

CITY OF HAM LAKE

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CITY OF HAM LAKE CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES MONDAY, OCTOBER 7, 2024

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, October 7, 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: Mayor Brian Kirkham and Councilmembers Jesse Wilken, Jim Doyle, Al Parranto and Gary Kirkeide

MEMBERS ABSENT: None

OTHERS PRESENT: City Attorney, Mark Berglund; City Engineer, Dave Krugler; and Deputy City Clerk, Dawnette Shimek

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 – None

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 6:01 P.M. – Public Hearing – to consider the vacation of a portion of roadway easement on Swedish Drive NE (within the plat of Swedish Chapel Estates) and adoption of Resolution No. 24-48

Mayor Kirkham opened the public hearing for comment at 6:01 p.m. and with there being no comment, Mayor Kirkham closed the public hearing at 6:01 p.m.

Motion by Kirkham, seconded by Kirkeide, to adopt Resolution No. 24-48 approving the vacation of a portion of roadway easement on Swedish Drive NE (within the plat of Swedish Chapel Estates). All in favor, motion carried.

3.2 6:01 P.M. – Public Hearing – to consider the vacation of a portion of an alley easement at 2129 158th Lane NE (Sunset Shore) and adoption of Resolution No. 24-49

Mayor Kirkham opened the public hearing for comment at 6:02 p.m. and with there being no comment, Mayor Kirkham closed the public hearing at 6:02 p.m.

Motion by Kirkham, seconded by Parranto, to adopt Resolution No. 24-49 approving the vacation of a portion of an alley easement at 2129 158th Lane NE (Sunset Shore). All 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 16, 2024
- 4.2 Approval of claims in the amount of \$607,027.03
- 4.3 Approval of a Lawful Gambling eligibility requirements waiver for Minnesota Youth Athletic Services (MYSA)
- 4.4 Approval of hiring Absentee Voting Election Staff
- 4.5 Approval of Resolution No. 49-50 appointing Election Judges for the General Election on November 5, 2024 and allowing the City Clerk to appoint additional judges as needed
- 4.6 Approval of Resolution No. 49-51 accepting an \$8,500 donation from the Ham Lake Chamber of Commerce
- 4.7 Approval of Resolution No. 49-52 accepting a \$10,000 donation from State Farm's Good Neighbor and National Volunteer Fire Council (NVFC)
- 4.8 Approval of Resolution No. 49-53 denying the request for the subdivision through a Minor Plat of Magnuson Estates (2 lots) in Section 9
- 4.9 Approval of accepting the Minnesota DNR VFA Matching Grant in the amount of \$5,000
- 4.10 Approval of the Outdoor Lighting Energy and Maintenance Agreement for street lights in Swedish Chapel Estates
- 4.11 Approval of an amendment to the Anoka Conservation District mitigation plan

Councilmember Parranto requested that Item 4.1 be removed from the consent agenda. **Motion by Parranto, seconded by Kirkeide, to approve the Consent Agenda with the omission of Item 4.1. All in favor, motion carried.**

Motion by Kirkeide, seconded by Doyle, to approve Item 4.1 of the Consent Agenda. Mayor Kirkham and Councilmembers Doyle, Wilken and Kirkeide voted yes. Councilmember Parranto voted no. Motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Jeff Stalberger, MN Developments LLC, requesting Final Plat approval of the plat of Swedish Chapel Estates located at 2506 Swedish Drive NE (47 Single Family Residential lots and 3 outlots) in Section 4 and adoption of a Rezoning Ordinance

Mayor Kirkham stated that the Planning Commission recommended approval of this application with a lot of requirements that will need to be met. Attorney Berglund stated that back in April, discussion took place regarding Outlot A and the developers intention was to connect it to another lot that he does not currently own. Attorney Berglund stated that typically Outlots are not buildable and are joined with a lot that is buildable or is already built on. Attorney Berglund stated that the Planning Commissions motion stated that ownership of Outlot A would be maintained by Mr. Stalberger, per an appropriate legal remedy provided to the City, to ensure Outlot A will be combined with an adjacent parcel within nine-months of the plat being recorded. Attorney Berglund stated he does not know what the appropriate legal remedy would be, but he has been exploring what would give the City the assurance that is needed to make sure that Outlot A is combined with another lot. Mr. Stalberger was present and stated that he does not have a guarantee that any of the abutting properties want the property. Mr. Stalberger stated they are also checking with Anoka County to see if the Outlot could be combined with the proposed Lots 3, 4 or 5,

