



CITY OF HAM LAKE

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CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES MONDAY, SEPTEMBER 16, 2024

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, September 16, 2024 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: Acting Mayor Jesse Wilken, Jim Doyle, and Gary Kirkeide

MEMBERS ABSENT: Mayor Brian Kirkham and Councilmember Al Parranto

OTHERS PRESENT: City Attorney, Mark Berglund; City Engineer, Tom Collins; City Administrator, Denise Webster; Finance Director, Andrea Murff; and Deputy City Clerk, Dawnette Shimek

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

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

2.0 PUBLIC COMMENT

Jim Malvin, the Developer of Evergreen Estates was present and requested to speak during agenda Items 8.1 and 8.2.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Lt. Anthony Mendoza, Anoka County Sheriff's Office Monthly Report

3.2 PUBLIC HEARING – 6:01 p.m. – to consider the assessment roll for 2025 Street Light Fees and adoption of Resolution No. 24-43

Acting Mayor Wilken opened the public hearing for public comment at 6:01 p.m.

Finance Director Murff explained that each year there is a street light assessment fee for properties that have street light's in their development, which is required by the Short-Form Development Agreement. Finance Director Murff stated that currently the fee is \$45.00 a year for those properties and they can pre-pay by November 15, 2024 or have the amount go onto their 2025 property taxes. Finance Director Murff stated that the fee is to cover the yearly cost of the electricity. Finance Director Murff stated that some of the street lights are over 20 years old and are going to need some repairs made to them, which could increase fees in the future.

John Minotti, 16908 Leyte Street NE, was present. Mr. Minotti questioned what Ordinance or Law exists that binds him to pay this fee. Finance Director Murff stated that an Ordinance was passed in 2010, which requires \$3.75 a month fee be charged for street lighting, which would equal \$45.00 a year.

Engineer Collins explained that the Short-Form Development Agreement shows which Developments are required to pay for street lights. Engineer Collins stated that the Short-Form Development Agreement is filed with the County and once the title company does a search for a particular property, it would show that a development has street lights that need to be paid for.

Finance Director Murff stated that there is a Special Revenue Fund for street lights, and it is the goal of the City to only cover the costs of the street lights.

Attorney Berglund stated that if the street light fees were to increase, a public hearing would be required.

Acting Mayor Wilken closed the public hearing at 6:07 p.m.

Motion by Kirkeide, seconded by Doyle, to adopt Resolution No. 24-43 approving the assessment roll for the 2025 Street Light Fees. 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 September 3, 2024 and Workshop minutes of September 3, 2024
- 4.2 Approval of claims in the amount of \$201,210.65
- 4.3 Approval of Resolution No. 24-44 accepting a \$200 donation for the Ham Lake Fire Department
- 4.4 Approval of the Final Upper Rum River Watershed Management Organization Joints Powers Agreement (JPA) and adoption of Resolution No. 24-45
- 4.5 Approval of Resolution No. 24-46 scheduling a public hearing to vacate a portion of an alley easement at 2129 158th Lane NE

Motion by Doyle, seconded by Kirkeide, to approve the Consent Agenda as written. All present in favor, motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Roger and Sue Haugen, S & R Developers LLC, requesting Preliminary Plat approval for Enchanted Estates 4th Addition (9 Single Family Residential lots) in Section 14

Motion by Doyle, seconded by Kirkeide, to concur with the recommendation of the Planning Commission and approve the Preliminary Plat of Enchanted Estates 4th Addition in Section 14, as presented by Roger and Sue Haugen of S & R Developers LLC, subject to updating the survey to show all existing accessory building sizes before submission of the Final Plat for approval and updating the survey to show that the southerly building on proposed Lot 8 will be demolished, updating the exterior finish of the accessory building on 16207 Austin Street NE to match the color, texture and style of the like surfaces on the existing dwelling unit, meeting all requirements of the City Engineer and Building Official and meeting all City, County, and State requirements. All present in favor, motion carried.

