

**CITY OF HAM LAKE  
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES  
MONDAY, OCTOBER 4, 2021**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, October 4, 2021 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:** Acting Mayor Gary Kirkeide and Councilmembers Jim Doyle, Brian Kirkham and Jesse Wilken

**MEMBERS ABSENT:** Mayor Mike Van Kirk

**OTHERS PRESENT:** City Attorney, Joe Murphy; City Engineer, Tom Collins; City Administrator, Denise Webster; Finance Director, Andrea Worcester; Building and Zoning Official Mark Jones; and Building and Zoning Clerk, Jennifer Bohr

**1.0 CALL TO ORDER - 6:00 P.M.** – Pledge of Allegiance

Acting Mayor Kirkeide 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 PUBLIC HEARING - 6:01 p.m.** – to consider the assessment roll for the improvement of 155<sup>th</sup> Avenue NE from Naples Street NE to Lexington Avenue NE and adoption of Resolution No. 21-35

**Acting Mayor Kirkeide opened the public hearing for comment at 6:01 p.m.**

Ernie Rud, 3958 155<sup>th</sup> Avenue NE, asked for the total cost of the project. Engineer Collins stated the total cost of the project was above the \$1.4 million estimate determined by the feasibility study due to soil corrections. Engineer Collins stated this project was initiated in 2013 per a petition submitted by residents living along 155<sup>th</sup> Avenue NE; in 2017 a public hearing was held to discuss the project, determine if the project should move forward and identify which property owners would be assessed for the new road. Engineer Collins stated it was decided that property not fronting on 155<sup>th</sup> Avenue NE would not be assessed; the cost of the project was shared between the residents and the City with the residents paying approximately forty percent of the project and the City paying approximately sixty percent. Acting Mayor Kirkeide stated millings that had been put onto 155<sup>th</sup> Avenue NE lasted for almost 20 years; when the City reclaimed the first millings and attempted to put millings on the road again, the millings failed. Acting Mayor Kirkeide stated the road then either needed to be paved or converted back to a gravel road.

Shari Menkveld, 3658 155<sup>th</sup> Avenue NE. Ms. Menkveld stated her property is Lot 7, Block 1, Rendova Ridge. Ms. Menkveld stated the developer of Rendova Ridge paid \$10,200 into a paving fund in 1995. Ms. Menkveld stated because of this, she and her husband did not believe they should have to pay anything additional for the paving of 155<sup>th</sup> Avenue NE.

Engineer Collins stated when the City put millings on 155<sup>th</sup> Avenue NE, reclaimed them and milled it a second time, the previous City Attorney and City Administrator determined the City had invested much more toward street improvement than the \$10,200 that had been contributed by the developer of Rendova Ridge hence those funds were expended to pay for the cost of millings placed on 155<sup>th</sup> Avenue NE.

Ernie Rud, 3958 155<sup>th</sup> Avenue NE, stated he felt the engineering fee that equated to twenty-five percent of the cost of the 155<sup>th</sup> Avenue NE road construction project was too high. Mr. Rud stated he felt the amount he was being assessed for the property he owns was too much and should be about twenty-percent of what he was being assessed.

Marian Rud, 3958 155<sup>th</sup> Avenue NE, stated two other developments, Samjowilly Acres and Bear Creek, constructed within a couple of years of Rendova Ridge, required lower paving fund contributions per lot; why. Mrs. Rud also wanted to know how and when interest was calculated for their deferred assessments.

Attorney Murphy stated the procedure for calculating paving fund requirements in the 1990's was different than it is today. Finance Director Worcester stated deferred assessments, while in deferral, will not accrue interest for 20 years. Finance Director Worcester stated if the deferred assessment was paid anytime within the 20-year deferral period, no interest charges would be applied.

Paul John, 3959 155<sup>th</sup> Avenue NE, stated he felt he did not get what he was promised with this road project. Mr. John stated he didn't feel it was finished as the feasibility study showed curb and gutter on some northern sections of 155<sup>th</sup> Avenue NE but it was not put in place, the silt fence put in place on his property has not been removed, there is no culvert under his driveway and water collects in the right-of-way on the south side of his property. Mr. John stated when a property is assessed a certain amount, it should also increase the value of the property assessed by that amount; does this assessment meet that criteria.

Engineer Collins stated there is an outstanding, unfinished punch list with the contractor. Engineer Collins stated it was determined during plan development that the soil on the north side of 155<sup>th</sup> Avenue NE could facilitate drainage without curb and gutter and water can be stored in the City's right-of-way so the curb and gutter was not constructed; it was also a way to reduce the cost of the project. Engineer Collins stated the water filtration should improve over time.

