

**CITY OF HAM LAKE  
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES  
MONDAY, OCTOBER 16, 2023**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, October 16, 2023 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 Brian Kirkham and Councilmembers Gary Kirkeide, Al Parranto and Jesse Wilken

**MEMBERS ABSENT:** Councilmember Jim Doyle

**OTHERS PRESENT:** City Attorney, Mark Berglund; City Engineer, Dave Krugler; City Administrator, Denise Webster; and Deputy City Clerk, Dawnette Shimek

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

Mayor Kirkham called the meeting to order and the Pledge of Allegiance was recited by all in attendance.

**2.0 PUBLIC COMMENT**

Terry Olson, President of SBAA (Soderville/Blaine Athletic Association), was present before the City Council to thank the City of Ham Lake for the new backstops installed at Lion’s Park. Mr. Olson also wanted to thank Public Works employee, Jim Kappelhoff, for the leveling of field six. Mayor Kirkham told Mr. Olson that it is also a goal of the city to purchase property from Holiday Stationstores to provide additional parking area at Soderville Ballfield.

Tommy Clingman, 2746 154<sup>th</sup> Lane NE, was present before the City Council requesting a variance for a wider driveway width than is allowed in the City Code. Mr. Clingman stated that he moved here from Arizona and had a house built that received its final inspection on August 28, 2023. Mr. Clingman stated that at the final inspection it was found that the driveway was constructed too wide, according to City requirements (maximum of 30’ wide from curb to road right-of-way); and it was stated that the driveway’s width must be reduced as shown on the Certificate of Survey that was submitted to obtain the building permit. Mayor Kirkham stated that staff researched neighboring cities and found that some of the other city’s requirements were more restrictive than the City of Ham Lake. Mayor Kirkham asked Mr. Clingman if he was aware that the cul-de-sac abutting his property was temporary and that the road would eventually be going through; Mr. Clingman stated he is aware of that. Mayor Kirkham stated that last year the City required a resident to come into compliance by removing a portion of his driveway. Attorney Berglund stated that granting a variance requires a hardship, which the property owner cannot create their own hardship and therefore a hardship does not exist. **It was the consensus of the City Council that the driveway must be cut down to meet the City Code requirements regarding driveway width.**

### 3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

#### 3.1 Lt. Schuldt, Anoka County Sheriff's Office Monthly Report

Lt. Schuldt gave the September Anoka County Sheriff's Office report. Lt. Schuldt introduced Lt. Anthony Mendoza who will be taking his place as the city's liaison.

#### 3.2 PUBLIC HEARING – 6:01 p.m. – to consider the vacation of a portion of Stutz Street NE dedicated on the recorded plat of Hidden Forest East Third Addition and adoption of Resolution No. 23-47

**Mayor Kirkham opened the public hearing for comment at 6:12 p.m. and with there being no comment, Mayor Kirkham closed the public hearing at 6:12 p.m.**

**Motion by Kirkeide, seconded by Wilken, to adopt Resolution No. 23-47 approving the vacation of a portion of Stutz Street NE dedicated on the recorded plat of Hidden Forest East Third Addition. All present 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 October 2, 2023 and Workshop minutes of October 3, 2023
- 4.2 Approval of claims in the amount of \$619,401.09
- 4.3 Approval of scheduling a Budget Workshop Meeting for Monday, October 23, 2023 at 3:00 p.m.
- 4.4 Approval of scheduling a Workshop Meeting with Karen Skepper, Executive Director of Anoka County HRA for Monday, November 6, 2023 at 5:15 p.m. to discuss the Willows of Ham Lake Senior Housing
- 4.5 Approval of appointing Angela Brumbaugh as the Finance/Human Resource Director
- 4.6 Approval of Ordinance No. 23-11 rezoning 4611 139<sup>th</sup> Lane NE to R-1 (Single Family Residential)
- 4.7 Approval of the invoice and final Sunrise Watershed Management Organization Joint Powers Agreement (JPA)
- 4.8 Approval of a warranty extension for Lund's Lakeview Forest Street Reconstruction Project
- 4.9 Road Committee Recommendation:
  - 1) Approval of Ordering plans and specifications for the 2024 bituminous overlay project

**Motion by Kirkeide, seconded by Parranto, to approve the October 16, 2023 Consent Agenda as written. All present in favor, motion carried.**

### 5.0 PLANNING COMMISSION RECOMMENDATIONS

#### 5.1 Jeremy Larson of Hampton Companies requesting to rezone certain parcels of land, 1016 Bunker Lake Boulevard NE, from R-1 (Single Family Residential) to R-AH (Affordable Housing District)

This is considered the first reading of a rezoning ordinance.

#### 5.2 Jesse Osborne requesting a revision to the approved conditions of the final plat for the Creekside Farms Commercial Development in Sections 7 and 8

**Motion by Kirkeide, seconded by Parranto, to concur with the Planning Commission and approve Jesse Osborne's request to revise the approved conditions of the final plat for the Creekside Farms Commercial Development in Sections 7 and 8 related to screening subject to adhering to the screening plan exhibit modified by Commissioner Lejonvarn and meeting the approval of the Building Official.**

The Phase 1 screening exhibit has green lines indicating where trees are to be planted and is described as:

1. From the northeast corner of the plat to the north edge of 167<sup>th</sup> Avenue NE a single row of four-foot conifers are to be planted ten-feet apart.
2. From the south edge of 167<sup>th</sup> Avenue NE to where the line begins to angle slightly to the west, a single row of three-foot conifers are to be planted ten-feet apart.
3. From the point where the line begins to angle to the west again, south to just north of the infiltration basin located in the southeast corner of the plat, two rows of three-foot conifers are to be planted ten-feet apart with the second row of trees being staggered to give the appearance that all trees are planted five-feet apart.
4. From the point just north of the southeast infiltration basin, to the edge of Buchanan Street NE, a single row of three-foot conifers are to be planted ten-feet apart.
5. From the southeast corner of the infiltration basin, to the eastern edge of Buchanan Street NE, a single row of four-foot conifers are to be planted ten-feet apart.

