

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
MONDAY, JUNE 5, 2023**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, June 5, 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, Tom Collins; Administrator, Denise Webster; Deputy City Clerk, Dawnette Shimek; Finance Director, Andrea Murff; and Building and Zoning Official, Mark Jones.

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

Todd Wylie, 13833 Shenandoah Street NE, stated that he received a public hearing notice regarding a vacation of a drainage and utility easement and doesn't understand why it would be sent to him. Deputy City Clerk Shimek stated that all properties within 350 feet of the subject property are sent notices as is required by state statute. Mr. Wylie asked what will happen with the property being vacated. Deputy City Clerk Shimek stated that the property will go back to the property owner as there is no public purpose for it.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Senator Michael Kreun and Representative Nolan West – Legislative update

Senator Kreun and Representative West were present and gave the City Council a highlighted update of decisions made during the recent legislative session. Senator Kreun stated that one of the top highlights was the approval of 102.5 million dollars granted for the update of Highway 65 for intersections on 99th Avenue NE, 105th Avenue NE and 109th Avenue NE in Blaine which will improve the traffic flow on Highway 65 through Ham Lake. Senator Kreun stated that the improvement of Bunker Lake Boulevard NE is included in a future phase of the master plan for major renovations. They mentioned the City will be receiving \$720,000 one-time payment to be used for public safety but, cannot to be used for police services. The City Council was also informed of the following: sales tax and vehicle license tabs will be increasing; there will be changes to E-Pull Tabs that will go into effect after the next election which will drastically reduce revenue being taken in for charitable contributions; paid family leave was also approved which will add a tax of .7 % for both the employee and employer; and the City of Ham Lake is also to receive \$123,000 a year for affordable housing, but there is nothing that states that the City has to take the money.

- 3.2 6:01 P.M. – Public Hearing – to consider the vacation of a portion of the drainage and utility easements located on Lot 12, Block 1, Timber Woods and Lot 1, Block 1, Sherman Woods in Section 35 and adoption of Resolution No. 23-23

Mayor Kirkham opened the public hearing for comment at 6:34 p.m. and with there being no comment, Mayor Kirkham closed the public hearing at 6:35 p.m.

Motion by Wilken, seconded by Parranto, to adopt Resolution No. 23-23 approving the vacation of a portion of the drainage and utility easements located on Lot 12, Block 1, Timber Woods and Lot 1, Block 1, Sherman Woods in Section 35. 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 May 15, 2023
- 4.2 Approval of claims in the amount of \$419,023.59
- 4.3 Approval of scheduling a Budget Workshop Meeting for Tuesday, June 20, 2023 at 5:00 p.m.
- 4.4 Approval of Ordinance No. 23-03 regarding chickens
- 4.5 Approval of ordering the Feasibility Study for a potential wetland banking project within the park dedicated with the Hidden Forest East Park Addition
- 4.6 Approval of the cost increase for cleaning services with CMT Janitorial Services
- 4.7 Approval of a Temporary One-Day Liquor License for the Brown Boys Benefit (non-profit) at the Willow Tree Winery, 828 Constance Boulevard NE on July 15, 2023
- 4.8 Approval of an Exempt Permit for Zachary NF Research Fund to hold a raffle on August 14, 2023 at Majestic Oaks Golf Club, 701 Bunker Lake Boulevard NE
- 4.9 Approval of hiring Administrative Assistant II
- 4.10 Approval of the Non-DOT Drug Testing Policy
- 4.11 Approval of Rescinding Resolution No. 23-17 and adoption of Resolution No. 23-24 for the American Rescue Plan Act (ARPA) Funding of equipment for Public Works and City Hall
- 4.12 Approval of the 2023 Budget Calendar
- 4.13 Approval of hiring summer seasonal employees in Public Works
- 4.14 Approval of Resolution No. 23-25 scheduling a public hearing to vacate a portion of the drainage and utility easements located on Lots 1, 2, 3 and 4, Block 3, Creekside Farms
- 4.15 Approval of Liquor Licenses:
 - On-Sale and Sunday On-Sale
 - T-Box Bar & Grill, 1431 147th Avenue NE, Ham Lake, MN
 - Ham Lake Lanes, 16465 Highway 65 NE, Ham Lake, MN
 - Acapulco Mexican Restaurant, 18015 Ulysses Street NE, Suite 1000, Ham Lake, MN
 - EAGL Beverages Holding LLC, dba Majestic Oaks Golf Club, 701 Bunker Lake Boulevard NE, Ham Lake, MN
 - Maxx Bar & Grill, 17646 Highway 65 NE, Ham Lake, MN
 - 3.2% Off-Sale
 - Speedway, 1442 Constance Boulevard NE, Ham Lake, MN
 - Wine and 3.2% Malt Liquor
 - Mansetti's Pizza & Pasta, 16220 Aberdeen Street NE, Suite C, Ham Lake, MN