Block 1, located across the street and they have not received an answer yet. Attorney Berglund stated the City Council could table this application until the developer has a decision to what will be done with Outlot A and schedule a Special Meeting, if necessary. **Motion by Kirkham, seconded by Kirkeide, to table the application of Jeff Stalberger, MN Developments LLC, requesting Final Plat Approval of the plat of Swedish Chapel Estates located at 2506 Swedish Drive NE (47 Single Family Residential lots and 3 Outlots) in Section 4 and adoption of a Rezoning Ordinance until a determination is made regarding what property Outlot A will be combined with. All in favor, motion carried.**

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES – None

8.0 CITY ATTORNEY – None

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

Mayor Kirkham stated that the City has rules in place regarding lot frontage minimums and that he is not in favor of granting a variance. Councilmember Kirkeide stated that he is in favor of granting the variance because all the lots in that area have 175-feet of road frontage. Councilmember Kirkeide stated that each piece of property needs to be looked at individually. Councilmember Wilken stated he is opposed because there is no hardship. Councilmember Doyle stated he would like a definition of hardship. Attorney Berglund stated a hardship is granted if there is an issue with the land. Attorney Berglund stated that a hardship is not granted due to an issue with a property owner. Councilmember Doyle stated that it seems logical to grant the variance due to hardship. Mayor Kirkham stated that the City cannot take a medical condition of an owner as a hardship; there must be physical limitations on the property and there are none. Councilmember Parranto stated he is in favor of the variance as it is not changing the lot layout of the area because the 175-foot lot frontage is already existing in the area. Attorney Berglund stated that approving a frontage variance is problematic because when people come in and make a request to split property and are told the minimum lot frontage is 200-feet, they are told no, and they accept that that. Attorney Berglund stated that there is an alternative and that is if they construct a road ending in a cul-de-sac into the property, they could create three lots. Attorney Berglund stated that his legal advice is that the City Council does not grant a variance to the minimum road frontage because there is not a hardship. Councilmember Doyle stated that he is a big believer of property rights. Councilmember Doyle asked if the soils have been tested for buildability as he would like to know if splitting the property is viable. Danette Lincoln, owner of the property at 2509 Bunker Lake Boulevard NE, was present and stated she was told she could not split the property and proceeded to present her application to the City Council because she feels every situation is unique. Ms. Lincoln stated that she has been paying taxes for 30 years and by creating another lot, additional tax base would be brought into the City. Ms. Lincoln stated that a development was done not long ago that allowed lots with 100-feet of frontage. Attorney Berglund stated that there was a hardship due to the lay of the land because it was a 100-foot wide railroad bed that was developed that allowed road connections. Attorney Berglund stated that it is ill advised to grant a variance to the road frontage because there is not a hardship and there is the option of constructing a road, ending in a cul-de-sac that would create three lots and not require a variance. Attorney Berglund stated that

hardship is addressed in the State Statutes. Attorney Berglund stated that there are times when the City Council has to say no, as it is also proper that City Staff say no when a request does not meet the City Code. **Motion by Kirkeide, Seconded by Parranto, to grant a variance to road frontage to allow two lots to be created with 175-feet of road frontage for Danette Lincoln at 2509 Bunker Lake Boulevard NE. Councilmembers Kirkeide, Parranto and Doyle voted yes. Mayor Kirkham and Councilmember Wilken voted no. Said motion was approved.**

11.3 Announcements and future agenda items

Mayor Kirkham stated he received a call about kids running dirt bikes in a circular motion that is in violation of City Code and would like the Code Committee to discuss this portion of the City Code. Mayor Kirkham asked that the noise ordinance that includes dirt bikes running in a circular motion be emailed to members of the Code Committee

Mayor Kirkham called a recess at 7:01 p.m. in to conduct two closed meetings.

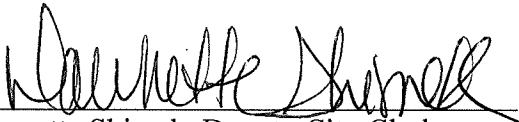
CLOSED MEETING - Pursuant to Minn. Stat. §13D.05, Subd. 3(c)(3) to discuss the purchase of real property identified as PIN #17-32-23-21-0017 (during a recess of the regularly scheduled City Council meeting)

Mayor Kirkham called the closed meeting to order at 7:02 p.m. The closed meeting was adjourned at 7:12 p.m.

CLOSED MEETING - Pursuant to Minn. Stat. §13D.05, Subd. 3(c)(3) to discuss the purchase of real property identified as PIN #21-32-23-14-0020 (during a recess of the regularly scheduled City Council meeting)

Mayor Kirkham called the closed meeting to order at 7:12 p.m. The closed meeting was adjourned at 7:23 p.m.

Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 7:24 p.m. All in favor, motion carried.


Dawnette Shimek, Deputy City Clerk