

**WALKER CITY COUNCIL  
REGULAR MEETING MINUTES  
WALKER FIRE HALL MEETING ROOM  
MONDAY, JULY 6, 2020**

**CALL TO ORDER –Mayor Shaw**

- Mayor Jed Shaw called the regular scheduled meeting to order at 6:00 p.m.
- Pledge of Allegiance
  - Council members present: Hansen, Moore, Senenfelder, Shaw and Wilkening
  - Council members absent:
  - Others present during portions of the meeting included:

Terri Bjorklund, City Administrator	John Valen, City Attorney
Wayne Tennis, Chief of Police	Russ Bengston, Self
Mary Bengston, Self	

**CONSENT AGENDA-Mayor Shaw**

M/S Moore/Hansen to approve the Consent Agenda Items 1 thru 14 as follows waving the reading.

1. Approve Walker City Council regular meeting minutes of June 1<sup>st</sup>, 2020.
2. Review and file draft of Planning Commission/Board of Adjustments regular meeting minutes of June 29<sup>th</sup>, 2020.
3. Review and file May 2020 Zoning Administrator report.
4. Review Walker Public Library Board meeting minutes of June 17<sup>th</sup>, 2020.
5. Review and file Park Advisory Board meeting minutes of June 23<sup>rd</sup>, 2020; and that pickle ball fencing would get the ends closed up.
6. Review and file Walker Police Department Monthly Report.
7. Review and file Public Works Committee meeting minutes of June 25<sup>th</sup>, 2020.
8. Review and file Walker Area Joint Fire Department meeting of June 11<sup>th</sup>, 2020.
9. Approve Cash Balance Report as of May 31<sup>st</sup>, 2020.
10. Review and file Cass County's May/June Tax Settlement for 2020.
11. Approve to pay Ehlers Bond Trust Services Corporation for General Obligation Improvement Bonds, Series 2007A, and Statement # 58061 in the amount of \$3,275.00.
12. Approve payment of invoice 386901 in the amount of \$8,750 to SEH for Walker Municipal Airport Access Road & Parking Lot Rehabilitation.
13. Approve of loan repayment to Minnesota Public Facilities Authority in the amount of \$228,035.95 for G.O. Bonds repayments.
14. Consider approval to pay invoice No. 757757 in the amount of \$3,545.26 to Knife River for Calcium Chloride for 2020 dust control.

Motion passed (5-0)

**SCHEDULED CITIZENS PRESENTATION –Mayor Shaw**

None.

**CITY STAFF COMMENTS – Administrator Terri Bjorklund**

The following City of Walker offices will be voted for at the state general election to be held Tuesday, November 3, 2020. Candidates may begin filing for these offices on Tuesday, July 28, 2020 until Tuesday, August 11, 2020. The office of the clerk will be open from 8:00– 5:00 p.m. on August 11, 2020 for candidates to file. The following is up for reelection; Mayor (2 year term)/City Council (2 positions – 4 year regular term)

Under the governor’s action, the Coronavirus Relief Fund or (CARES) Act. The City may receive up to \$64,000. The funds may be used for specific COVID-19-related costs. This has not been passed by legislature as of yet; but will keep the Council informed.

August 18<sup>th</sup> is the proposed start date of the public restrooms; if there are no objections I will sign the contract with Hytec Construction.

No objections were heard.