The Haugen's thanked the City Council and staff for all their help during the process of completing their development and stated that Ham Lake is a great place to live.

5.2 Gary Magnuson requesting approval of a subdivision through a Minor Plat of Magnuson Estates (2 lots) in Section 9

Motion by Wilken, seconded by Doyle, to concur with the Planning Commission and deny Gary Magnuson's Sketch Plan approval request for the minor Plat of Magnuson Estates (2 lots) in Section 9, due to the owner not willing to remove the building located within the front yard set-back and direct Attorney Berglund to prepare findings of fact for the denial. All present in favor, motion carried. Discussion followed.

6.0 **ECONOMIC DEVELOPMENT AUTHORITY** – None

7.0 **APPEARANCES** – None

8.0 **CITY ATTORNEY**

8.1 Discussion of acting on the Letter of Credit (LOC) in the amount of \$167,460 for Evergreen Estates and adoption of Resolution No. 24-47

Attorney Berglund explained that a Letter of Credit (LOC) in the amount of \$167,460 was received from the developer of Evergreen Estates, which is set to expire on November 1, 2024. Attorney Berglund explained that when the preliminary plat was approved, it was indicated that certain lots were required to have trail easements given to the City. Attorney Berglund stated that some lots were sold before the easements were acquired and currently Lot 8, Block 5, Evergreen Estates, is the only lot where the easement has not been acquired. Attorney Berglund stated that the developer has been working with the property owner to obtain the trail easement, but the property owner is not willing give the trail easement. Attorney Berglund stated that acquiring the easement is the responsibility of the developer and at no fault of the City.

Jim Malvin, Developer of Evergreen Estates, stated that the Development Agreement and the Short-Form Development Agreement stated what lots he needed to obtain the trail easements from and Lot 8, Block 5, was not listed. Mr. Malvin stated that he feels he met his obligation and doesn't feel this is right. Mr. Malvin stated that there should be a compromise between him and the City.

Engineer Collins stated that the 2021 plans were approved, and his memo stated which trail easements were needed, which included Lot 5, Block 8, Evergreen Estates. Engineer Collins stated that there were three correct lots and two incorrect lots listed in the Development Agreement and when the Development Agreement was prepared the lots were superimposed. Attorney Berglund stated that the developer was able to obtain one of the trail easements, but not the other one. Attorney Berglund stated that the Resolution before the City Council would be to act on the Letter of Credit to obtain an appraisal of the trail easement to determine the cost to purchase it. Attorney Berglund stated that any money remaining would be refunded to the Developer. Councilmember Kirkeide questioned if there were parkland dedication fees. Engineer Collins stated that the trail easement was part of the parkland dedication agreement. **Motion by Wilken, seconded by Doyle, to approve Resolution No. 24-47 acting on the Letter of Credit (LOC) in the amount of \$167,460 for Evergreen Estates, if deemed necessary. All present in favor, motion carried.**

8.2 Discussion of obtaining an appraisal for a 15-foot wide trail easement located on Lot 8, Block 5, Evergreen Estates

Motion by Kirkeide, seconded by Doyle, to direct Attorney Berglund to obtain an appraisal for a 15-foot wide trail easement located on Lot 8, Block 5, Evergreen Estates. All present in favor, motion carried.

9.0 CITY ENGINEER – None

10.0 CITY ADMINISTRATOR – None

11.0 COUNCIL BUSINESS

11.1 Committee Reports – None

11.2 Discussion of the request for a variance to the 200-foot frontage road requirement for a lot split at 2509 Bunker Lake Boulevard NE

Motion by Kirkeide, seconded by Doyle, to table the request for a variance to the 200-foot frontage road requirement for a lot split at 2509 Bunker Lake Boulevard NE until the full City Council is present. All present in favor, motion carried.

11.3 Announcements and future agenda items – None

Motion by Kirkeide, seconded by Wilken, to adjourn the meeting at 6:24 p.m. All present in favor, motion carried.



Dawnette Shimek, Deputy City Clerk