

CITY OF HAM LAKE  
PLANNING COMMISSION MINUTES  
MONDAY, JUNE 28, 2021

The Ham Lake Planning Commission met for its regular meeting on Monday, June 28, 2021 in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

**MEMBERS PRESENT:** Commissioners Brian Pogalz, Kyle Lejonvarn, Erin Dixon, Scott Heaton, Jonathan Fisher and Jeff Entsminger

**MEMBERS ABSENT:** Commissioner Dave Ringler

**OTHERS PRESENT:** City Engineer Tom Collins, Building Official, Mark Jones and Building and Zoning Clerk Jennifer Bohr

**CALL TO ORDER:** Vice Chair Dixon called the meeting to order at 6:01 p.m.

**PLEDGE OF ALLEGIANCE:**

The pledge of allegiance was recited by all in attendance.

**APPROVAL OF MINUTES:**

**Motion by Lejonvarn, seconded by Fisher, to approve the minutes of the June 14, 2021 Planning Commission meeting as written. All present in favor, motion carried.**

Chair Pogalz arrived at 6:03 p.m.

**PUBLIC HEARINGS:**

Jeff Stalberger, HFN Properties, LLC., requesting Preliminary Plat approval and rezoning for Hidden Forest East Park Addition (2 Single Family Residential lots) in Section 25.

Mr. Jeff Stalberger was present. Mr. Stalberger stated when the plat of Hidden Forest East 2<sup>nd</sup> Addition was approved, approval of the plat included the requirement of parkland dedication in the next phase of development. Mr. Stalberger stated the Hidden Forest East 3<sup>rd</sup> Addition plat requires 8.09 acres of land to be dedicated for parkland and Hidden Forest East Park Addition requires 1.19 acres of land be dedicated for parkland. Mr. Stalberger stated the City of Ham Lake has discussed using parkland dedication fees collected from the first two phases of the Hidden Forest East development to purchase additional land for the park. Mr. Stalberger stated he is also creating two additional single-family residential lots for construction. Engineer Collins stated the total planned park area is 27.12 acres in which 16.48 is upland and 10.64 acres is wetland. Engineer Collins stated the Coon Creek Watershed District has approved the plan, a septic certification has been done for both residential lots certifying both lots will support two standard septic systems and a Rare Plant Survey Report has been provided showing no rare plants or animals exist within the plat boundary. Vice Chair Dixon completed the inspection, a

copy which is on file. Vice Chair Dixon stated the area is an open space with tree cover and suitable for development.

**Vice Chair Dixon opened the public hearing at 6:06 p.m. and asked for public comment.**

Joshua Ritchie, 14137 Packard St NE, asked how much parking would be within the park and asked that the City not allow any on-street parking for the park as the roads are narrow and have S-curves; in other communities he's lived in, overflow, on-street parking from parks have caused issues. Mr. Ritchie also asked if no parking signs could be put in place.

Engineer Collins stated 143<sup>rd</sup> Avenue NE is not designed for on-street parking. Engineer Collins stated the City has not formally accepted the park nor has there been any discussion on the amenities the park may have. Engineer Collins stated speed limit signs would be warranted near the park.

Ryan Carlson, 14210 Opal St NE, asked when the park would be constructed, if the park will have a playground, ball fields or open space, and what the purpose of the park was. Mr. Carlson stated there are approximately fifty children in the Hidden Forest East development. Mr. Carlson stated families in the development would probably drive to the park as there is a great deal of large truck traffic in the neighborhood. Mr. Carlson stated he would like to know more about what the development plans are for the park area; to him it feels like the park addition is being created as a reason to allow two additional lots to be developed at the entrance to the development.

Engineer Collins stated there hasn't been any discussion on what amenities the park will have; recommendations will be made to the City's Park Committee at some point in the future and they will determine what amenities will be in the park. Engineer Collins stated the northerly portion of the designated park area is currently a sod farm; the sod farmer has requested that no park development be done on the now sodded portion of the area (northerly 50-60% of the proposed park) until after 2023. Mr. Carlson asked Mr. Stalberger to identify where the park will be located on a map of the proposed plat. Chair Pogalz stated members of the community and the general public will use the park.

**Vice Chair Dixon closed the public hearing at 6:15 p.m.**

**Motion by Dixon, seconded by Fisher, to recommend approval of the Preliminary Plat and rezoning to R-1 (single family residential) for the development of Hidden Forest East Park Addition consisting of two single family residential lots in Section 25 as presented by Jeff Stalberger of HFN Properties, LLC, subject to meeting the requirements of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried. *This item will be placed on the July 6, 2021 City Council Agenda.***

Jeff Stalberger, HFN Properties, LLC., requesting Preliminary Plat approval and rezoning for Hidden Forest East 3rd Addition (38 Single Family Residential lots) in Section 25.