**PERSONNEL, BUDGET & ADMINISTRATION – Councilmember Senenfelder**

1. **M/S** Senenfelder/Moore to approve of Claim #58058 to Claim #58173 including Voided Check Numbers 57982, 58083, 58084 and 58103 and bank drafts in the amount of \$233,915.55  
Motion passed (5-0)
2. **M/S** Senenfelder/Hansen to approve of the MPFA loan to lock in interest rates at 1% on the City’s pending loans for the 2020 North Side Project; DWRF Loan: \$989,100.00, WIF Grant: \$665,272.00, and CWRF Loan: \$1,830,138.00.  
Motion passed (5-0)
3. **M/S** Senenfelder/Wilkening to approve of the allocation of the 2019 liquor store profits.  
Motion passed (5-0)
4. **M/S** Senenfelder/Hansen to approve of Resolution 21-2020, a Resolution to appoint primary and general election judges for the elections of August 11th, 2020 and November 3rd, 2020.  
Roll Call: Ayes: Hansen, Senenfelder, Shaw, Moore, Wilkening      Nays:  
Motion passed (5-0)
5. **M/S** Senenfelder/Wilkening to approve of Resolution 22-2020, a Resolution certifying delinquent nuisance enforcement expenses for past due snow removal to the 2021 tax roll.  
Roll Call: Ayes: Hansen, Senenfelder, Shaw, Moore, Wilkening      Nays:  
Motion passed (5-0)
6. **M/S** Senenfelder/Moore to approve of Resolution 23-2020, a Resolution accepting donations made to the City of Walker through fiscal year 2020.  
Roll Call: Ayes: Hansen, Senenfelder, Shaw, Moore, Wilkening      Nays:  
Motion passed (5-0)

7. **M/S** Senenfelder/Hansen to approve of Resolution 24-2020, a Resolution rescinding Resolution 18-2020, which combined polling places with Shingobee Township and The City of Walker Precinct.  
Roll Call: Ayes: Hansen, Senenfelder, Shaw, Moore, Wilkening Nays:  
Motion passed (5-0)
8. **M/S** Senenfelder/Wilkening to approve of Resolution 25-2020, a Resolution certifying past due walker water works accounts to the 2021 tax roll.  
Roll Call: Ayes: Hansen, Senenfelder, Shaw, Moore, Wilkening Nays:  
Motion passed (5-0)
9. **M/S** Senenfelder/Moore to approve to pay Invoice #184841 in the amount of \$9,290.00 to Upland Advertising and Design LLC for the replacement Leech Lake Billboard Sign.  
Motion passed (5-0)
10. **M/S** Senenfelder/Hansen to approve a tax increment revenue note for Portage Holdings, LLC, 2-16 in the amount of \$80,455.00 at 5.50% interest per annum. Note to be executed as of July 1st, 2020.  
Motion passed (5-0)
11. **M/S** Senenfelder/Moore to approve of pay voucher 1 from in the amount of \$461,923.68 to RL Excavating, Inc. for work done on the North Side Project to date.  
Motion passed (5-0)
12. **M/S** Senenfelder/Wilkening to approve of the City of Walker Pandemic Plan Intermediate to Full Response.  
Motion passed (5-0)
13. **M/S** Senenfelder/Hansen to approve to pay the \$45 registration fee to MCFOA for Clerks membership for Hope Fairchild.  
Motion passed (5-0)
14. **M/S** Senenfelder/Moore to approve to send a photo of Deputy Registrar Carol Longfellow with the LifeSource 2019 Donor Registry Impact Award to LifeSource. Senenfelder stated that was an outstanding award; to bring their numbers up from 4% to upwards of 70%.  
Motion passed (5-0)
15. **M/S** Senenfelder/Moore to approve of accepting the resignation from Pamela Smith, effective July 10th, 2020.  
Motion passed (5-0)
16. **M/S** Senenfelder/Moore to approve of the recommendation of the Personnel Committee to appoint Jennie Meyer to the Receptionist/Accounting Clerk/Zoning Administrator position at \$18.00 an hour, and upon completion of a positive six month review, an additional \$0.50 per hour.  
Motion passed (5-0)
17. **M/S** Senenfelder/Moore to approve of the recommendation of the personnel committee to advertise for Department of Motor Vehicle Clerk.  
Motion passed (5-0)

18. **M/S Senenfelder/Moore** to approve the recommendation of the personnel committee to hire Stacey McMurrin as a Department of Motor Vehicle Clerk at a rate of \$17.00 and upon six month review, an additional 3% per hour.

Bjorklund stated that working on the Pay Equity Report; the State has deemed that woman in jobs must be paid the same rate as men. It is ranked on a curve and after hiring the public works people; we have to bring that curve up or the City would get fined.

