

CITY OF HAM LAKE
PLANNING COMMISSION MINUTES
MONDAY, JULY 14, 2025

The Ham Lake Planning Commission met for its regular meeting on Monday, July 14, 2025, in the Council Chambers at Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Commissioners Brian Pogalz, Jeff Entsminger, David Ross, and Erin Dixon

MEMBERS ABSENT: Commissioners Kyle Lejonvarn, Dave Ringler, and Jonathan Fisher

OTHERS PRESENT: City Engineer Dave Krugler, Building Official Mark Jones and Building and Zoning Clerk Jennifer Bohr

CALL TO ORDER: Chair Pogalz called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was recited by all in attendance.

APPROVAL OF MINUTES:

Motion by Dixon, seconded by Entsminger, to approve the minutes of the June 23, 2025, Planning Commission meeting as written. All present in favor, motion carried.

PUBLIC HEARING:

Joseph Radach of Contour Development LLC, requesting Preliminary Plat approval, and rezoning of portions of land from R-A (Rural Single Family Residential) to R-1 (Single Family Residential), for Elwell Farms (107 Single Family Residential lots and 5 outlots) in Section 36

Mr. Joseph Radach was present. Mr. and Mrs. Jesse Neumann from Design Earth Contracting and Steve Jones with Keller Williams were also in attendance. Mr. Radach stated the development consists of 107 single-family residential lots and five outlots that will be dedicated to wetland banking or attached to an existing parcel. Mr. Radach stated there are three access points proposed for the development, two which are proposed to be paved, one is gravel. Mr. Radach stated there have been some minor lot configuration changes since the sketch plan was reviewed but the number of lots proposed remains the same. Chair Pogalz asked Engineer Krugler to comment on the plat. Engineer Krugler stated the plat will develop 515 acres into 107 residential lots and five outlots. Engineer Krugler stated two of the outlots will be combined with the existing 4611 139th

Lane NE parcel and the remaining outlots will become part of a proposed wetland bank. Engineer Krugler stated there are going to be three streets providing access to the development; there will be no access from streets in Columbus, Blaine, or Lino Lakes. Engineer Krugler stated there is a 70-foot-wide Minnesota Pipe Line (aka Flint Hills Resources) easement going through parcels in the northeast section of the plat; Flint Hills Resources has approved the plans for both street crossings and one storm pipe crossing. Engineer Krugler stated there are 14 various easements across the 18 parcels; all easements must be vacated, released, or appropriately confined at the developer's expense before the final plat is filed. Engineer Krugler stated the developer is proposing the creation of a park on the western side of the plat. Engineer Krugler stated parkland dedication will need to be determined later because a wetland bank requires the dedication of a trail easement through the wetland or payment of parkland dedication fees in addition to parkland dedication fees being paid for 107 lots, less the value of the land that is being dedicated as a park. Engineer Krugler stated the wetland banking ordinance states wetland banks shall have improved roadway frontage. Engineer Krugler stated there are existing buildings, accessory buildings, farm buildings, wells and septic systems located within the proposed development; some buildings will be demolished the remaining buildings must conform to City Code. Engineer Krugler stated existing septic systems will need to be abandoned per Minnesota Pollution Control Agency requirements and proof of abandonment must be provided to the Building Official before the issuance of building permits. Engineer Krugler stated encroachment agreements for septic lines crossing drainage and utility easements and encroachment agreements for driveways located within drainage and utility easements will be required. Engineer Krugler stated Haugo Geotechnical Services provided a summary of water level readings; the report outlines the high groundwater to be used to ensure one-foot separation required of low floors of the proposed buildings. Engineer Krugler stated a rare plat survey was done on the site. Engineer Krugler stated the developer will be avoiding all threatened plants but one, Blunt-Lobed Grape Fern, for which a taking permit has been obtained. Commissioner Dixon asked if the developer needed to obtain Letters of Map Amendment (LOMA) from FEMA. Engineer Krugler stated there were parcels touching the flood plain on the sketch plan, but the preliminary plat shows that all buildings to be outside of the FEMA flood plain so no LOMAs are needed. Commissioner Pogalz completed the inspection, a copy which is on file. Commissioner Pogalz stated there are various outbuildings and three homes in the proposed development area. Chair Pogalz stated there has been some tree clearing done but no other activity related to accessory building removal. Chair Pogalz stated dumpsters are on the site. Chair Pogalz stated the site is 500 acres of primarily open land, some areas of trees and areas that were once wetlands before they were drained for sod farming; it is a large open area suitable for residential development.

Chair Pogalz opened the public hearing at 6:09 p.m. and asked for public comment.