Trees for Phase 1 are to be planted by December 1, 2023. Phase 2 screening to include six-foot, slatted, chain link fencing which is to be constructed between the proposed buildings, no trees are to be moved or removed and all screening must be outside of nearby easements. All present in favor, motion carried.

**6.0 ECONOMIC DEVELOPMENT AUTHORITY – None**

**7.0 APPEARANCES – None**

**8.0 CITY ATTORNEY**

**8.1 Discussion of Wetland Banks**

Attorney Berglund gave an update of what wetland banks are in general terms. Attorney Berglund stated that the property owner needs approval from the Army Corp of Engineers, BWSR (Board of Water and Soil Resources), and the State of Minnesota. Attorney Berglund stated that if certain criteria are met, the property would become a dedicated wetland. Attorney Berglund stated that there are no wetland banks in Anoka County. Attorney Berglund stated that the wetland designation is permanent and the property could not be used in any other manner. Attorney Berglund stated that wetland banking is relatively new, so there is not a long history to look at. Attorney Berglund stated that if plans are proposed, the City Council should hold a workshop meeting to discuss if it is something the City would allow and if the use should be codified and whether property could be given as a trail system. Attorney Berglund stated that wetland banking is a long- term commitment and wetland credits could not be sold for 5 years and then the property would be valued at current market value. Councilmember Kirkeide stated that the MAC (Metropolitan Airports Commission) property on East Lake Netta Drive is fenced in and cannot be used. Councilmember Kirkeide stated he feels this would be a waste of land, unless the City could benefit with natural trails. Mayor Kirkham stated that the City is currently moving forward with a wetland study on a portion of the Hidden Forest East Park. Mayor Kirkham stated that the property could connect natural trails and could the City request some of the land as a trail. Mayor Kirkham stated that he likes the idea. Councilmember Kirkeide stated that maybe the City could benefit with natural trails, but added that the property would no longer pay property taxes. Attorney Berglund stated that the landowner may not want the liability of a trail on their property. Attorney Berglund stated that the City of Forest Lake placed a moratorium on wetland banking for a year and after review, they voted to not allow it as they did not want to limit the land use in the future.

8.2 Discussion of authorizing the City Attorney to act on the Letter of Credit from Shingobee (Circle K/Holiday Stationstore)

Attorney Berglund explained the background regarding the Holiday Stationstore project as follows: Attorney Berglund stated that a Temporary Certificate of Occupancy permit was issued to the Holiday Stationstore on April 15, 2022 and a Letter of Credit was supplied by the construction company Shingobee to ensure work was properly completed. The Letter of Credit only covers the Holiday Stationstore improvements and not the improvements in the development agreement associated with the preliminary plat submitted to the City for the entire lot. The Final Certificate of Occupancy has not been issued. Per the Temporary Certificate of Occupancy, there are 15 items to be resolved. Circle K/Holiday Stationstores have not yet signed the development agreement for the overall plat with the City to perform work to City Standards and the final plat has not been filed with Anoka County. There is one remaining item to be completed at the southern entrance of Holiday Stationstore as shown on the approved plans. The City has sent punch lists requesting remedy by installing a valley gutter to allow water to flow to the north into the catch basin on the north side of the driveway. The work has not been completed. An agreement to provide easements required for the roadway and future development has also not been agreed to. Baltimore Street NE from to 151 feet south was vacated on July 19, 2021. As of now, Chisholm Street NE is private property and not the City's responsibility. Attorney Berglund stated that at this time he is requesting approval of the City Council to authorize the City Attorney to act on the Letter of Credit if necessary. **Motion by Kirkham, seconded by Wilken, to authorize the City Attorney to act, if necessary, on the Letter of Credit set to expire on November 15, 2023 in the amount of \$180,198.75 for Shingobee Builders, Inc. concerning the project known as the Holiday Stationstores project. All present in favor, motion carried.**

9.0 CITY ENGINEER

Engineer Krugler stated that the bridge on 152<sup>nd</sup> Avenue NE in Brook View Meadows is currently closed until they can find out the condition of the existing culvert. Engineer Krugler stated that currently the culvert is a 14' x 7' box culvert and they are planning to reduce the size and replace it with a 10' by 6' box culvert.

10.0 CITY ADMINISTRATOR – None

11.0 COUNCIL BUSINESS

11.1 Committee Reports – None

11.2 Discussion of the 2024 Law Enforcement Contract

Mayor Kirkham stated that the Sheriff's Office has presented a couple of options for the 2024 Law Enforcement Contract. The City could go with a full-time investigator, a part-time investigator or go back to no investigator. Councilmember Wilken stated that if the City would choose to go with no investigator, the Sheriff's contract would go down \$200,000.00. Councilmembers Parranto and Kirkeide agreed. Councilmember Wilken wanted to clarify that crimes will still be investigated by a shared investigator. Councilmember Kirkeide stated that he would still like structural changes to levy separately on a county wide levy and assess property owners for law enforcement. The City Council agreed that the Law Enforcement Contract will be discussed at the October 23, 2023 Budget Workshop Meeting.

11.3 Announcements and future agenda items

Councilmember Kirkeide reminded the City Council that there is a Budget Meeting Workshop scheduled for Monday, October 23, 2023 at 3:00 p.m.

**Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 6:45 p.m. All present in favor, motion carried.**

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Dawnette Shimek, Deputy City Clerk