Motion passed (5-0)

19. **M/S Senenfelder/Moore** to approve the temporary one day liquor license for Walker Area Fire Department for their annual fish fry on August 21st, 2020.

Motion passed (5-0)

### **ECONOMIC DEVELOPMENT/LIQUOR STORE/AIRPORT/LIBRARY- Councilmember Hansen**

1. **M/S Hansen/Moore** to approve of Consider approval of the Walker Planning Commission Board of Adjustments meeting minutes of May 18<sup>th</sup>, 2020.  
Motion passed (5-0)
2. **M/S Hansen/Wilkening** to approve of Consider approval of the Sourcewell zoning services contract, dated June 29<sup>th</sup>, 2020.  
Motion passed (5-0)
3. **M/S Hansen/Wilkening** to approve of Consider approval of the recommendation of the Walker Planning Commission Board of Adjustments to approve of LU-2020-06, M/B lot split request for 7736 State 34 NW with the findings of facts and conditions as set forth:

#### **Findings of Fact**

1. Both the Remainder Tract and Tract A are currently zoned Transitional Commercial and is properly zoned where both residential and commercial uses should coexist intended uses as permitted in the Transitional Commercial zone.
2. Both Tracts have the availability of City Water or Sewer.
3. The applicant is not proposing any provisions for water-based recreation.
4. Lot areas and dimensions conform to the requirements of the zoning provisions, without variance. The minimum lot size for newly created lots in the Transitional Commercial zone is 5,000 sq. ft. The proposed division is as follows: Remainder Tract 678,024 ± square feet and Tract A 36,794 ± square feet.
5. The proposed lot layouts are compatible with the existing layout of adjoining properties and the proposed lot lines are parallel and perpendicular to existing lot lines. Future development will not be constrained by the proposed lot layouts.
6. Tract A is subject to the Easement as legally described in the Certificate of Survey.

#### **Conditions**

1. Any new construction is subject to City of Walker Procedure and Data Required for a Building Permit.
2. Dirtmoving > 50 cubic yards will need to apply for a Conditional Use Permit

Motion passed (5-0)

4. M/S Hansen/Wilkening to approve of Consider approval of the recommendation of the Walker Planning Commission Board of Adjustments to approve of LU-2020-07, M/B lot split request for 5413 73<sup>rd</sup> Street NW with the findings of fact and conditions as set forth:

**Findings of Fact**

1. Both Tract B Remainder and Tract B-1 are currently zoned as Public and are properly zoned where Public uses of land not oriented towards recreation and open space. Typical uses may include federal, state, or local government offices, schools, or utilities.
2. Both Tracts have the availability of City Water and Sewer.
3. The applicant is not proposing any provisions for water-based recreation.
4. Lot areas and dimensions conform to the requirements of the zoning provisions, without variance. There is no lot size requirement for Lot Splits in the Public Zone within the City Ordinance.
5. The proposed lot layouts are compatible with the existing layout of adjoining properties and the proposed lot lines are parallel and perpendicular to existing lot lines. Future development will not be constrained by the proposed lot layouts.
6. Both Tract B Remainder and Tract B-1 are subject to the Easements as legally described in the File #10-69 June 12, 2020 and attached hereto.
7. No building permit is needed from the City of Walker per 326B.07 Subdivision 1. Administration by commissioner.

**Conditions**

1. Dirtmoving > 50 cubic yards will need to apply for a Conditional Use Permit
2. For all new developments within the city is required to adhere to City Code Sec. 109-160. Drainage.
3. After the construction of C.S.A.H. 37 an easement will be located at suitable location after an intersection has been determined.
4. Submittal of a Parking and Loading Plan showing the number of parking stalls and loading berths location and size for review by the Planning Commission.
5. A Certificate of Survey showing the following is required prior to any construction on said parcel to ensure it meets zoning standards:
  - a. Legal description of property
  - b. Scale (for example) 1 inch = 20 feet
  - c. North arrow
  - d. Location of iron monuments
  - e. Proposed and existing structures
  - f. Dimensions of structures
  - g. Setback distances to all property lines from proposed/existing structures
  - h. Impervious Surface Calculations
  - i. Arrows showing surface drainage patterns
  - j. Street right-of-way location
  - k. Proposed location and width of driveway