Mr. Stalberger stated this plat is the third phase of the Hidden Forest East development. Mr. Stalberger stated this phase will be accessed by what is now a temporary cul-de-sac just northeast of where 145<sup>th</sup> Avenue NE and Packard Street NE intersect in the northeastern corner of Hidden Forest East 2<sup>nd</sup> Addition; this phase will have 38 lots and the characteristics of the lots will be almost the same as the lots created in phases one and two. Mr. Stalberger stated some endangered plant species, black huckleberry, have been found in the northeast corner of the proposed development and an avoidance plan has been created so the huckleberry will not be disturbed. Vice Chair Dixon completed the inspection, a copy which is on file. Vice Chair Dixon stated she drove to the temporary cul-de-sac where the next phase will be accessed; it is a wooded area ready for development. Chair Pogalz asked Engineer Collins to comment. Engineer Collins stated the development includes 38 lots, will be rezoned from R-A to R-1 and does not include parkland dedication as parkland has been proposed within the Hidden Forest East Park Addition. Engineer Collins stated a Rare Plant Survey Report found a small cluster of rare plants adjacent to Carlos Avery Wildlife Management Area, an avoidance plan has been drafted and will be part of the development's covenants; the plants are outside of the proposed construction area. Engineer Collins stated in the mid 2000's, an Environmental Assessment Worksheet (EAW) was completed by another developer as the development proposed (in the same location) at that time triggered the preparation of the EAW. Engineer Collins stated the courts found that the City should have done additional environmental review; since that time, the thresholds for requiring the preparation of EAW's have changed. Engineer Collins stated the City Attorney reviewed the requirements for an EAW under MN rule 4410.4300, subp. 36 and is of the opinion that no EAW is needed for this development. Commissioner Heaton asked Engineer Collins to comment on the proposed monument. Engineer Collins stated a monument is proposed; the developer will need to apply for a permit and execute a license agreement with the City as the proposed location of the monument is within a drainage and utility easement. Engineer Collins stated an amendment to the original development agreement for Hidden Forest East will be needed to address the monument.

**Chair Pogalz opened the public hearing at 6:24 p.m. and asked for public comment.**

James Cummans, 14214 Packard St NE, stated he really supports the continued development in Hidden Forest East, however, there are some ongoing issues that he wants the City to be aware of that affect the general health and safety of current Hidden Forest East residents and that are also a public nuisance, in his opinion, as development continues.

Damage to the Streets. Oversize vehicles such as front-end loaders, semis, fully loaded dump trucks and cement trucks all drive on the streets within Hidden Forest East as there is one ingress/egress for all parts of the Hidden Forest East development. Mr. Cummans stated residents have been leaving garbage cans at the end of their driveways all week long to prevent further cracking and damage caused by large vehicles using the driveways to do three point turns when turning around.

Access to and from properties is constricted. Several times throughout the past year oversized vehicles are parked on both sides of street barely leaving enough room for a single passenger vehicle to drive between. Mr. Cummans is concerned that the roadway would be impassable if an emergency vehicle needed to get through.

Speed. Mr. Cummans stated he and other residents have contacted the Anoka County Sheriff's Department several times requesting patrol officers to address the issue of drivers speeding through the development. Mr. Cummans stated he has put up temporary 20 mph speed limit signs to slow people down and has personally confronted people driving faster than the speed limit. Mr. Cummans stated there are 70 children under the age of 18, most are under the age of 10, in the first and second addition of Hidden Forest East. Mr. Cummans stated since there is so much large truck traffic, he is concerned for the safety of the children; one kid could easily roll down a driveway into the path of a dump truck. Mr. Cummans said it took a child dying in Blaine for the City to act on a similar issue.

Cement trucks. Drivers constantly clean out trucks onto the street or empty lots; drivers are not using their clean out buckets. Mr. Cummans stated this is toxic and not healthy. Mr. Cummans stated he has called the City and Cemstone multiple times about this problem.

Crime. Mr. Cummans stated the crime in the area has increased significantly, especially since construction started in Hidden Forest East 2<sup>nd</sup> Addition. Mr. Cummans stated there have been multiple thefts from vehicles, a stolen vehicle came through the neighborhood while being pursued by deputies that led to a foot chase and there is frequent theft from job sites. Mr. Cummans stated this is unnerving for many. Mr. Cummans stated more deputies and patrol is needed for the neighborhood and the City.

Street cleaning. Mr. Cummans stated streets are frequently covered with gravel, debris and construction material (screws/nails); a number of residents have had to replace tires due to punctures.

