License allows him to have three dogs and if there are puppies, he has to get rid of them by 6 months of age. Councilmember Johnson stated that if the dogs keep having puppies, then they are being bred. Attorney Murphy stated that there is evidence through the courts that Dr. Salama is breeding and running a business. Dr. Salama stated that he would like to keep three dogs as pets. Mayor Van Kirk stated that he is concerned about the breeding of the dogs. Dr. Salama stated that he will only keep three dogs as pets and there will be no breeding of them because they are past the age of breeding. Dr. Salama stated that he has been harassed and the complaints against him are not true. There was discussion of completing an on-site visit to count how many dogs are being kept on the property. Dr. Salama stated that he doesn't want anyone just showing up at his house and would want a scheduled visit. Attorney Ripple stated that Dr. Salama wants to be responsible and an on-site visit is invasive. There was discussion of having the Planning Commission review the Private Kennel License again. Mayor Van Kirk stated that the City only reacts to complaints and that the city does not go looking for the complaints.

Brook Parent, 1807 140th Lane NE, was present. Mr. Parent stated that he has never complained about Dr. Salama before and this would be his first complaint. Mr. Parent stated that the evidence is obvious that he is running a breeding business out of his house and doesn't understand why his Private Kennel License was approved for renewal by the Planning Commission. Mr. Parent stated that he is the voice of his neighborhood. Mr. Parent stated that Dr. Salama's website states that he is breeding dogs and selling them. Mr. Parent also stated that Dr. Salama is throwing the dog waste into the lake, which is illegal. Fire Chief Krueger stated that this was brought to the City's attention and a letter was sent to Dr. Salama, who said he wasn't doing it.

Attorney Ripple stated that the complaint that was received by the City from last September was unfounded and the complaint was retracted. Mayor Van Kirk questioned why Dr. Salama has a website to sell dogs. Dr. Salama stated that is how he finds homes for the puppies before they turn 6 months of age. Councilmember Parranto stated that on Dr. Salama's website, he is clearly calling himself a breeder and has his Ham Lake address listed on the website. Mayor Van Kirk stated that Dr. Salama is running a business out of his house and would like confirmation that the breeding will stop when the new building is built in Athens Township. Dr. Salama stated that he will only keep 3 older dogs as pets and there will be no breeding. Councilmember Johnson stated that if the breeding continues and there are more than three dogs on Dr. Salama's property, the Private Kennel License will not be renewed. **Motion by Van Kirk, seconded by Johnson, to concur with the recommendation of the Planning Commission to approve the renewal of the Private Kennel License for Samir Salama (renewal date May 1, 2018) at 1818 140th Avenue NE subject to the following conditions: 1) To keeping no more than three dogs. 2) All dogs must maintain current licensing. 3) Dogs will not be intentionally bred; any puppies produced are to be removed by six months of age. 4) Meeting all City, State and County requirements. All in favor, motion carried.**

- 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

Fire Chief Krueger stated that the owner of Jam Hops, Brenda Nolby, has been named Minnesota's 2018 Small Business Person of the Year. Mayor Van Kirk stated that he would like to have the City present a Resolution to Ms. Nolby.

12.0 COUNCIL BUSINESS

12.1 Committee Reports – None

12.2 Announcements and future agenda items – None

Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 7:07 p.m. All in favor, motion carried.

Denise Webster, City Clerk