

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
MONDAY, JUNE 19, 2017**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, June 19, 2017 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 Tom Johnson, Al Parranto, and Gary Kirkeide

MEMBERS ABSENT: Councilmember Jim Doyle

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 – None

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Lt. Paul Lenzmeier – Anoka County Sheriff's Monthly Report

Lt. Paul Lenzmeier gave a summary of the sheriff's report for the month of May.

3.2 Nancy Braastad, President of Ham Lake Development Company, requesting approval of a Ham Lake Beautification Grant for Air Mechanical Inc., 16411 Aberdeen Street NE

Motion by Johnson, seconded by Parranto, to approve a Ham Lake Beautification Grant in the amount of \$3,495.00 for Air Mechanical Inc., at 16411 Aberdeen Street NE for the landscaping. All present in favor, motion carried.

3.3 Nancy Braastad, President of Ham Lake Development Company, requesting approval of a Ham Lake Beautification Grant for North Metro Supplies Inc., 16358 Aberdeen Street NE

Motion by Johnson, seconded by Kirkeide, to approve a Ham Lake Beautification Grant in the amount of \$8,000.00 for North Metro Supplies Inc., at 16358 Aberdeen Street NE for the improvement of the parking lot and front yard. All present in favor, motion carried.

3.4 Holly Fischer, Director of Operations and Andrew Wallschlager, Board Member of DaVinci Academy

Holly Fischer, Director of Operations and Andrew Wallschlager, Parent and Board Member of DaVinci Academy was present. Mr. Wallschlager stated that they were before the City Council to request financial assistance with helping to construct a playground at DaVinci Academy. Mr.

Wallschlager stated that money from the building fund cannot be used to help with the construction of the playground. Mr. Wallschlager stated that there will be a soccer field, walking path and playground equipment. Mayor Van Kirk stated that during non-school hours, the playground would be open to the public. Mr. Wallschlager stated that the cost to construct the park is \$127,000 and they have held fundraisers and already raised half of the funds. Ms. Fischer stated that the price has gone down due to using woodchips instead of rubber material. Councilmember Johnson questioned if there were liability issues. Attorney Murphy stated that he was not sure which city fund the money could come out of to help pay for the playground. **It was the consensus of the City Council to have Attorney Murphy research which city fund monies could be used to contribute to the construction of the playground at DaVinci Academy.** (This item will be on the July 5, 2017 City Council agenda).

3.5 Bruce Hildebrandt, Allina Health, Ambulance Operations Manager

Bruce Hildebrandt, Allina Health, Ambulance Operations Manager was present. Mr. Hildebrandt stated that he had met with Fire Chief Krueger and proposed having an ambulance located at the Fire Station #1. Mr. Hildebrandt stated that since having the ambulance located at the Fire Station #1 it has cut down on the response time. Mr. Hildebrandt stated that Allina Health is the largest in the State of Minnesota and employees over 600 people, servicing 1.1 million people. Mr. Hildebrandt stated that there are over 110,000 responses a year, which is about 320 calls per day. Mr. Hildebrandt stated that in 2016 there were 703 calls in Ham Lake with average emergent time response of 9:34 minutes and in 2017 average emergent response time is currently 7:44 minutes. Mr. Hildebrandt gave an overview of the top ten calls that are received. Fire Chief Krueger stated that it works out well having an ambulance located at Fire Station #1.

3.6 6:01 P.M. – Public Hearing – For citizens to have an opportunity to give written or oral input to reduce or eliminate pollutants from storm water runoff as part of the National Pollutant Discharge Elimination System (NPDES)

Engineer Collins stated that the public can give written or oral comments regarding the National Pollutant Discharge Elimination System (NPDES).

Mayor Van Kirk called the Public Hearing to order at 6:29 p.m.