Cathy Montain, 1160 Constance Boulevard NE

Ms. Montain stated she owns property in Columbus adjacent to the southeast corner of the proposed development. Ms. Montain asked if lots will be created over the entire property identified on the public hearing notice. Chair Pogalz stated the entire property will be developed. Ms. Montain asked if housing would abut her property. Engineer

Krugler stated the lots will border her property, but the houses will be adjacent to the proposed roadway. Ms. Montain stated with 105 proposed new building sites, she is concerned about how water will be managed. Ms. Montain stated there is a ditch along the western edge of her parcel and she hopes there will not be any additional water drained from the area. Engineer Krugler stated, per state code, no more water can be drained from the area after development than was drained from the area before development. Engineer Krugler explained how water would be managed with the ditch and ponds within the development, including a large pond that is proposed in the southeast corner of the development adjacent to Ms. Montain's property. Ms. Montain stated she would like the development to keep as much water as possible on the property.

Ken Anderson, 13076 Jewel Circle NE, Blaine

Mr. Anderson was present to represent the Rice Creek Trail Association (RCTA). Mr. Anderson asked what the status of the snowmobile trail across this property is. Chair Pogalz asked Mr. Anderson if he could provide any new information as the Planning Commissioners have not received any updates. Mr. Anderson stated the club has requested the trail, that has existed since 1980, remain in place. Mr. Anderson stated with the proposed residential development, the club recognizes the configuration of the trail would have to change. Mr. Anderson stated the club hopes to continue to have a trail from the southeastern corner of the development to the northwest corner of the development. Mr. Anderson stated the RCTA has suggested an alignment behind some of the houses in south central part of the subdivision. Mr. Radach has proposed a trail from the southeast corner of the development straight west to Lexington Ave NE. Mr. Anderson stated there was discussion on having the trail go north from the southwest corner of the development but there is not enough right-of-way on the east side of Lexington Avenue NE for that due to power lines, support poles, guidelines, and the steep ditch. Mr. Anderson stated the Red Fox Hollow development has a pond along Lexington Ave NE and the western border of several property owners' land abuts the Lexington Avenue NE right-of-way creating another obstacle for a trail. Mr. Anderson stated the RCTA spoke with the park committee and discussed potentially having the trail on the west side of Lexington Avenue NE where the regional bike trail is now. Mr. Anderson stated Anoka County is in the process of redesigning the trail extending it to the north but representatives from Anoka County have stated it may be problematic to continue the trail where the developer proposed due the need to cross two lanes of southbound and two lanes of northbound traffic on Lexington Avenue NE at 133rd Avenue NE. Mr. Anderson presented a map of the snowmobile trail system. Mr. Anderson showed where the trail currently runs from Ms. Montain's property in Columbus, across the property to be developed and northward. Mr. Anderson feels the trail could be reconfigured to run from Ms. Montain's property in the southeast corner of the development directly west to the southwest corner and then north along County Ditch 44-7. Mr. Anderson presented a handout to the commissioners and development team. Mr. Anderson also presented a potential new trail alignment running along the southern border of the proposed plat, turning to the north at County Ditch 44-7 and running along the east of the ditch to 143rd Avenue NE where the trail would continue north across the Knoll property. Mr. Anderson stated the handout he provided proposes two options the city could consider to provide the RCTA a snowmobile trail easement adjacent to the development. Mr. Anderson stated the RCTA is asking the Planning Commission to make a recommendation to City