Mr. Cummans stated Minnesota Statutes empower city commissions to protect and promote public health, safety and general welfare and provide for the orderly economic and safe development of land. Mr. Cummans also cited parts of Article 4-100(1) of the City Code related to public nuisances. Mr. Cummans stated he understands some of the issues need to be addressed by civil authorities, however, he would like the city's inspectors to increase governance and oversight on issues that can be addressed per City Code. Mr. Cummans stated he, and other residents, would like a second access to the Hidden Forest East development and speed limit signs and no parking signs posted within the development to improve the safety of the residents living in the development.

Ryan Carlson, 14210 Opal St NE, expressed his concerns related to truck traffic, speeding and the one access road into the development. Mr. Carlson stated there is non-stop truck traffic within the development when trees are taken down for each new phase. Mr. Carlson said the trucks travel all throughout the development rather than making U-

turns to travel out of the development the same way they came into the development. Mr. Carlson stated residents have parked their personal vehicles on the side of the road in an attempt to slow drivers down. Mr. Carlson stated access to the development is via 143<sup>rd</sup> Avenue NE from Lexington Avenue NE; 143<sup>rd</sup> Avenue NE, and access to or from the development, has been blocked for several hours on a couple of occasions recently due to fatalities and law enforcement investigating the incidents.

Chair Pogalz stated he understands the concerns voiced tonight. Chair Pogalz stated some of the issues are beyond the scope of what the Planning Commission can address. Chair Pogalz encouraged the residents to present their concerns to the City Council and continue to contact law enforcement for speed and crime related issues. Chair Pogalz asked Building Official Jones what issues the inspectors could help address and if he could comment on the street cleaning schedule. Building Official Jones stated he and the other building inspectors can communicate more with contractors about parking on one side of the street and make sure contractors have proper erosion control measures in place. Building Official Jones stated Public Works schedules street cleaning once a year; contractors are to put rock in driveways of lots where new construction is taking place and put silt fences in place to control erosion.

Chair Pogalz asked Engineer Collins and Mr. Stalberger to comment on creating another access or road leading into the development. Mr. Stalberger stated creating another way into the development at this time is next to impossible as there is a large amount of wetland in the area; it would also take one and half years to obtain various agency's approvals. Mr. Stalberger stated when the land to the south of Hidden Forest East is developed, another access into the development could be created. Engineer Collins stated the City has a street thoroughfare plan that shows where streets are anticipated to be once the City is fully developed; it is available to view on the City's website. Engineer Collins stated, at some point, a street will be constructed that goes to the north and then west connecting to Lexington Avenue NE; there is no timeline in which those streets need to be constructed. Engineer Collins stated there are several developments that have one access road and temporary cul-de-sacs in place.

Commissioner Lejonvarn commented on the issue of wear on the streets. Commissioner Lejonvarn stated once a resident pays for a lot they are not assessed any expense for road repair. Engineer Collins stated it is the City's policy that residents pay for a road one time; crack sealing, seal coating, routine maintenance and overlays are not assessed to residents; the maintenance is paid for by funds in a revolving street fund.

Patrick Arneson stated he didn't understand how the City could allow one road in and out of a development that has 100 homes. Chair Pogalz stated there have been similar situations in the City for years, the development he lives in has one access in and out for many homes. Commissioner Heaton asked if a construction entrance could be created; some other developments in the City have had construction only entrances.

Ryan Carlson asked if signage could be put in place for traffic direction and control. Mr. Carlson stated he and a neighbor created a hand-written sign stating all construction traffic must turn left; it worked great for two months. Mr. Carlson suggested the contractor

or the City install signs to provide direction to contractors. Commissioner Lejonvarn asked if temporary, no parking signage could be placed on one side of the street in a development with active construction.

Joshua Ritchie asked about lots in the northeast corner of Hidden Forest East 3<sup>rd</sup> Addition and future development in the 4<sup>th</sup> Addition. Mr. Ritchie stated he felt the same issues being discussed tonight will reoccur when the 4<sup>th</sup> Addition is constructed. Mr. Ritchie asked Mr. Stalberger to create a formal plan on what could be done differently in the next phase to correct the issues and create a better situation for both Mr. Stalberger and the homeowners.

**Chair Pogalz closed the public hearing at 7:01 p.m.**

Commissioner Fisher asked if the City had seen a plan related to signage for developments under construction. Commissioner Lejonvarn stated he felt the City should consider providing direction on signage needed for construction in new developments. Commissioner Entsminger asked who determines where speed limit signs should be placed. Engineer Collins stated the City places the signs and noted the speed limit in residential areas is 30 MPH. Chair Pogalz and Commissioner Heaton stated creating a plan to address issues created by builders and contractors could be a condition of final plat approval; Mr. Stalberger could meet with residents in the neighborhood and create a plan with terms agreeable to all parties. Commissioner Dixson asked Building Official Jones if the City had signs that could be put in place to direct construction traffic. Building Official Jones stated the City does not have an ordinance stating signage needs to be put in place to direct construction traffic and regulate parking but it could be part of an agreement with the developer. Building Official Jones stated it will be difficult to police and control contractors and sub-contractors.