Off-Sale

Grape Expectations, dba Tournament Liquor, 1434 147th Avenue NE, Ham Lake, MN
Bidhipur Beverage, Inc., dba Ham Lake Liquors, 17720 Central Avenue NE, Ham Lake, MN
Broadview Operations, LLC, dba 1 Stop Liquor, 16205 Lexington Avenue NE, Ham Lake
(previously Carey's Liquor)
Rama Corporation dba Network Liquors, 13548 Highway 65 NE, Ham Lake, MN

Councilmember Wilken asked that item 4.10 be removed from the agenda. **Motion by Kirkeide, seconded by Parranto, to approve the June 5, 2023 consent agenda with the omission of item 4.10. All present in favor motion carried.** Discussion followed regarding concerns with zero tolerance for THC and HIPAA (Health Insurance Portability and Accountability Act) laws regarding prescription drugs. Attorney Berglund stated that tableting the adoption of the Non-MNDOT Drug Testing Policy makes sense to allow time to review the State of Minnesota requirements. **Motion by Wilken, seconded by Parranto, to table item 4.10 on the consent agenda relating to the Non-DOT Drug Testing Policy. All present in favor, motion carried.**

5.0 PLANNING COMMISSION RECOMMENDATIONS

5.1 Seng Vang requesting a Temporary Conditional Use Permit to raise pigeons at 142 154th Avenue NE

Motion by Kirkham, seconded by Parranto, to concur with the Planning Commission and approve the request of Seng Vang for a Temporary Conditional Use Permit to raise pigeons at 142 154th Avenue NE subject to raising no more than 30 pigeons at one time, releasing no more than fifty-percent of the pigeons at one time for exercise and meeting all City, State and County requirements. Councilmember Kirkeide stated that the pigeon ordinance is going to be rewritten similar to the chicken ordinance. Councilmember Kirkeide stated that the applicant will be refunded their Temporary Conditional Use Permit fees and will need to comply with the pigeon ordinance when it goes into effect. Attorney Berglund asked if anyone spoke against the application at the public hearing held before the Planning Commission and there was no one who spoke against the application. Discussion followed regarding if the condition of allowing no more than fifty-percent of the pigeons a one time for exercise is necessary. Building and Zoning Official Jones stated that 32 birds flying at one time is a lot of birds. Building and Zoning Official Jones asked that when the ordinance is written to please keep in mind the overall keeping of pigeons and what is best for the City. **All present in favor, motion carried.**

5.2 Akil Ibrahim requesting a Conditional Use Permit to operate Fleet Star Truck and Trailer, LLC (a full-service trucking terminal business) at 16522 Buchanan Street NE and adoption of Resolution No. 23-26

Motion by Kirkeide, seconded by Parranto, to concur with the Planning Commission and approve the request of Akil Ibrahim requesting a Conditional Use Permit to operate Fleet Star Truck and Trailer, LLC (a full-service trucking terminal business) at 16522 Buchanan Street NE (Lots 1-4, Block 3, Creekside Farms) subject to:

- 1. All semi-truck traffic using Constance Boulevard NE and Buchanan Street NE to access the terminal. Use of 167th Avenue NE is strictly prohibited.**
- 2. All parking of semis and trailers is to be per the approved plans and the approved signage.**
- 3. All semi-truck and trailer parking is to be associated with the truck terminal business use only. Leasing of parking spaces, under any circumstance, is strictly prohibited.**
- 4. All truck repair is to be a secondary use to the truck terminal and is to be for trucks and trailers associated with the business only.**

5. All repairs are to be done inside of the building.
6. All fluids are to be contained and disposed of according to State and County requirements.
7. No outside storage such as freight, liquids, tires, parts, etc.
8. Proper screening must be provided between commercial and residential property per Article 9-220.1.e.
9. No sleeping in trucks on the site.
10. Any refrigerated trailers are only allowed to run from 7:00 a.m. to 5:00 p.m.
11. Hours of operation will be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday. No weekend hours.
12. No truck idling before or after stated hours of operation.
13. Semi-truck traffic limited to five trucks per day.
14. Meeting all City, State and County requirements.

With the addition of Building and Zoning Official's comments as follow: 1) Before issuance of a building permit, all screening must be approved by the City Engineer and the Building Official and 2) Any approved screening must be maintained and adoption of Resolution No. 23-26. All present in favor, motion carried.

