

CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY
WORKSHOP MEETING MINUTES
DECEMBER 11, 2023

The Ham Lake City Council met on Monday, December 11, 2023 at 5:00 p.m. in the Conference Room 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 and Al Parranto

MEMBERS ABSENT: Councilmember Jesse Wilken

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

1.0 Call to Order

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

2.0 Discussion of Conditional Use Permits (CUP's) that are not in compliance and discussion of adding Interim Use Permits Procedures for future non-compliant CUP holders

All Event Table, Chair & Tent Rental, LLC at 4651 Crosstown Boulevard NE

Attorney Berglund stated that All Event Table, Chair & Tent Rental has a Conditional Use Permit to operate at 4651 Crosstown Boulevard NE. The Conditional Use Permit has conditions that do not allow retail sales, no outside storage, with hours of operation being 8:00 a.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 12:00 p.m. Saturday and Sunday. Attorney Berglund stated that they are currently renting their barn to hold events such as weddings. Attorney Berglund added that the restroom facilities provided are portable, the traffic and parking could be up to 175. Building and Zoning Official Jones stated the barn was constructed in 2018 for agricultural purposes to keep horses and a building permit was not required at the time, but now with it being rented out it probably would not meet the requirements for an occupied structure as there is no fire suppression system. Building and Zoning Official Jones stated that the assessor visited the property and amended their tax use from residential to residential/commercial. Building and Zoning Official Jones stated that there currently is a venue being constructed in CD-1 (Commercial Development Tier 1) zoning and building codes are required to be followed. Discussion followed regarding this not being a permissible use in the City Code in R-A (Rural Residential) zoning and that there is nothing that can be done to permit this use. **It was the consensus of the City Council to direct Attorney Berglund to draft a letter to the property owner at 4651 Crosstown Boulevard NE to inform them that the use as an event center is not allowed on the property.**

Automotive Illusions, an autobody and restoration shop at 17638 Highway 65 NE

Attorney Berglund stated that Automotive Illusions was issued a Conditional Use Permit in May 2022. Attorney Berglund stated that part of the approval of the Conditional Use Permit required construction of a fence to store all vehicles that are damaged, or are awaiting repair; and also required that mechanical codes be met for areas used for the painting booth, welding and auto body filler work. Attorney Berglund stated that neither of these conditions have been met. **It was the consensus of the City Council to direct Attorney Berglund to draft a letter to the property owner at 17638 Highway 65 NE to inform them that they are not meeting the conditions of their Conditional Use Permit.**

Richland Refrigeration Solutions, LLC at 1305 159th Avenue NE

Attorney Berglund stated that Richland Refrigeration Solutions was issued a Conditional Use Permit in April 2021. Attorney Berglund stated that they are in violation of their Conditional Use Permit, specifically the requirement to construct a fence at least eight feet high of material acceptable to the Building Official. Building and Zoning Official Jones stated that Mr. Ibrahim wanted to use a cloth material for the fencing, but that does not hold up. Building Official Jones stated that he could add slats to the chain link fencing to come into compliance. Attorney Berglund stated that he advised Akil Ibrahim in a letter he sent to contact Building and Zoning Official Jones to discuss an acceptable resolution to the violations, but he has not. Attorney Berglund stated in the letter that the City would seek revocation of the Conditional Use Permit. Discussion followed regarding possibly planting trees for screening from the residential property. **It was the consensus of the City Council to direct Attorney Berglund to contact Mr. Ibrahim and inform him to work with Building and Zoning Official Jones to arrive at a satisfactory conclusion and if he refuses, to move forward with the revocation of the Conditional Use Permit for Richland Refrigeration Solutions, LLC at 1305 159th Avenue NE.**

Foster Trucking & Excavating at 1561 Bunker Lake Boulevard NE

Attorney Berglund stated that the Conditional Use Permit for Foster Trucking & Excavating was revoked by the City Council on January 21, 2020 per Resolution No. 20-02 Findings of Fact. Attorney Berglund stated that he can file litigation with the District Court. Attorney Berglund stated that a judge will interpret the language of the Conditional Use Permit. Councilmember Kirkeide stated that he has received calls from commercial business asking why Foster Trucking & Excavating can continue to operate. **It was the consensus of the City Council to direct Attorney Berglund to reach out to Noel Foster's attorney and find out his intention and whether the City has to go forward with litigation.**

1. If a deadline is not listed on a CUP to meet a condition, the condition must be completed within 6 months of issuance of the CUP

This item was not discussed.

2. Escrow or security to guarantee performance

Attorney Berglund stated that requiring security for a Conditional Use Permit to meet conditions of a permit does not make sense. It is the Conditional Use Permit holder's responsibility to meet the conditions set by the City Council.

3.0 Discussion of Radisson Road NE rezoning and potential City Code modifications for brew pub

Mayor Kirkham stated that he spoke with the property owner and he does not plan to move forward with the rezoning or opening a brew pub on the property. Mayor Kirkham stated that he would like to grow flowers and pumpkins on site and possibly have a fall festival. Mayor Kirkham stated that currently the

property owner is working to restore some of the buildings on site. Mayor Kirkham added that he may request to sell Christmas trees, which would require a code change, in the future.

4.0 Discussion of City Code updates (time permitting)

This item will be placed on a future workshop meeting agenda.

5.0 Discussion of scheduling a future workshop meeting – None

Administrator Webster updated the City Council regarding if funds from Anoka County HRA (Housing & Redevelopment Authority) can be used for the planning of the improvement of Bunker Lake Boulevard NE and Highway 65 NE. Administrator Webster stated that HRA funds cannot be used for this. **It was the consensus of the City Council to add discussion of funding a portion of the planning of the improvement of Bunker Lake Boulevard NE and Highway 65 NE from the revolving street fund to a January 2024 City Council agenda.**

Motion by Kirkeide, seconded by Parranto, to adjourn the workshop meeting at 6:06 p.m. All present in favor, motion carried.

Dawnette Shimek, Deputy City Clerk