**Motion by Dixson, seconded by Fisher, to recommend approval of the Preliminary Plat and rezoning to R-1 (single family residential) for the development of Hidden Forest East 3<sup>rd</sup> Addition consisting of 38 single family residential lots in Section 25 as presented by Jeff Stalberger of HFN Properties, LLC, subject to an action plan being provided by the developer to better control construction related issues within the development prior to final plat approval, meeting the requirements of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried. *This item will be placed on the July 6, 2021 City Council Agenda.***

Don and Lisa Bickford requesting a Special Home Occupation Permit to operate Bickford's BBQ, LLC at 14745 Baltimore Street NE.

Don Bickford was present. Mr. Bickford stated he plans to operate a barbeque catering business; all food prepared will be delivered to customers. Mr. Bickford stated he is remodeling a section of his garage into a commercial kitchen and is currently working to meet all the county and state requirements for a commercial kitchen. Commissioner Heaton asked if customers will come to his residence and will he be catering a large number of events. Mr. Bickford stated no customers will come to his residence and he plans to prepare food for approximately two events per week. Mr. Bickford stated he anticipates graduation season to be a busy time and will occasionally cater some

corporate events. Mr. Bickford stated he and his wife will operate the business; he has no plans to hire employees. Chair Pogalz completed the inspection, a copy which is on file. Chair Pogalz stated the renovation of the garage will require a building permit and the Anoka County Public Health and Environmental Services Department will oversee, and approve, all commercial fixtures, equipment, utilities and septic and water systems. Chair Pogalz stated one neighbor can be seen from the site; the Bickford's could operate without being noticed. Building Official Jones stated Anoka County is requiring the Bickford's to have a commercial kitchen for their catering business which must have commercial grade countertops and appliances and meet commercial mechanical and plumbing requirements. Building Official Jones stated the County requires the smoker to be under a shelter when used outside.

**Chair Pogalz opened the public hearing at 7:18 p.m. and asked for public comment.**

Louis Luberacki, 1616 148<sup>th</sup> Lane NE, stated he lives on the north side of this property. Mr. Luberacki, and wife, Gayle, asked how much smoking will be occurring; will the business be smoking meat 24 hours a day, several days a week; will there be an odor they will be able to smell when the windows are open.

Scott Kolb, 1535 148<sup>th</sup> Lane NE, stated he lives within sight of Mr. Bickford's residence. Mr. Kolb stated he has no issue with the business. Mr. Kolb asked if there will be any events held at the location or would it be strictly a catering/delivery business; he doesn't want extra traffic on his street.

Tom Kuehn, 14815 Aberdeen Street NE, stated since there is no traffic going in and out of Mr. Bickford's property he is OK with the business operating at this location.

Chair Pogalz asked Mr. Bickford to provide answers to the resident's questions. Mr. Bickford stated he will cook a couple times a week and smoke meat for approximately five hours each time during the day. Commissioner Heaton asked if Mr. Bickford smoked meat at the location already. Mr. Bickford asked Mr. & Mrs. Luberacki if they had noticed and odor in the past. Mr. & Mrs. Luberacki stated they had not; their biggest concern was the hours of operation. Mr. Bickford stated there will be no customer traffic.

**Chair Pogalz closed the public hearing at 7:27 p.m.**

**Motion by Pogalz, seconded by Heaton, to recommend approval of a Special Home Occupation Permit, as requested by Don and Lisa Bickford, to operate Bickford's BBQ, LLC at 14745 Baltimore Street NE, subject to meeting all City, State and County requirements prior to offering any catering services to the public, no obvious outward indicia of the activities being carried on under the Special Home Occupation Permit, no customer traffic, no noise generated which is audible to nearby properties, no odor, no outside storage for the business which is visible from nearby properties or public ways and all trash to be disposed of as to not attract rats, mice, or vermin. All present in favor, motion carried. *This application will be placed on the City Council's Monday, July 6, 2021 agenda.***

**NEW BUSINESS:** None

**COMMISSION BUSINESS:**

City Council Update

Commissioner Heaton attended the City Council's June 21, 2021 meeting. Commissioner Heaton stated the City Council accepted the Planning Commission's recommendations. Commissioner Entsminger will attend the July 6, 2021 City Council meeting.

**ADJOURNMENT:**

**Motion by Heaton, seconded by Dixson, to adjourn the Planning Commission meeting at 7:31 p.m. All present in favor, motion carried.**

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Jennifer Bohr  
Zoning and Building Clerk