

**CITY OF HAM LAKE  
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES  
TUESDAY, JULY 6, 2021**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Tuesday, July 6, 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:** Mayor Mike Van Kirk and Councilmembers Gary Kirkeide, Jim Doyle, Brian Kirkham and Jesse Wilken

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** City Attorney, Joe Murphy; City Engineer, Tom Collins; City Administrator, Denise Webster; and Deputy City Clerk, Dawnette Shimek

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

Mayor Van Kirk 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 6:01 p.m. – PUBLIC HEARING – to consider the improvement of Polk Street NE from 165<sup>th</sup> Avenue NE to 810 feet south and adoption of Resolution No. 21-22**

Engineer Collins gave an overview of the project and stated that a public hearing was previously held in November 2019 to consider the upgrading of Polk Street NE from 165<sup>th</sup> Avenue NE to 810 feet south. At this time the feasibility study has been updated and the cost has increased. Engineer Collins stated the current assessment amount is \$20,000.00, which increased from the previous 2019 figure of \$16,000.00. Engineer Collins stated there are three active assessments and seven deferred assessments with the City paying for the remainder of the street improvement. Engineer Collins stated that if the City Council approves the project during this meeting, the property owners would be notified of schedules, etc. of the road improvement and the construction would begin in 2022.

**Mayor Van Kirk opened the public hearing at 6:05 p.m. and asked for public comment.**

Doug Osborne, 5840 South Linwood Drive NE, Wyoming, MN, stated he did not understand the reason behind his contribution as he is not on Polk Street NE and is it participation for driving down the road? Engineer Collins stated that Mr. Osborne does have frontage on Polk Street NE and in the future when 165<sup>th</sup> Avenue NE is extended to the east, he would not be assessed unless his property shows it can be split into additional parcels, then the property would receive deferred assessment(s). Mr. Osborne stated that the existing class 5 gravel road has not been maintained well and could use some additional class 5 and some grader work. Mr. Osborne stated he would want to see a lower assessment fee then \$20,000.00.

Councilmember Kirkeide stated that the \$20,000.00 assessment fee is based on current cost per parcel to improve the road. If the residents do not want this improvement done, the City will not improve the street. Councilmember Kirkeide stated it is a good project and will be part of the future street extension to the north.

Engineer Collins stated that the City Code was revised to not require that the road be improved when GCI, LLC proposed a lot division of 855 Constance Boulevard NE. At that time the right-of-way and drainage and utility easements have been received from GCI, LLC, and a public hearing was held and the affected property owners were in favor of the road improvement.

Councilmember Kirkham stated that during the budget meeting they talked about the revolving street fund being low in funds and he does not feel this street improvement is on top of the priority list.

Discussion followed regarding upgrading gravel roads in the City and that costs will only go up in the future.

Councilmember Kirkham recalled that former Councilmember Johnson spoke for Family of Christ Lutheran Church not being in favor of the project. Engineer Collins stated that the church has agreed to pay the assessments when they develop their property north of the county ditch per a Development Agreement executed between the Family of Christ Lutheran Church and the City of Ham Lake in 2002.

Councilmember Doyle stated he feels the project is viable and that it is a good idea to move forward with the project.

Gary and Wendy Gazda, 16446 Polk Street NE, stated that they want to make sure that the city is aware that they are in favor of the project.

James Hunt, 965 Constance Boulevard NE, asked if the mail route will go up this road if the road is improved. Engineer Collins stated he did not see why not, as the new road will end in a cul-de-sac.

**Mayor Van Kirk asked for further public comment and with there being none, he closed the public hearing at 6:18 p.m.**

Councilmember Doyle stated that he and Councilmember Kirkeide have been working on the Road Committee for 12 years and this is a good project. Councilmember Kirkeide added that when more homes are built there will be additional tax base and there is also the advantage of further connection for a thoroughfare.

