

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
MONDAY, SEPTEMBER 19, 2022**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, September 19, 2022 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 Jim Doyle, Gary Kirkeide and Jesse Wilken

MEMBERS ABSENT: Councilmember Al Parranto

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

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

Gary Osendorf, 13450 Staples Street NE, stated that his driveway issue still has not been resolved. Mr. Osendorf stated that he doesn't have room to back-up his trailer with the way the driveway was angled when the cul-de-sac was reconstructed. Mr. Osendorf stated that he installed a post near the end of the driveway and it is constantly getting hit. Councilmember Doyle stated that he and Councilmember Kirkeide have visited the property and discussed posting no-parking signage and moving his mailbox. Mr. Osendorf stated that the grass has not been restored and asked when this would be done. Engineer Collins stated that he has been working with the contractor to get this completed and the contractor has not been paid for this reason. Councilmember Kirkeide asked Engineer Collins if there are standards that are followed when roads are constructed. Engineer Collins stated that there are standards and the construction of this road does meet the standards. Mr. Osendorf stated that he would like his driveway to have a more gradual turn. Mayor Kirkham stated that he viewed the property and didn't see a problem. Councilmember Doyle suggested that this issue be discussed by the Road Committee and have the City Council discuss this at its October 17, 2022 meeting. This subject was previously visited by the City Council on June 7, 2021 and September 20, 2021.

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Lieutenant Derek Peters, Anoka County Sheriff's Office Monthly Report

Lt. Peters gave a summary of the Sheriff's Report for the month of August 2022. Councilmember Doyle thanked Lt. Peters and the Sheriff's Department for all they do.

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 6, 2022 and Special Budget Meeting minutes of September 6, 2022
- 4.2 Approval of claims in the amount of \$298,981.51
- 4.3 Approval of a Temporary One-Day Liquor License for the Dylan Witschen Foundation (non-profit) at the Willow Tree Winery, 828 Constance Boulevard NE on October 1, 2022 and October 29, 2022
- 4.4 Approval of Resolution No. 22-31 appointing Election Judges for the General Election on November 8, 2022 and allowing the City Clerk to appoint additional judges if needed
- 4.5 Approval of Resolution No. 22-32 ordering the preparation of the assessment roll and scheduling a Public Hearing for Street Light Assessments for 2023
- 4.6 Approval of a Lot Line Adjustment requested by Peter Wojciechowski and Mary Bottineau between 16140 Central Avenue NE and 1360 Constance Boulevard NE
- 4.7 Road Committee Recommendations:
 - 1) Approval of Municipal State Aid (MSA) designation and adoption of Resolution No. 22-33

Motion by Wilken, seconded by Doyle, to approve the September 19, 2022 Consent Agenda as written. All present in favor, motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Jeff Stalberger, HFN Properties, LLC., requesting Sketch Plan approval for Hidden Forest East 4th Addition (22 Single Family Residential lots and 3 Outlots) in Sections 24 and 25

Motion by Kirkham, seconded by Wilken, to concur with the Planning Commission and approve the Sketch Plan presented by Jeff Stalberger, HFN Properties, LLC, for Hidden Forest East 4th Addition, a 22-lot single family residential development, 3 Outlots located in Sections 24 and 25 subject to obtaining FEMA Letters of Map Amendment for Lots 1, 2, 3, 5, 6 and 7, Block 1, Lot 2, Block 2 and Lot 3, Block 3, accepting money in lieu of parkland, meeting the recommendations of the City Engineer and meeting all City, State and County requirements. All present in favor, motion carried.