Council on a trail easement for snowmobiling. Mr. Anderson thanked the commissioners for allowing him to present options for consideration for reconfiguration of the snowmobile trail. Chair Pogalz stated he is aware there have been some conversations related to the snowmobile trail. Chair Pogalz stated running a trail in the ditch may be difficult due to how deep it is. Mr. Anderson stated, from the center point of the ditch, there is a 50-foot maintenance easement on each side of the ditch with a sixteen-and-a-half-foot buffer area on each side of the maintenance easement. Mr. Anderson stated he spoke with staff from the Coon Creek Watershed District this past winter and again prior to today's meeting; they did not have any objection to having a snowmobile trail within the buffer area. Mr. Anderson stated there would be no impact on the ditch, the trail edge would be 20-feet from the top of the ditch, eastward. Mr. Anderson stated the trail would only be 10-foot wide with two-foot clear zones on each side. Mr. Anderson stated there would be vegetation that would need to be cleared in various areas if the trail is permitted on the east side of Lexington Avenue NE but that would be done by the RCTA. Chair Pogalz asked Mr. Radach to comment. Mr. Radach stated they had tentatively agreed to provide access through the property along the south border of the plat. Mr. Radach stated he still has the same concerns regarding running the trail along the ditch and the impact to the wetland bank area. Mr. Radach stated the wetland bank consultants want wetland banks to be secure as they do not want people in the wetland bank areas. Mr. Radach stated Mr. Anderson is right, there are going to be a ditch easement there and wetland buffers. Mr. Radach stated it may be possible to run a snowmobile through a wetland buffer but he would need to talk to wetland banking regulators to make sure it would not prohibit them from doing wetland banking in a potential trail area. Engineer Krugler asked Mr. Radach if a wetland bank can be within the 50-foot easement for ditches. Mr. Radach stated a wetland buffer can be within a county ditch easement but it is not part of the wetland bank. Mr. Radach stated part of the wetland bank plan is to utilize the easement which is eligible as a buffer area. Mr. Radach stated they can get buffer credit which is 25% of a wetland credit. Mr. Radach stated having a snowmobile trail on the southern border of the plat will affect one of the nicer lots in the development. Mr. Radach stated this is not desirable, but he would consider it, however, the trail could also be in back yards of homes in Red Fox Hollow. Mr. Radach stated if RCTA has handshake agreements for the current snowmobile trail with other landowners, he is concerned that if he grants rights through this development, the Knoll's and/or Ms. Montain may discontinue their handshake agreements at some point. Mr. Radach stated they are more than happy to get RCTA through their site to Lexington Avenue NE but prefers not to have a trail through the middle of the development. Mr. Radach stated RCTA can continue to use the trail, as it is, this winter and discussion can continue later. Mr. Anderson stated he spoke with a representative from the Board of Soil and Water Resources this past winter. Mr. Anderson stated they discussed a trail through the development in the proposed wetland bank area. Mr. Anderson stated if a trail went through a wetland bank, the land the trail was on could not be used for wetland credits. Mr. Anderson stated the trail only needed to be 20 feet wide so the amount of land potentially removed from the wetland bank would be less than an acre. Chair Pogalz stated there will be residents in Blaine, some future landowners in the proposed Elwell Farms development, and landowners in Red Fox Hollow that will be affected by the proposed trail realignment. Chair Pogalz stated there are other people that need to be involved in this discussion and

decision. Ms. Cathy Montain stated she does a year-to-year handshake agreement with the RCTA.

Chai Lee, 4212 136th Avenue NE

Mr. Lee stated his property is at the corner of 136th Avenue NE and Lexington Avenue NE. Mr. Lee asked where the roads are that will lead into the new development. Engineer Krugler stated one of the access points into the development will be via 136th Avenue NE. Chair Pogalz stated other access points will be a right-in and right-out at 139th Lane NE and via Opal Street NE into the Hidden Forest East area. Mr. Lee stated he is concerned about increased traffic as he has small children.

Paul Jacobsen, 4752 132nd Court NE, Blaine

Mr. Jacobsen asked how close the new development will be to his residence in the Lexington Waters development in Blaine. Mr. Radach presented Mr. Jacobsen with a plat design document.

Chair Pogalz closed the public hearing at 6:46 p.m.

Chair Pogalz asked the commissioners to comment on the snowmobile trail. Commissioner Entsminger stated he is in favor of a snowmobile trail but does not feel the city can force a private landowner to dedicate land for a trail. Commissioner Ross stated he is astounded at the amount of time the city has dedicated to discussions with the RCTA. Commissioner Ross stated the project being reviewed is a potential 107 lot development. Commissioner Ross stated there has been an inordinate amount of discussion about the snowmobile trail. Commissioner Ross stated a small, not-for-profit organization is suggesting how part of this development should be designed. Commissioner Ross stated the developers are very patient to even have a conversation about the trail; the city should not write anything into this development that is giving undue attention to a small association that does not warrant this kind of review. Chair Pogalz stated that a snowmobile trail is an amenity to the residents of Ham Lake. Chair Pogalz stated it is possible for any handshake agreement, with any landowner, to be discontinued at any time ending trail connectivity and it is a private landowner's decision on what they want to agree to. Chair Pogalz stated the snowmobile trail discussion will need to include others such as legal counsel and a representative from Board of Soil and Water Resources. Commissioner Entsminger asked if there was any state funding available to offset the income the developer would lose for constructing a trail through a wetland bank. Commissioner Entsminger stated the developer could potentially recover the value of the wetland bank land dedicated to a snowmobile trail. Chair Pogalz asked if Mr. Radach was interested in continuing discussion on the snowmobile trail. Mr. Radach stated he and his partners are, but they do not want to sacrifice lots for the trail. Mr. Radach stated he is concerned about the future and how long the trail connections will exist; will he and his partners provide an easement that connects to another trail on land that the RCTA no longer has permission to use. Chair Pogalz stated the commission will not be making a recommendation on requiring the developer to provide for a snowmobile trail. Chair Pogalz stated there should be further discussion with members of the City Council and other agencies. Engineer Krugler stated if the snowmobile trail from the Montain property is extended directly to the west, the trail easement would impact proposed septic areas.