**Motion by Kirkeide, seconded by Doyle, to approve Resolution No. 21-22, to direct the City Engineer to order the Plans and Specifications for the improvement of the streets of Polk Street NE from 165<sup>th</sup> Avenue NE to 810 feet south. Mayor Van Kirk and Councilmembers Kirkeide, Doyle and Wilken voted yes. Councilmember Kirkham voted no. Motion carried.**

3.2 6:02 p.m. – PUBLIC HEARING – to consider the improvement of Tippecanoe Street NE from proposed 162<sup>nd</sup> Lane NE south to the cul-de-sac and adoption of Resolution No. 21-23

Engineer Collins gave an overview of the project and stated the project was initiated by a petition that received a minimum of 35% of property owners abutting the project to sign the petition. The project would re-align and reconstruct Tippecanoe Street NE from Constance Boulevard NE south to the cul-de-sac. Engineer Collins stated that the road would be constructed to a 9-ton design because of the commercial traffic created by the Bug Company located on the south end of Tippecanoe Street NE on the cul-de-sac. The assessment amount will be \$20,000.00. There will be seven parcels with active assessments and one parcel (The Bug Co.) with one active assessment and four deferred assessments.

**Mayor Van Kirk opened the public hearing at 6:30 p.m. and asked for public comment.**

Steve Peterson, 16120 Tippecanoe Street NE, stated that he appreciates Councilmember Kirkham looking out for the residents. Mr. Peterson stated that he is opposed to the road improvement as he has a young child and is concerned with traffic and traffic speed.

Dale Ocker, 16160 Tippecanoe Street NE, asked if the east/west portion of the north end of the existing road would be vacated and added to his property. Mr. Ocker stated he is concerned with the 90 degree turn on the road and trucks driving over the curb. Engineer Collins stated that he is not concerned with trucks jumping the curb and if that would be an issue, the road would be widened. Engineer Collins stated that the 66-foot portion of road would be vacated if it is not needed for drainage or utilities.

Jared Kouri, 16142 Tippecanoe Street NE, thanked the City Council, stated that they are onboard with the project and the assessment amount is spot on.

Gordon Vadis owner of the Bug Co., 16050 Tippecanoe Street NE, questioned the placement of the road and if there will be a stub road to the south. Engineer Collins stated that a cul-de-sac will be constructed with surmountable curb and gutter. Engineer Collins stated that assessments are based on how much improved frontage a lot has and how many lots the property could be divided into. Engineer Collins told Mr. Vadis that he can tell him where he would need a driveway. Mr. Vadis questioned if the property is developed to the south, would he also be assessed for that road improvement. Engineer Collins stated that the current policy would not require an assessment to be paid by Mr. Vadis if the property to the south would develop.

Aaron and Tina Billstrom, 15926 Tippecanoe Street NE, stated they want the road tarred and when would the project start.

Engineer Collins stated that if the City Council approves the project during this meeting, the property owners would be notified of schedules, etc. of the road improvement and the construction would begin in 2022.

**Mayor Van Kirk asked for further public comment and with there being none, he closed the public hearing at 6:44 p.m.**

Councilmember Kirkham stated he feels the same about this project as the project approved earlier in the meeting. Councilmember Kirkham stated that during the budget meeting they talked about the revolving street fund being low in funds and he does not feel this street improvement is on top of the priority list at this time.

Mayor Van Kirk stated the City may look into bonding for the project as to not deplete the revolving street fund budget.

Councilmember Wilken stated that the unimproved east/west connection remaining road will be removed regardless.

**Motion by Kirkeide, seconded by Doyle, to approve Resolution No. 21-23, to direct the City Engineer to order the Plans and Specifications for the improvement of the streets of Tippecanoe Street NE from proposed 162<sup>nd</sup> Lane NE south to the cul-de-sac. Mayor Van Kirk and Councilmembers Kirkeide, Doyle and Wilken voted yes. Councilmember Kirkham voted no. 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 June 21, 2021 and Budget Workshop Meeting Minutes of June 21, 2021

4.2 Approval of claims in the amount of \$509,379.71

4.3 Approval of the 2022 North Metro Telecommunications Commission Budget (NMTV)

4.4 Approval of Transfer from the General Fund to the Revolving Street Fund

4.5 Approval of the contract with the City of Wyoming to perform Advanced Septic Inspections

**Motion by Kirkham, seconded by Wilken, to approve the July 6, 2021 Consent Agenda as written. All in favor, motion carried.**