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES – None

8.0 CITY ATTORNEY

- 8.1 Discussion of the new cannabis law

Attorney Berglund stated that information was provided in the City Council packet regarding the new law that was enacted at the end of the 2022 legislative session that allows certain edible and beverage products infused with tetrahydrocannabinol (THC) to be sold. Attorney Berglund stated that the new law caught everyone by surprise and leaves the enforcement up to the community. Attorney Berglund stated that the City Council has three alternatives: #1 To do nothing; #2 To adopt an Interim Ordinance – Moratorium and adopting Findings of Fact; or #3 To adopt an Ordinance without Adopting a Moratorium. Attorney Berglund stated with doing nothing, to wait and see, would allow the product to be sold everywhere. Councilmember Doyle asked Attorney Berglund what his recommendation is to the City Council. Attorney Berglund stated he is recommending the City Council adopt an Ordinance to require licensing with renewal requirements, limiting the number of licenses, designating zoning locations, etc. Discussion followed. **It was the consensus of the City Council to do nothing in terms of the new cannabis law unless any issues arise.**

9.0 CITY ENGINEER – None

10.0 CITY ADMINISTRATOR – None

11.0 COUNCIL BUSINESS

11.1 Committee Reports – None

11.2 Consideration of Resolution No. 22-34 approving the 2023 proposed budget and the proposed 2022 levy for payable in 2023

Mayor Kirkham stated that the City Council has had three Budget Workshop meetings to discuss the budget. At the last workshop meeting it was the consensus of the City Council to keep the tax capacity rate the same as 2022 at 21.43%. This would create a 24% levy increase for the 2023 Preliminary Budget and keep Ham Lake as still having one of the lowest tax capacity rates in Anoka County. Mayor Kirkham stated that he will not vote to adopt the budget presented and is not comfortable with a levy increase of 22.65%. Mayor Kirkham stated that there were two parts driving this increase, one was the operational expenditures and the second part was the transfers to Capital Funds. Mayor Kirkham stated he could not justify the increase in the transfers, specifically to streets because he drove around the City streets and feels that some of the overlay projects could be pushed out and other projects could be shifted. City Engineer Collins stated that he has reviewed costs and the cost of asphalt has gone up significantly. Councilmember Kirkeide stating that the Revolving Street Fund was reviewed in 2022 and it shown the fund going negative in 2024; but now that Engineer Collins has added in the new increases, the fund is depleted in 2023. Mayor Kirkham stated that he would like a proposed increase of the tax levy of 15%. There was discussion that once the Preliminary Budget was approved it could be lowered, but not increased. Discussion followed regarding the Street Improvement Projects and that some of these projects could be shifted further out, along with not proceeding with the Polk Street NE and Tippecanoe Street NE projects at this time. **It was the consensus of the City Council to approve a 15% levy increase opposed to the 22.65% levy increase and to continue to have budget discussions until the final budget is approved in December.** There was discussion to have Engineer Collins review the numbers for the street projects with the new transfer amounts, inflation, and any changes to the schedule after the City Council tours the proposed street projects to see where funding ends up from 2023 to 2024. **Motion by Kirkham, seconded by Kirkeide, to adopt Resolution No. 22-34 approving the 2023 Budget and the proposed 2022 Levy with a 15% levy increase for payable in 2023. All present in favor, motion carried.**

11.3 Discussion of scheduling a tour with the Road Committee

It was the consensus of the City Council to schedule a bus tour to evaluate the condition of city streets on October 11, 2022 at 9:00 a.m.

11.4 Announcements and future agenda items – None

Mayor Kirkham recessed the meeting at 7:11 p.m. in order to conduct a closed meeting.

CLOSED MEETING - Pursuant to Minn. Stat. §13D.05, Subd. 3(c)(3) to discuss the purchase of real property identified as PIN #08-32-23-12-0021 (during a recess of the regularly scheduled City Council meeting)

Mayor Kirkham called the closed meeting to order at 7:18 p.m. The closed meeting was adjourned at 7:48 p.m.

Mayor Kirkham reconvened the regular meeting at 7:49 p.m. Motion by Kirkeide, seconded by Doyle, to adjourn the meeting at 7:49 p.m. All present in favor, motion carried.

Dawnette Shimek, Deputy City Clerk