- l. All measurements to be the tenth of a foot (i.e.; 32.6)
- m. If abutting a water body or outlet, show elevation of respective water body and low floor elevation
- n. Type of building (i.e.; split level, walkout, rambler)
- o. Date of survey
- p. Surveyor's signature
- q. Surveyor's registration number in the State of Minnesota

Motion passed (5-0)

- 5. **M/S Hansen/Senenfelder** to approve of the recommendation of the Walker Planning Commission Board of Adjustments to approve of LU-2020-03, variance request with the findings of fact and conditions along with the revised addition of conditions contingent upon moving the propane tank from the West side of the house, installation of one hour firewall standards on the West side of garage and ceiling and compliance with the 25% impervious surface coverage.

**Findings of Fact**

- A)** To allow for a 4.08 foot setback of the East side yard deviating from the 10 foot setback to allow for an addition to the garage.
  - 1. The applicant establishes that there are practical difficulties, as defined in this ordinance, in that a reasonable request of a 6 foot extension of the current garage.
  - 2. The plight of the landowner is not created by the landowner but due to the location and size of the current garage structure that was built prior to the establishment of set-backs. There is nothing unique about the topography of the land where the proposed encroachment is requested. There are no unusual lot lines or wetlands on this parcel.
  - 3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood and the comprehensive plan.
  - 4. The variance will not alter the essential character of the locality.
  - 5. The variance is not for economic reasons alone; showing practical difficulty of two cars blocking the sidewalk as well the inability to have street parking on Cleveland Boulevard during the snow season.
  - 6. The variance would not allow or create a use not provided for in a zoning district.
- B)** To allow for a 14.91 foot setback deviating from the 20 foot setback allowable.
  - 1. The applicant establishes that there are practical difficulties, as defined in this ordinance, in that a reasonable request of a 6 extension of the current garage. And the front yard setback would not encroach more than the existing garage.
  - 2. The plight of the landowner is not created by the landowner but due to the location and size of the current garage structure that was built prior to the establishment of set-backs. There is nothing unique about the topography of the land where the proposed encroachment is requested. There are no unusual lot lines or wetlands on this parcel.
  - 3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood and the comprehensive plan.
  - 4. The variance will not alter the essential character of the locality.
  - 5. The variance is not for economic reasons alone.

6. The variance would not allow or create a use not provided for in a zoning district.
- C) To not allow for increase of impervious surface coverage of 25.9% deviating from the 25% allowable.
1. The applicant does not establish practical difficulties to increase the impervious surface coverage. There are alternatives that exist; by way of removing portions of the sidewalk/patio.
  2. The plight of the landowner is created by the landowner extending the garage and increasing the impervious surface coverage. There is nothing unique about the topography of the land where the impervious surface coverage is in question. There are no unusual lot lines.
  3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood and the comprehensive plan.
  4. The variance will not alter the essential character of the locality.
  5. The variance is not for economic reasons alone.
  6. The variance would not allow or create a use not provided for in a zoning district.

**Conditions:**

Proposed Conditions:

