

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY
WORKSHOP MEETING MINUTES
MONDAY, JANUARY 29, 2024**

The Ham Lake City Council met on Monday, January 29, 2024 at 5:00 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 Brian Kirkham and Councilmembers Jim Doyle, Gary Kirkeide, Al Parranto and Jesse Wilken

MEMBERS ABSENT: None

OTHERS PRESENT: City Attorney, Mark Berglund; City Engineer, Tom Collins; City Administrator, Denise Webster; Building and Zoning Official, Mark Jones; and Deputy City Clerk, Dawnette Shimek

1.0 Call to Order

Mayor Kirkham called the meeting to order at 5:00 p.m.

2.0 Discussion of H&H Construction Temporary Certificate of Occupancy

There was discussion that H&H Construction was near completion of their building except for the paving of the parking lot, curb and gutter, trees, fencing, etc. There was discussion that the City does not issue a Temporary Certificate of Occupancy if the parking lot is not completed. There was discussion regarding ADA (American Disability Act) compliance and that without the parking lot being completed, ADA compliance is not met and the concern would be if someone was to get hurt on the property. Attorney Berglund clarified to the City Council that staff nor the City Council caused the delay in the parking lot being completed and that the owner had ample time to complete the driveway. Engineer Collins stated that the City Code requires the driveway to be completed in order to get a Temporary Certificate of Occupancy. There was discussion to enter into an agreement with H&H Construction to allow a Temporary Certificate of Occupancy, with the terms being no customers allowed, a deadline of May 31, 2024 to complete the driveway, escrow amount to be determined by Building Official Jones and Engineer Collins, all city incurred fees be paid by H & H Construction, provide proof of insurance that indemnify' s the City of any liability regarding safety issues, and that the Temporary Certificate of Occupancy be revoked if these criteria are not met.. **It was the consensus of the City Council to have Attorney Berglund prepare an agreement with H&H Construction with conditions to obtain a Temporary Certificate of Occupancy.**

3.0 Discussion of Cars for Neighbors Limited Use Dealer's License

Attorney Berglund stated that Ham Lake is known for used car lots and the City Council decided years ago to not expand allowing anymore used car lots in Commercial Development Tier 1 (CD-1). There was discussion that the Cars for Neighbors Limited Use Dealer's License has recently lapsed and they need the City to sign a new form for them to give to the Minnesota Department of Public Safety to continue to donate cars to people in need. Attorney Berglund again reiterated that the lapsed of the Limited Use Dealer's License was not caused by staff nor the City Council. Kat Smithe, President and Valerie Jensen, Office

Manager, were present representing Cars for Neighbors. Ms. Jensen stated that with the Limited Dealer's License, they are not allowed to sell cars, they can only repair and donate a vehicle. Ms. Jensen stated that whatever vehicles cannot be repair or donated are junked and the money goes to Car for Neighbors to help repair other vehicles. Attorney Berglund stated that per the City Code as written, it might be possible for the Limited Use Dealer's License to be allowed at Meineke Car Care (13835 Johnson Street NE) with a Conditional Use Permit. **It was the consensus of the City Council to have Cars for Neighbors apply for a Conditional Use Permit for a Limited Use Dealer's License located at Meineke Car Care.**

4.0 Discussion of the revoked Conditional Use Permit for Foster Trucking located at 1561 Bunker Lake Boulevard NE

Attorney Berglund stated that he met with Noel Foster regarding his revoked Conditional Use Permit (CUP) back in 2020 for not constructing a building, which was part of the conditions of the CUP. Attorney Berglund stated that it was a very informative conversation. Attorney Berglund stated that Mr. Foster told him that years ago, the previous City Attorney Bill Dorn met with him and told him his business of trucks coming and going was permissible under the City Code as long as all the trucks were located behind the fence. Attorney Berglund stated that per the previous approval of Mr. Fosters CUP, he was planning to construct a building but ran out of funds and was unable to construct the building. Attorney Berglund stated that there are four choices; 1) Mr. Foster could be sited with a criminal misdemeanor for being in violation of the City Code; 2) there could be civil litigation and the City files a summons and complaint, which could include being incarcerated or fined; 3) Mr. Foster could stop operating the business; or 4) reset and have Mr. Foster apply for a new Conditional Use Permit with terms that meet the current City Code. There was discussion of the starting time of the trucks in the morning and that the noise ordinance is allowed from 7:00 a.m. to 10:00 p.m. and that Mr. Foster was starting his trucks up at 5:00 a.m. in the morning. There was also discussion of what his employees were using for restrooms and where was the office located. There was discussion that the building was to help eliminate the noise of the trucks. Building Official Jones stated that Mr. Foster did construct a fence, which was part of the CUP requirements. Mayor Kirkham stated that there is more noise coming from Highway 65 and Copart, than from Mr. Fosters property. Building Official Jones stated that staff has not received any complaints regarding the business. Attorney Berglund stated that he did talk to Mr. Foster about the early starting time and Mr. Foster stated that he does snow removal and needs to start early for that reason. Attorney Berglund stated that the written narrative from Mr. Foster needs to be very clear on how the business is being ran and needs to meet the minimum requirements of the City Code. Attorney Berglund stated that a draft Resolution should be prepared for the Planning Commission to review with staff recommendations going forward. Administrator Webster stated that staff needs time to create memos and resolutions and therefore items cannot be rushed through the Planning Commission and City Council anymore. **It was the consensus of the City Council to have Noel Foster of Foster Trucking re-apply for a new Conditional Use Permit.**

Motion by Kirkeide, seconded by Parranto, to adjourn the workshop meeting at 6:20 p.m. All in favor, motion carried.

Dawnette Shimek, Deputy City Clerk