#### **5.0 PLANNING COMMISSION RECOMMENDATIONS**

5.1 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 (this is considered the First Reading of a Rezoning Ordinance)

Mayor Van Kirk stated that he read the issues brought up during the public hearing held by the Planning Commission and stated that Building and Zoning Official Jones has addressed the concrete dumping on the property and public works placed a speed trailer on the road to record speed. Mayor Van Kirk stated that construction causes growing pains. Jeff Stalberger, HFN Properties, LLC, was present and stated he would do his part to keep things in order during the construction phase of the development. **Motion by Kirkeide, seconded by Doyle, to concur with the recommendation of the Planning Commission and approve 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 in favor, motion carried.**

5.2 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 (this is considered the First Reading of a Rezoning Ordinance)

Councilmember Kirkham asked Jeff Stalberger, HFN Properties, LLC, how many lots have been spoken for in this development. Mr. Stalberger stated that he currently has a list of sixty interest parties. Mr. Stalberger stated that he will have a sign made to remind contractors of rules when working in the

development. Mr. Stalberger stated that the project is anticipated to be completed in 2023. **Motion by Van Kirk, seconded by Kirkham, to concur with the recommendation of the Planning Commission and approve the Preliminary Plat and rezoning to R-1 (single family residential) for the development of Hidden Forest East 3rd 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 in favor, motion carried.**

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

**Motion by Doyle, seconded by Kirkham, to concur with the recommendation of the Planning Commission and approve 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 in favor, motion carried.**

**6.0 ECONOMIC DEVELOPMENT AUTHORITY – None**

**7.0 APPEARANCES**

7.1 Discussion of the driveway located at 2119 Soderville Drive NE

Steve Northrop stated that he has lived at 2119 Soderville Drive NE for 11 years. Mr. Northrop stated that since completion of the street improvement of Soderville Drive NE, he has a lake in his front yard when it rains and a tree that was take down that was located in the road right-of-way has caused for a loss of shade that causes his home to be hot. Mr. Northrop stated that his main concern, however, is that he is not satisfied with the workmanship and aesthetics of his driveway. Engineer Collins stated that the main issue with the driveway is aesthetics as the measurements for each of the concrete panels is a different size ranging from 3.8' to 6.3 feet in width and 4.9 feet to 7.3 feet in length which is inconsistent with typical driveway replacements. The sub-contractor, Creative Curb, hired by North Valley Paving, has been aware that the homeowner is dissatisfied with the driveway and it is their opinion that the driveway is structurally sound and all industry standards have been followed. Engineer Collins stated that the Contractor is aware of the problem and the completion of warranty work for driveways has been extended to September 30, 2021. **It was the consensus of the City Council to direct Engineer Tom Collins to contact the contractor of the Soderville Drive NE road improvement and request the concrete driveway be replaced and if the contractor does not resolve the situation, the City will use the contractor's security bond to correct the problem.**

**8.0 CITY ATTORNEY – None**

**9.0 CITY ENGINEER – None**

**10.0 CITY ADMINISTRATOR – None**

**11.0 COUNCIL BUSINESS**

**11.1 Committee Reports**

Councilmember Kirkeide stated that he and Councilmember Kirkham have been working on Code Committee items with staff and will continue discussions following the City Council meeting. Councilmember Kirkham suggested that Kari Lund, the Executive Director of the Ham Lake Chamber of Commerce be invited to attend City Council meetings.

**11.2 Announcements and future agenda items**

Mayor Van Kirk stated that all aspects of the Freedom Festival held on July 3, 2021 were great. The free 1000 pork sandwiches provided by the City and the Ham Lake Chamber of Commerce were gone within two hours. Councilmember Doyle stated attendance was the best he has seen. The Council said Hats off to the Ham Lake Chamber of Commerce for planning the Freedom Festival.

Councilmember Kirkham stated he has been contacted by Circle K/Holiday Stationstores regarding the status of the construction project. Councilmember Kirkham stated that the project is currently on hold, possibly for several months, because the DNR (Department of Natural Resources) has found a rare species of berry on the property that may be protected.

**Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 7:18 p.m. All in favor, motion carried.**

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Dawnette Shimek, Deputy City Clerk