- A) To allow for a 4.08 foot setback of the side yard deviating from the 10 foot setback to allow for an addition to the garage.
  1. Erosion control measures are used during installation.
  2. Reestablish any disturbed turf after project.
  3. Structure is to remain a garage and not be used as a dwelling or quest quarters.
  4. Garage expansion is not to exceed the proposed addition dimensions as stated in the Certificate of Survey dated 04-15-2020 JOB number 20-064 prepared by Northern Engineering & Consultants, Inc. and included in this staff report as attachment No. 2.
  5. Conformance of impervious surface coverage is required prior to construction.
  6. The propane tank will be removed from the side yard to accommodate the encroachment of setback on the West side of property.
  7. The interior wall and ceiling of the garage will comply to meet one hour firewall standards as set by the Minnesota State Building Code.
- B) To allow for a 14.91 foot setback deviating from the 20 foot setback allowable.
  1. Erosion control measures are used during installation.
  2. Reestablish any disturbed turf after project.
  3. Structure is to remain a garage and not be used as a dwelling or quest quarters.
  4. Garage expansion is not to exceed the proposed addition dimensions as stated in the Certificate of Survey dated 04-15-2020 JOB number 20-064 prepared by Northern Engineering & Consultants, Inc. and included in this staff report as attachment No. 2.
  5. Conformance of impervious surface coverage is required prior to construction.

The council discusses this at length. They speak of possibly difficulty with parking and also the safety issues of encroaching setbacks with fire issues. Bjorklund clarifies with City Attorney Valen that without a Council vote the conditions would not apply. Senenfelder suggested adding a condition that would require firewall standards from

a safety standpoint on the side setback that would be encroaching. Wilkening added that he would like to add the practical difficulty of two cars blocking the sidewalk. Shaw stated that as well the inability to have street parking during the snow season. Motion passed (5-0)

6. **M/S Hansen/Wilkening** to approve of Consider approval of Ordinance 2020-04, an Ordinance adding dedication to public standards.  
Motion passed (5-0)
7. **M/S Hansen/Wilkening** to approve of Consider approval of Ordinance 2020-05, an Ordinance for a zoning classification designation.  
Motion passed (5-0)
8. **M/S Hansen/Moore** to approve of Consider approval of the April 15<sup>th</sup>, 2020 and May 27<sup>th</sup>, 2020 Library Board meeting minutes.  
Motion passed (5-0)
9. **M/S Hansen/Moore** to approve of Consider approval of entering into a contract with Braun Intertec for a pre-demolition hazardous building materials inspection in the amount of \$3,000.00, contingent on number of hours to perform the inspection, number of samples, report time, etc.  
Motion passed (5-0)
10. **M/S Hansen/Senenfelder** to approve of Consider approval of purchasing two used storage containers at the cost of \$3,700.00, plus moving and delivery fees.  
It is noted that public works would have a use for them after the Library is done with them.  
Motion passed (5-0)

**PARKS & AMBULANCE CITY COUNCIL– Councilmember Moore**

1. **M/S Moore/Hansen** to approve of the Park Advisory Board Minutes of February 25<sup>th</sup>, 2020.  
Motion passed (5-0)

**PUBLIC WORKS, SAFETY & CEMETERY – Councilmember Wilkening**

1. **M/S Wilkening /Senenfelder** to approve of Consider approval of the recommendation of the Public Works Committee to purchase and install new guide rails for the lower lift submersible pumps from Electric Pump in the amount of \$3,902.00 plus freight.  
Motion passed (5-0)
2. **M/S Wilkening/Hansen** to approve of Consider approval of the recommendation of the Public Works Committee to replace 50 feet of tar at the beginning of the alley off of 5th Street South, adjacent to the Tiger Lilly’s store. Amount not to exceed \$3,000.00.  
Motion passed (5-0)
3. **M/S Wilkening/Senenfelder** to approve of Consider approval of the recommendation of the Public Works Committee to enter into grant agreement with Sourcewell for the purchase of a Hurco Vac trailer, with the City of Walker paying \$10,000.00 and Sourcewell paying \$67,878.50, total cost being \$77,878.50.  
Motion passed (5-0)



**OTHER BUSINESS –Mayor Shaw**

- City Council will now go into closed session to discuss a possible land purchase.

Regular meeting closed at 6:56 p.m.

Meeting reopened at 7:17 p.m.

**ADJOURNMENT-Mayor Jed Shaw**

Mayor Shaw adjourns the meeting at 7:17 p.m.

\_\_\_\_\_  
Jed Shaw, Mayor

Attest:\_\_\_\_\_  
Terri Bjorklund, Administrator