Mayor Van Kirk asked for public comment and there being none, closed the public hearing at 6:29 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 June 5, 2017

4.2 Approval of claims in the amount of \$346,706.30

4.3 Approval of Ordinance No. 17-07 rezoning Red Fox Hollow 2nd Addition

4.4 Approval of Resolution No. 17-22 accepting a \$2,000.00 donation from Blaine's Blazin 4th

- 4.5 Approval of Resolution No. 17-23 accepting a \$10,500.00 donation from Ham Lake Chamber of Commerce
- 4.6 Approval of Resolution No. 17-24 accepting a \$450.00 donation from Andover Football Association
- 4.7 Approval of a lot line adjustment between Lot 10, Block 2 Hidden Forest North 2nd Addition and Lot 1 Block 1, Hidden Forest North
- 4.8 Approval of Resolution No. 17-25 for the Findings of Fact denying the request of Freedom Auto Sales for a Conditional Use Permit to operate a used car sales lot at 14954 Aberdeen Street NE
- 4.9 Approval of Liquor Licenses, subject to the approval of the City Attorney
 - On-Sale and Sunday On-Sale
 - Maxx Bar & Grill, 17646 Highway 65 NE, Ham Lake, MN
 - Off-Sale
 - Carey's Liquor, 16205 Lexington Avenue NE, Ham Lake, MN

Motion by Kirkeide, seconded by Parranto, to approve the Consent Agenda. All present in favor, motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Tom Kuehn requesting Commercial Site Plan approval to construct a building for Kuehn Roof Systems located at 14815 Aberdeen Street NE

Motion by Van Kirk, seconded by Johnson, to concur with the recommendation of the Planning Commission and approve the Commercial Site Plan to construct a building for Kuehn Roof Systems at 14815 Aberdeen Street NE as presented by Tom Kuehn 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 – None

9.0 CITY ATTORNEY – None

10.0 CITY ENGINEER

- 10.1 Discussion of Lot 1, Block 4, Hiawatha Beach (3317 Interlachen Drive NE)

Engineer Collins stated that back in 2009 a bridge was built between south Coon Lake and Coon Lake. Engineer Collins stated that the Public Works Department is responsible for dredging the channel. Engineer Collins stated that the Public Works Department uses the property located at 3317 Interlachen Drive NE to access the channel for dredging. Engineer Collins stated that it has always been a verbal agreement between the property owner and Public Works to allow them to go onto this property to do the dredging. Engineer Collins stated that this property has recently been placed for sale for \$150,000 and there are concerns that Public Works will not be able to use this property to access the channel once sold to new owners. There was discussion of how much of an easement is needed to access the channel. **It was the consensus of the City Council to direct Attorney Murphy to contact the owner and negotiate a 10 foot drainage and utility easement so Public Works can access the channel for dredging.**

11.0 FIRE CHIEF

11.1 Update on Route 65 Sales, 14954 Aberdeen Street NE

Fire Chief Krueger stated that he spoke with the owner of Route 65 Sales, and Unique Classic Cars is still operating at this location. Fire Chief Krueger stated that the owner said if Unique Classic Cars decides to move their business, he would again operate his Route 65 classic car sales from this location. Fire Chief Krueger stated that Unique Classic Cars is currently operating under the Conditional Use Permit (CUP) for selling classic cars. (This item will be discussed further under Item 12.3).

11.2 Update on 133rd Lane NE area businesses

Fire Chief Krueger stated that the businesses on 133rd Lane NE are not totally cleaned up, but there has been a huge improvement. Fire Chief Krueger stated that he has met with the possible new tenant and he has stated that his intention is to make a business that the neighborhood can be proud of. Fire Chief Krueger stated that he has a meeting with him on Thursday. There was discussion if this property had a Conditional Use Permit (CUP) to operate an auto body repair shop. Fire Chief Krueger stated that it was built in 1980 and has been grandfathered in so a CUP is not required for the property. There was discussion that the City Code doesn't get specific on what an Auto Body Repair Shop is. Attorney Murphy stated that it would be premature to revise the City Code because we do not know what kind of business will be going in next. Attorney Murphy stated that grandfathered rights cannot be changed, and only if the use has been inactive for one year are grandfather rights no longer tied to the property.