on lots 44, 45, 53, 54 and 55. Mr. Radach inquired about the paving of the gravel road on 138th Avenue NE, Frazier Street NE and 139th Lane NE. Mr. Radach asked if the developer is responsible for paving the road. Engineer Krugler stated he is presenting what the city code states in Article 10-420(F) regarding plats out letting to unpaved streets for the Planning Commission to make a recommendation on and City Council to decide on. Engineer Krugler stated there will be two paved access points to this development via Opal Street NE and 136th Avenue NE. Engineer Krugler stated requiring the paving of 138th Avenue NE, Frazier Street NE and 139th Lane NE would alleviate the amount of traffic on the other two access points. Commissioner Entsminger asked how many linear feet paving 138th Avenue NE, Frazier Street NE and 139th Lane NE would be added. Engineer Krugler stated is approximately 1450 feet. Commissioner Entsminger asked if the residents along those roadways would just get their road paved. Engineer Krugler stated in the memo there are two alternatives within City Code to enforce this; one alternative would require those properties in Elwell Heights and the 4310 139th Lane NE parcel to be assessed for the improvement of the road and the developer would be responsible for the balance of the expense to improve the road. Mr. Radach asked if Red Fox Hollow residents would be assessed for the improvement. Mr. Radach stated he is concerned about the expense to improve the road; he is not opposed to contributing if everyone is paying their fair share. Engineer Krugler stated the residents of Elwell Heights and 4310 139th Lane NE would be assessed, not the residents in Red Fox Hollow. Mr. Radach stated the development provides two paved outlets. Chair Pogalz stated he does not see how the developer could be required to pay for the improvement of 138th Avenue NE, Frazier Street NE and 139th Lane NE. Commissioner Entsminger stated he does not see how the developer could be required to pay for improvement of that area when the plat boundary ends where 138th Avenue NE intersects with Ghia Street NE. Commissioner Ross stated it is unlikely that the residents of Elwell Heights would be in favor of being assessed for a road improvement that would increase traffic on their streets. Commissioner Dixon stated a recommendation should be made for the City Council to consider and ultimately decide on. **Motion by Pogalz to recommend approval of the Preliminary Plat, and rezoning of portions of land from R-A (Rural Single Family Residential) to R-1 (Single Family Residential), for Elwell Farms (107 Single Family Residential lots and 5 outlots) in Section 36 as presented by Joseph Radach of Contour Development LLC subject to combining outlots A and B to the 4611 139th Lane NE parcel, recording a document with Anoka County that outlots C, D and E are not buildable and not eligible for building permits, applying for a Conditional Use Permit for any outlots to be included in the wetland bank, meeting the requirements of Article 9-330.8(D) for roadway improvements for a wetland bank, vacating, releasing or confining any existing easements as directed by the City Engineer before the issuance of any building permits, obtaining demolition permits for any existing structures that are to be demolished, ensuring any existing buildings that are to remain conform to city code, abandoning existing septic systems and providing proof of abandonment to the Building Official before the issuance of any building permits, signing and filing encroachment agreements with Anoka County for septic lines that cross drainage and utility easements on Lots 29, 36, 55, 51 and 58 of Block 1 and Lot 3 of Block 3, signing and filing encroachment agreements for driveways that cross drainage and utility easements for Lots 35, 36, 37, 38 and 39 of Block 1 before the issuance of any building permits,**

meeting the requirements of the City Engineer and meeting all City, State and County requirements.

Building and Zoning Clerk Bohr asked Chair Pogalz if a recommendation related to parkland dedication was going to be made. Engineer Krugler stated a determination will need to be made on what will be required for parkland dedication later due to a final decision on a trail easement needing to be made, fees related to wetland banking needing to be determined and consideration to be given for the land being dedicated for the park. Building and Zoning Clerk asked about drainage fees. Engineer Krugler stated the drainage fees will be \$200 per lot and the required payment for drainage will be noted in the development agreement. **Commissioner Entsminger seconded the motion. All present in favor, motion carried.** *This application will be placed on the City Council's Monday, July 21, 2025 agenda.*

A recommendation as to requiring the paving of 138th Avenue NE, Frazier Street NE and 139th Lane NE was not made.

NEW BUSINESS: None

COMMISSION BUSINESS:

City Council Update

Chair Pogalz stated the City Council concurred with the Planning Commission's recommendations to approve the preliminary and final plat of Ruds Skogsted and the final plat of Elwell Commercial Park. Chair Pogalz will attend the July 21, 2025, City Council meeting.

ADJOURNMENT:

Motion by Dixon, seconded by Ross, to adjourn the Planning Commission meeting at 7:08 p.m. All present in favor, motion carried.

Jennifer Bohr
Building and Zoning Clerk