5.3 Akil Ibrahim requesting Commercial Site Plan approval to construct a 11,040 square foot office/warehouse building for a truck terminal to be located at 16522 Buchanan Street NE

Motion by Parranto, seconded by Wilken, to concur with the Planning Commission and approve the Commercial Site Plan requested by Akil Ibrahim to construct a 12,613 square foot office/warehouse building for a truck terminal (Fleet Star Truck and Trailer, LLC) at 16522 Buchanan Street NE (Lots 1-4, Block 3, Creekside Farms) subject to the following conditions:

1. All semi-truck traffic using Constance Boulevard NE and Buchanan Street NE to access the terminal. Use of 167th Avenue NE is strictly prohibited.
2. All parking of semis and trailers is to be per the approved plans and the approved signage.
3. All semi-truck and trailer parking is to be associated with the truck terminal business use only. Leasing of parking spaces, under any circumstance, is strictly prohibited.
4. All truck repair is to be a secondary use to the truck terminal and is to be for trucks and trailers associated with the business only.
5. All repairs are to be done inside of the building.
6. All fluids are to be contained and disposed of according to State and County requirements.
7. No outside storage such as freight, liquids, tires, parts, etc.
8. Proper screening must be provided between commercial and residential property per Articles 9-220.1.e. and 11-1800.
9. No sleeping in trucks on the site.
10. Any refrigerated trailers are only allowed to run from 7:00 a.m. to 5:00 p.m.
11. Hours of operation will be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday. No weekend hours.
12. No truck idling before or after stated hours of operation.
13. Semi-truck traffic limited to five trucks per day.
14. Meeting the requirements of the City Engineer as noted in his May 17, 2023 memo.
15. Acceptance of possible 100-year flood impacts to a portion of the site as noted in the City Engineer's memo.

16. Signing an agreement outlining requirements for screening if trees are selected for screening on the west side of the property.

17. Meeting all City, State and County requirements.

With the addition of Building and Zoning Official's comments as follow: 1) Before issuance of a building permit, all screening must be approved by the City Engineer and the Building Official and 2) Any approved screening must be maintained . All present in favor, motion carried.

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES - None

8.0 CITY ATTORNEY

Attorney Berglund stated that he would encourage the City Council to have workshops periodically, which is helpful for both the City Council and staff. Attorney Berglund stated that the Council can speak freely in a workshop setting and can direct staff to prepare information before the item is placed on a City Council agenda. Attorney Berglund stated that this will also be helpful for himself and he can get questions answered prior to City Council Meetings. Attorney Berglund stated that the Workshop meetings can be held following a Council meeting for about a half an hour since everyone will already be present. Attorney Berglund stated that Workshop meetings can be requested by his office, staff or two Councilmembers (so items are not driven by one Councilmember) to clarify direction on issues. Attorney Berglund stated that this will help with behind the scenes efficiency to get feedback from all of the Councilmembers at the same time. Mayor Kirkham stated that he would like to hold a Workshop meeting following the June 20, 2023 City Council Meeting.

9.0 CITY ENGINEER - None

10.0 CITY ADMINISTRATOR - None

11.0 COUNCIL BUSINESS

11.1 Committee Reports

Councilmember Kirkeide stated that they had a watershed district meeting last week and the City Council needs to review the watershed matter and act sooner than later.

Councilmember Kirkeide stated that the Code Committee met and discussed whether a used motor vehicle sales lot could be allowed in CD-1 (Commercial Development Tier 1) with a Conditional Use Permit if all of the sales inventory was to be stored inside a building and whether state law would allow this. Attorney Berglund stated he would research the state requirements for used vehicle sales lot licensing and report back to the City Council.

11.2 Announcements and future agenda items

Mayor Kirkham stated that he has received three calls regarding trailers still parking on the street at 143rd Avenue NE east of Highway 65. Thirteen properties were notified of the violation and ten have come into compliance, but three properties are still parking trailers on the street. Discussion followed regarding using the street as a parking area and overnight trailer parking on city streets. Councilmember Kirkeide stated that trailers do not have reflective decals for safety issues and should not be parked on city streets overnight. Building Official Jones stated that there has been a trailer parked blocking the sightline for traffic which is

dangerous. Building Official Jones stated that there are also vehicles parked on the street that are being worked on. **It was the consensus of the City Council to review the City's parking ordinance.**

Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 7:06 p.m. All present in favor, motion carried.

Dawnette Shimek, Deputy City Clerk