Dustin Reichert, 1254 133rd Lane NE was present.

Mr. Reichert stated that when the neighbors were at the City Council meeting a month ago, it was their request that there be communication between them and the City. Mr. Reichert stated that he received an update on June 15th from Fire Chief Krueger. Mr. Reichert stated that he asked questions regarding grandfathered rights and he received an email with the answers 4 hours ago. Mr. Reichert stated that he has been to Abra Auto Body recently and the cars were orderly and the business was clean. Mr. Reichert stated that the owner is now working on cars outside and every single tenant has been like this. Mr. Reichert stated that he is going to argue that this is not a body shop and he has seen a lot of stripping of cars, which would make this a salvage yard. Mr. Reichert questioned, "what are the neighbors allowed to get upset about", the long grass, signage, fencing, etc. Mr. Reichert stated that tow trucks are pulling into neighbor's driveways to turn around. Mr. Reichert stated that he would like to see the next tenant agree to a voluntary Conditional Use Permit (CUP) with the City waiving the fees.

Mayor Van Kirk questioned if certain conditions can be placed on the business. Attorney Murphy stated that Code Enforcement would have to handle it. Councilmember Kirkeide stated that is an allowed grandfathered use and all the neighbors are continuing to watch the business. Attorney Murphy stated that the Public Nuisances could be tightened to address some of the issues.

Becky and John Riley, 13402 Buchanan Street NE was present.

Ms. Riley stated that she will not walk her dog past the business anymore because she has been followed home a couple of times by persons from the business asking for her phone number. Ms.

Riley stated that she will call 911 the next time. Mr. Riley stated that he would like to see a reputable business there.

Joe Jensen, 1257 133rd Lane NE was present.

Mr. Jensen questioned if it was the City or the owner who had the tenants evicted by a Court Order. Attorney Murphy stated that it was the property owner. Mr. Jensen stated that he met with the new tenants and they are going to be hiring the same people who worked for the old renters. Mr. Jensen stated that they were told it was not a salvage yard, and asked Fire Chief Krueger if he has any pictures to indicate that. Attorney Murphy stated that this was public comment and there will not be a debate. Mr. Jensen stated that the new tenant said that he would change everything, but knows he won't. Mr. Jensen stated that there needs to be better communication. Mr. Jensen stated that everyone is sick of it and talk is talk and wants to see stuff done.

Mayor Van Kirk stated that this property needs a viable business to operate there.

Fire Chief Krueger stated that at Council's direction, staff has been told that code enforcement is complaint driven and we don't go out looking for violations. Fire Chief Krueger stated that these residents are driving by this business every day and once staff was aware of the situation, code enforcement began. Mayor Van Kirk stated that the City knows there are complaints. Councilmember Kirkeide stated that code enforcement needs to stay on top of this. Mayor Van Kirk stated that the City can't speculate what the next business will be, but code enforcement needs to monitor them. Councilmember Kirkeide stated that code enforcement needs to make a list of items that need to be done in order for this business to be compliant. Fire Chief Krueger stated that the new tenant is aware of the code violations and will be discussing them with him at their meeting on Thursday.

Anne Heise, 1228 133rd Lane NE was present.

Ms. Heise stated that when the residents came before the City Council in May, they were told they would get updates.

Mayor Van Kirk stated that a time frame was not given to the residents. Mayor Van Kirk apologized and stated that the City wasn't withholding any information and it takes time. Attorney Murphy stated that this is a very slow process and if a citation had been issued in May, the tenant wouldn't be going to court until next week. Attorney Murphy stated that there is not a quick solution.

Mr. Reichert stated that a brief update would be nice so the residents know what is actually happening.

