

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
MONDAY, NOVEMBER 21, 2022**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, November 21, 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: Acting Mayor Jesse Wilken and Councilmembers Jim Doyle, Gary Kirkeide and Al Parranto

MEMBERS ABSENT: Mayor Brian Kirkham

OTHERS PRESENT: City Attorney, Mark Berglund; City Engineer, Dave Krugler; City Administrator, Denise Webster; 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 – None

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Commander Paul Lenzmeier, Anoka County Sheriff's Office Monthly Report

Commander Lenzmeier gave a summary of the Sheriff's Report for the month of October 2022.

3.2 Minnesota House of Representatives Peggy Scott and Nolan West

Minnesota House of Representatives Peggy Scott and Nolan West appeared before the City Council. Representative West stated that they are very happy to serve as State Representatives for the City of Ham Lake. Representative Scott stated she would like to keep the lines of communication open with Ham Lake. Representative West stated they can be contacted anytime by text and email. Representative West stated it was a pleasure to campaign in Ham Lake. The Representatives wanted to make the City Council aware that they can bring concerns to the for-front. Councilmember Kirkeide stated if they want to talk about the Metropolitan Council, to please call him anytime. Councilmember Doyle stated that the University of Minnesota has stated that the City is being environmentally responsible in the way of treating waste. Councilmember Kirkeide stated that the City of Ham Lake has a standing resolution to abolish the Met Council.

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 November 7, 2022, Budget Meeting Minutes of November 7, 2022 and Board of Canvass minutes of November 16, 2022

4.2 Approval of claims in the amount of \$150,160.53

- 4.3 Approval of a letter of support for the Trunk Highway 65 Corridor Improvements
- 4.4 Approval of rescinding Resolution No. 22-38 and rescheduling the public hearing to vacate a portion of the drainage and utility easement for Larson Systems located at 13847 Aberdeen Street NE in Section 32 and adoption of Resolution No. 22-39
- 4.5 Approval of scheduling a public hearing for the vacation of roadway and drainage and utility easements within and/or adjacent to the plats of Crosstown Rolling Acres Second Addition and Crosstown Rolling Acres Third Addition and adoption of Resolution No. 22-40

Councilmember Wilken pulled item 4.1 from the consent agenda. Motion by Doyle, seconded by Parranto, to approve the November 21, 2022 consent agenda with the omission of item 4.1. All present in favor, motion carried.

Motion by Kirkeide, seconded by Doyle, to approve item 4.1 on the November 21, 2022 consent agenda. Councilmembers Doyle, Kirkeide and Parranto voted yes. Acting Mayor Wilken abstained. Motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

- 5.1 Stone Construction Inc. requesting Commercial Site Plan approval to construct Bobby's Car Wash, a 4,121 square foot automated car wash and a 158 square foot pet wash at 13741 Johnson Street NE (PID# 32-32-23-24-0021)

Attorney Berglund stated for the record that Stone Construction is a client of his firm Berglund, Baumgartner, Kimball & Glaser, LLC. and there is no conflict of interest with the application before them.

Motion by Doyle, seconded by Parranto, to concur with the Planning Commission's recommendation and approve the commercial site plan presented by Stone Construction, Inc. to construct Bobby's Car Wash, a 4,121 square foot automated car wash and a 158 square foot pet wash at 13741 Johnson Street NE (PID# 32-32-23-24-0021) subject to Building Official approval of the septic designs, meeting all of Coon Creek Watershed District permit conditions and stipulations, obtaining a MPCA Construction Stormwater Permit before grading operations can commence, complying with landscaping requirements found in Article 11-1800, the Building Official receiving verification that the easterly utilities have been relocated to within easements and/or right-of-way prior to consideration of the issuance of a Certificate of Occupancy and meeting all City, State and County requirements. All present in favor, motion carried.

6.0 ECONOMIC DEVELOPMENT AUTHORITY – None

7.0 APPEARANCES

- 7.1 Dick and Diane Sylvester, 16220 Naples Street NE, requesting a variance to allow access to Naples Street NE without road improvement for the development of Toby's Trails