David Carlson, 4234 155<sup>th</sup> Avenue NE, stated he moved to Ham Lake in 2018. Mr. Carlson stated the previous owner did not disclose that there was an upcoming street project nor did the title company reveal a pending assessment for the project. Mr. Carlson asked how residents are notified of upcoming road projects and assessments. Mr. Carlson suggested notices sent by the City for future projects be addressed to the property owner but also include the words *or current resident*. Mr. Carlson stated he feels the City did a great job on the road project and is fine with the assessment.

Attorney Murphy addressed his question about how residents are notified of upcoming road projects and assessments and stated notices are sent per the requirements of state law; for this project a notice was sent for the public hearing considering the improvement of 155<sup>th</sup> Avenue NE and a public hearing was held to consider the assessment for the project.

**Acting Mayor Kirkeide asked for further public comment and with there being none, closed the public hearing at 7:05 p.m.**

**Motion by Kirkham, seconded by Wilken, to certify the assessment roll for the improvement of 155<sup>th</sup> Avenue NE from Naples Street NE to Lexington Avenue NE and adoption of Resolution No. 21-35. All present in favor, motion carried.**

3.2 PUBLIC HEARING - 6:02 p.m. – to consider the assessment roll for 2021/2022 Street Light Fees and adoption of Resolution No. 21-36

**Acting Mayor Kirkeide opened the public hearing for comment at 7:06 p.m.**

Don Flower, 2227 141<sup>st</sup> Lane NE, stated he is getting billed for something he doesn't have; there is no street light near his house.

Acting Mayor Kirkeide explained Connexus determines where street lights are located, per City guidelines, within each development and all residents within each development share the cost to operate the street lights.

Paul Stone, business owner, stated he owns four buildings on Lincoln Street NE between 138<sup>th</sup> Avenue NE and 143<sup>rd</sup> Avenue NE. Mr. Stone asked how the city is billing for street light service. Mr. Stone said he did not directly receive notice of the change in the billing process; one of his tenants sent him a copy of the postcard they received. Mr. Stone provided two letters with property identification numbers of the property he owns and asked for a statement showing street light fees owed for each property.

Finance Director Worcester explained when the billing process changed, current street light assessment fees and how the fees could be paid. Finance Director Worcester stated she would provide Mr. Stone with the information requested.

**Acting Mayor Kirkeide asked for further public comment and with there being none, closed the public hearing at 7:23 p.m.**

**Motion by Kirkham, seconded by Doyle, to certify the assessment roll for the 2021/2022 Street Light Fees and adoption of Resolution No. 21-36.**

#### **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 September 20, 2021
- 4.2 Approval of claims in the amount of \$125,140.57
- 4.3 Approval of Resolution No. 21-37 accepting a \$10,000 donation from the Ham Lake Chamber of Commerce
- 4.4 Approval of the Outdoor Lighting and Maintenance Energy Agreement for street lights in Hidden Forest East Third Addition

- 4.5 Approval of closing (non-emergency operations) on December 23, 2021 and December 30, 2021
- 4.6 Approval of the Agreement with Minnesota Pyrotechnics for fireworks display on Saturday, July 2, 2022 at Ham Lake Lion's Park (1220 157<sup>th</sup> Avenue NE)

**Motion by Kirkham, seconded by Doyle, to approve the October 4, 2021 Consent Agenda as written. All present in favor, motion carried.**

**5.0 PLANNING COMMISSION RECOMMENDATIONS**

**5.1 Consideration of amendments to Article 9 of the Ham Lake City Code (this is considered the First Reading of an Ordinance)**

The Councilmembers reviewed and discussed the Planning Commission's recommendations for changes to Sections 9-220.1.a, 9-220.2.a.vi and 9-350. The council held the first reading of the ordinance and directed Attorney Murphy to make modifications to Sections 9-220.1.a and 9-350 per the council's discussion for review at the next City Council meeting.

**6.0 ECONOMIC DEVELOPMENT AUTHORITY - None**

**7.0 APPEARANCES – None**

**8.0 CITY ATTORNEY – None**

**9.0 CITY ENGINEER – None**

**10.0 CITY ADMINISTRATOR – None**

**11.0 COUNCIL BUSINESS**

**11.1 Committee Reports - None**

**11.2 Announcements and future agenda items**

Councilmember Kirkham stated MnDOT completed a traffic study on Highway 65 NE from Spring Lake Park to Bunker Lake Boulevard NE which identified intersections that could be converted to J-turns or overpasses. Councilmember Kirkham stated the City should pass a resolution supporting the construction of an overpass on Bunker Lake Boulevard NE and then submit the resolution to our County Commissioner and State Representative. It was suggested that the Road Committee discuss the overpass.

Acting Mayor Kirkeide stated Connexus Energy has a community solar garden program. Acting Mayor Kirkeide stated the City should approach Connexus Energy and propose they construct a solar garden on the lot where Fire Station 3 will be constructed; the solar garden could be a back-up power source for the City in the event of a power outage caused by a tornado or another type of storm.

**Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 7:50 p.m. All present in favor, motion carried.**

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Jennifer Bohr, Building and Zoning Clerk