Bruce Adams, 13432 Buchanan Street NE was present.

Mr. Adams stated that he is concerned with the pollutants that could be in the soils and ponds.

Fire Chief Krueger stated that he has been in contact with the Anoka County Health Department and they have been on site and have found nothing of concern, but will be doing another visit now that the site is cleaned up.

Veral Campbell, 1035 133rd Lane NE was present.

Mr. Campbell stated that the business looked like a chop shop. Mr. Campbell stated that the fence is inadequate and a decent one needs to be installed. Mr. Campbell stated that the business is an eyesore.

11.3 Discussion of Curbside Recycling Program for textiles and small household goods

Fire Chief Krueger stated that Simple Recycling is a for profit company that would go to residents who sign up for their service and pick-up small textiles and household goods. Fire Chief Krueger stated that they are currently operating in 5 states and are servicing five cities in Hennepin County. Councilmember Johnson questioned if Ham Lake Haulers had been contacted. Fire Chief Krueger stated that the spoke with them and there only concern would be if a resident places the bags on top of their recycling can, the drive would need to get out of the truck to remove it. Fire Chief Krueger stated that resident's would need to sign up for this service and the company would provide them with their bags and they would then know which resident's to go to for pick-up. Fire Chief Krueger stated that they will reimburse the City \$20 per ton collected. Attorney Murphy stated that he reviewed the contract and didn't see any problems with it. **Motion by Kirkeide, seconded by Johnson, to approve the contract with Simple Recycling to provide curbside recycling services for textiles and small household goods. All present in favor, motion carried.**

12.0 COUNCIL BUSINESS

12.1 Committee Reports – None

12.2 Discussion of adopting Resolution No. 17-26 for the improvement of 155th Avenue NE, between Naples Street NE and Lexington Avenue NE and/or reclaiming millings to gravel Steve Menkveld, 3658 155th Avenue NE was present.

Mr. Menkveld stated that he has already paid an assessment when the development of Rendova Ridge was put in. Engineer Collins stated that there were 17 properties in Rendova Ridge and they each paid a \$600.00 fee for future street improvements. Engineer Collins stated that in 1999 when millings were placed on 155th Avenue NE, those funds were used to help pay for the placement of the millings. Attorney Murphy stated that Mr. Menkveld would still be assessed for the upgrade of 155th Avenue NE. Mr. Menkveld stated that he is concerned if the road will last this time. Councilmember Kirkeide explained that the street is currently millings and the new road will be upgraded to City standards. There was discussion of when the assessment would become effective. Attorney Murphy stated that each city is different. Councilmember Johnson stated that it would probably be a year before the assessment would start.

Jeremy Anton, 4530 155th Avenue NE was present.

Mr. Anton stated that \$16,000 is more than just \$16,000 when you add in the interest. Mr. Anton stated that he wished that the Council's communication had been better. Mayor Van Kirk questioned if he had been notified of these meetings and he said he had been notified and has attended the meetings. Mr. Anton stated that he hoped the 9 ton road would hold up.

Brad Schlanger, 3715 155th Avenue NE was present.

Mr. Schlanger thanked the City Council for getting the project to this point. Mr. Schlanger stated that he has a huge concern with the speeding on the road and something needs to be done about it. Mr. Schlanger was hoping that the time frame for construction of the road could be fast tracked. Mr. Schlanger stated that he still thought it was a good idea for an area wide assessment to the people who have to access 155th Avenue NE to get out of their developments.

There was discussion of the speed on 155th Avenue NE and Engineer Collins stated that the City can post the speed to whatever they want. Councilmember Kirkeide stated that it should be set low and patrolled by the Anoka County Sheriff's Deputies.

Paul John, 3959 155th Avenue NE was present.