Matt Davich, Rud Land Surveying, was present before the Council representing Dick and Diane Sylvester requesting a variance to allow access to Naples Street NE without road improvement for the development of Toby's Trails. Mr. Davich stated the reasons they are asking for this is the Naples Street NE alignment is not centered in the road right-of-way, and in order to do that many utilities would have to be moved and there would have to be a new jog put into the road alignment. Mr. Davich stated the letter from RFC Engineering has some helpful suggestions regarding the possibility of improvement of Naples Street NE being a Municipal State Aid (MSA) road. Mr. Davich stated it wouldn't be logical to move this road at this time because they would need to improve such a small section of the road. Mr. Davich stated that the site

is the highest in the area being about 4 feet higher than Naples Street NE and there would be issues with stormwater ponding. Mr. Davich stated that it would make sense to improve a larger part of the road at a later date. Attorney Berglund stated that he has reviewed the variance request and the request is understandable for the costs for the applicant to improve Naples Street NE based on the benefits for use for a driveway. Attorney Berglund stated that the recommendation from staff that the application be denied is appropriate based on what the ordinances and variances allow; specifically, a hardship that is not caused by the nature of the land. The use of Naples Street NE is being necessitated by the desire to develop the land the way it has been proposed. Based upon that, Attorney Berglund stated that the application should be appropriately denied. Attorney Berglund stated that there are further discussions that could be had regarding potential development further south on Naples Street NE and if it would make sense to defer some assessments if there is possibly any future development or possibly reconfiguring the plat to avoid the use of Naples Street NE, which may cause for loss of a lot. Attorney Berglund stated this variance request application can be tabled to a future meeting within the 60-day timeframe if there is further discussion needed. Attorney Berglund stated that the variance request before the City Council at this time and with the recommendation from staff, should be denied. Engineer Krugler stated for the Naples Street NE upgrade, members of the Council may be well aware of the condition of Naples Street NE. Engineer Krugler added that there a lot of sod farms and a lot of organics on Naples Street NE. Engineer Krugler stated that Naples Street NE is a designated Municipal State Aid (MSA) road so it is eligible for state funding, however, there is a lot of floating and there is a lot of preparation that would need to be done. Engineer Krugler stated that it may not be feasible for the road to be developed. Engineer Krugler stated that millings were put down on the street and after settling, the street needed to be turned back to gravel. Engineer Krugler stated there would need to be a lot of corrections made and especially for a 9-ton road. The code states that roads must be upgraded when properties are developed. Engineer Krugler stated that some reconfiguration of the plat could be done to avoid the use of Naples Street NE and Anoka County will need to approve access for the lots onto Constance Boulevard NE. Engineer Krugler stated that Naples Street NE would need to be reconfigured because the right-of-way is 84-feet and the roadway has shifted to the west of the right-of-way. Engineer Krugler stated that there was a plat called Carole's Country Estates that received preliminary approved in 2006 and the upgrade of Naples Street NE from Constance Boulevard to the southerly plat boundary was required (approximately one-quarter mile) and the applicant was willing to pay for the upgrade. Engineer Krugler stated the next development would be a half to three-quarters of a mile south of this proposed development because the area is low and has a lot of sod fields. Mr. Davich asked how likely would it be that the road would be improved. Councilmember Kirkeide stated it has always been the City's policy that road be constructed with plat development. Councilmember Kirkeide added that some roads cannot be improved because it is not feasible and may have to be re-designated as a permanent agricultural road. Councilmember Kirkeide stated that other developments have been proposed but have not been feasible because of the costs of the road improvements. Councilmember Kirkeide stated that Naples Street NE may not ever be improved because it is not feasible. Councilmember Kirkeide stated to allow this request it would require a code change. Councilmember Kirkeide stated that for the Council to approve a variance, a hardship must be demonstrated and an applicant cannot create their own hardship. Councilmember Kirkeide stated when 155th Avenue NE was constructed, lots previously developed had deferred assessments and if this were to be done in the future, an escalator for the deferred assessments would be required. Councilmember Doyle stated that they need further review on this application. Diane Sylvester was present and gave a history and background of why they were developing these properties for their two daughters to build homes on and move closer. **Motion by Kirkeide, seconded by Doyle, to table discussion of the request for a variance to allow access to Naples Street NE without road**

improvement for the development of Toby's Trails as requested by Dick and Diane Sylvester, 16220 Naples Street NE. All present in favor, motion carried.

8.0 CITY ATTORNEY – None

9.0 CITY ENGINEER – None

10.0 CITY ADMINISTRATOR – None

11.0 COUNCIL BUSINESS

11.1 Committee Reports

Councilmember Doyle stated that he and Mayor Kirkham recently met with SBAA (Soderville/Blaine Athletic Association) regarding improvements they would like to see at Lions Park. Councilmember Doyle stated that field improvements and safety concerns can be addressed by the Public Works Department.

11.2 Announcements and future agenda items

Councilmember Parranto thanked the residents of Ham Lake for re-electing him and Councilmember Doyle.

Motion by Kirkeide, seconded by Parranto, to adjourn the meeting at 6:44 p.m. All present in favor, motion carried.

Dawnette Shimek, Deputy City Clerk