Mr. John asked what was the consensus of the residents on 155th Avenue NE that were asked for their input. Mayor Van Kirk stated that most were in favor of improving the road. Mr. John questioned who gets assessed. Attorney Murphy stated that the City Council decided to assess all the properties that abut 155th Avenue NE. There was discussion of deferred assessments.

Jackie Freecheck, 3751 155th Avenue NE was present.

Ms. Freecheck stated that she and her husband want the road to be paved. Ms. Freecheck stated that the road is horrible now with the millings and would be worse if it were a dirt road. Ms. Freecheck stated that she would like the current millings to be maintained until the new road is constructed. Engineer Collins stated that Public Works will continue to maintain the road until the new road is constructed.

Motion by Kirkeide, seconded by Van Kirk, to approve Resolution No. 17-26 to direct the City Engineer to order the plans and specifications for the improvement of 155th Avenue NE, between Naples Street NE and Lexington Avenue NE. All present in favor, motion carried

12.3 Discussion of amending the City Code to allow used car sales in CD-1 with a Conditional Use Permit

Mayor Van Kirk stated that currently he and Councilmember Kirkeide are on the Code Review Committee. Mayor Van Kirk stated that he would like to have a subcommittee which would consist of himself and Councilmember Kirkeide and a couple of Planning Commissioners, which will review a possible amendment to the City Code to allow used car sales in CD-1 with a Conditional Use Permit (CUP). Councilmember Johnson questioned that if the City Code is changed would it solve the problem. Mayor Van Kirk stated he would like to find a solution with used cars being allowed and have it look like the business Owner to Owner Car Sales at 13830 Aberdeen Street NE. Mayor Van Kirk stated that security, lighting, parking lot paving, etc. would be required so it would look like a new car lot. Mayor Van Kirk stated that if the changes are done right, it would not open it up to other used car lots. Councilmember Kirkeide stated that new car sales are allowed and they can still sell used cars. Councilmember Kirkeide stated that it is hard to tell between new and used vehicles. Mayor Van Kirk stated that higher standards will bring better businesses. Councilmember Johnson stated that he doesn't think anyone is asking for what is being proposed. **It was the consensus of the City Council to have the Planning Commission select two members to be part**

of the Sub-Committee to discuss allowing used car sales in CD-1 with a Conditional Use Permit (CUP). (This item will be placed on the next Planning Commission agenda).

12.4 Discussion of amending the City Code regarding accessory buildings

Attorney Murphy stated that the City Code regarding accessory buildings was recently changed and there has been a request for another amendment. There was discussion to change the size limitations to:

9-370.1 Size Limitations An *Accessory Building* shall be no more than one story in height, and the following size limitations shall apply to *Accessory Buildings*:

Lot size	Maximum Accessory Building Size*	
	Front Yard Setback**	Side or Rear Yard Setback***
One acre or less	676 sq. ft.	1000 sq. ft.
1+ acre to 2.5 acres	720 sq. ft.	1500 sq. ft.
2.5+ acres to 5 acres	800 sq. ft.	2400 sq. ft. unless approved by City Council
5+ acres to 10 acres	1200 sq. ft.	3000 sq. ft. 5000 sq. ft. unless approved by City Council
10+ acres	5000 sq. ft. unless approved by City Council	

Councilmember Kirkeide stated that the City does not want to encourage illegal business activities with the bigger accessory building sizes. **Motion by Van Kirk, seconded by Kirkeide, to direct the Planning Commission to schedule a public hearing to amend the City Code regarding accessory building size limitations. All present in favor, motion carried.**

12.5 Announcements and future agenda items

Mayor Van Kirk stated that the Independence Day Celebration will be held on Saturday, July 1st, 2017 at Lion's Park.

Attorney Murphy stated that the next City Council meeting will be held on Wednesday, July 5, 2017 due to City Hall being closed on Monday, July 3, 2017.

Motion by Kirkeide, seconded Parranto, to adjourn the meeting at 8:28 p.m. All present in favor, motion carried.

Denise Webster, City Clerk