

**WALKER CITY COUNCIL
REGULAR MEETING MINUTES
WALKER FIRE HALL MEETING ROOM
MONDAY, SEPTEMBER 14th, 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, Senenfelder, Shaw and Wilkening
 - Council members absent: Moore
 - Others present during portions of the meeting included:

Terri Bjorklund, City Administrator
Wayne Tennis, Chief of Police
John Valen, City Attorney
Bradley Walhof, Self
Tanya Baker, Self
Jesse Westberg, Chase on the Lake

Hope Fairchild, City Administrator
Mike Ridlon, Public Works Director
Cindy Walhof, Self
Bill Marshall, Tianna County Club, Inc.
Jaime Tatge, Chase on the Lake
Tim Orton, Orton Oil

CONSENT AGENDA – Mayor Shaw

M/S Senenfelder/Hansen to approve the Consent Agenda Items 1 through 20 as follows, waving the reading.

1. Approve Walker City Council regular meeting minutes of August 3rd, 2020.
2. Review and file draft of Walker Planning Commission/Board of Adjustments regular meeting minutes of August 31st, 2020.
3. Review and file July 2020 Zoning Administrator report.
4. Review Walker Public Library Board meeting minutes of August 19th, 2020.
5. Review and file Walker Police Department Monthly Report.
6. Review and file Public Works Committee meeting minutes of August 25th, 2020.
7. Review and file Walker Area Joint Fire Department meeting of August 13th, 2020.
8. Approve Cash Balance Report as of July 31st, 2020.
9. Approve payment of invoice 386918 in the amount of \$4,980.00 to SEH for the Walker Municipal Airport Master Plan with Airport Layout Plan.
10. Approve payment of invoice 390350 in the amount of \$4,980.00 to SEH for Walker Municipal Airport Master Plan with Airport Layout Plan.
11. Approve payment of invoice 390359 in the amount of \$12,450.00 to SEH for Walker Municipal Airport 2020 Beacon and REIL Replacement.
12. Approve payment of invoice 36057 in the amount of \$2,088.50 to NTI for work done on the 2020 North Side Project to date.
13. Approve payment of invoice 96596 in the amount of \$65,389.14 to Ulteig for engineering services during 2020 North Side Project through June 30th, 2020.
14. Approve payment of invoice number 97361 in the amount of \$73,567.15 to Ulteig for engineering services during 2020 North Side Project through July 31st, 2020.
15. Review and file letter from Karen Gurecki.

16. Review and file letter from the Minnesota Department of Health regarding Lead/Copper Tap Water Monitoring Report, PWSID 1110013.
17. Review and file state-certified level of library support for 2021 in the amount of \$16,981.
18. Approve to renew membership and to pay Invoice 326409 in the amount of \$1,125.00 for membership dues for the League of Minnesota Cities for 2020-2021.
19. Approve to pay invoice #23194 in the amount of \$2,461.59 and invoice # 23209 in the amount of \$79.00 to American Pump Company for emergency pump replacement.
20. Approve to pay invoice # 36410 in the amount of \$2,633.09 to Force Flow for an emergency sewer lift station repair.

Motion passed (4-0)

SCHEDULED CITIZENS PRESENTATION –Mayor Shaw

1. Brad Walhof – Right-of-way concerns.

Mr. Walhof distributed a packet of pictures of his property and stated that the construction extends six feet over the right-of-way into his property. He said that his pond was filled with sand and rocks were covered, and about two feet of the pond was on the city's right-of-way.

Mr. Walhof stated that by filling the pond, construction destroyed the skimmer box and covered \$2,000 worth of rocks. He stated that the sewer and water pipes were newer and were PVC pipes. Councilmember Wilkening asked where the water shut-off was located.

Public Works Director Ridlon stated that the water shut-off was just outside of the pond to the east, within the rocks that went around the pond.

Mr. Walhof stated that it was a lined pond and the sand covered the liner and all of the rocks. The skimmer box was completely smashed. He stated that it was totally uncalled for to push all of the sand into the pond. He contacted the installer of the pond to see how much it would cost to repair the pond, and he got an estimate of \$5,200.00, which does not include hauling the rocks out, landscaping, planting, bushes, and trees that were taken out.

Mrs. Walhof stated that her husband dedicated 24 years to the City of Walker, and she and her husband have always been big promoters of the City. Mrs. Walhof stated that the City knows how to contact herself or Mr. Walhof and didn't understand why they were not contacted. She stated that she hoped that they find it in their hearts to find a way to resolve this matter.

Mr. Walhof stated that he did not think Mrs. Walhof meant the city council when she said 'you,' she was pointing a finger at the contractor and the city engineer. He stated that there was mismanagement on the city engineer's behalf and on the contractor's behalf and he hoped that the Council would see fit to right a wrong.

Councilmember Wilkening asked if there should be discussion right now.

Mayor Shaw said to go ahead with discussion.

Councilmember Wilkening stated asked if part of the problem that was created was notification.

Councilmember Wilkening stated that the City was told that all of the notification letters were sent to the same address that water bills are sent to.

Mr. Walhof stated that he has received all of his water bills, but never received any construction notifications.

Councilmember Wilkening stated that because part of the pond was in the city's right-of-way, the pond would have been compromised whether Mr. Walhof responded or not.

Councilmember Wilkening stated that when they met previously at Mr. Walhof's property, the city offered to pull out the sand and plant grass.

Mr. Walhof said that was unacceptable.

Councilmember Wilkening stated that a portion of the damage would have happened no matter what. The pond would not be allowed to be reinstalled in the right-of-way.

Councilmember Wilkening stated that the City could submit this to RL Larson Excavating.

Councilmember Senenfelder stated the hole has to be big enough for the person to access it safely.

Public Works Director Ridlon stated that the deeper hole comes where the water stop is which is just to the east of the sewer pipe, which is 9 feet deep. He stated that every property in the whole project got a new curb stop.

Mr. Walhof stated that they didn't need to dig up the whole pond in order to place a curb stop.

Councilmember Senenfelder stated that they had to go down 9 feet into the hole, and in order for the worker to safely get into the hole, it needs to be four times wider than the depth.

Mr. Walhof asked why the pond got filled in with dirt 6 feet beyond that.

Councilmember Wilkening stated that four times the depth of 9 feet would be approximately 18 feet in width, so apparently they didn't even dig it as wide as it should have been.

Mayor Shaw stated that Councilmember Wilkening was putting forward a reasonable solution of reaching out to the contractor to find out what they did there and why they did it the way they did, and if they over-reached what was absolutely necessary to fix what was needed to be fixed, then Mr. Walhof may genuinely have a case.

Mayor Shaw asked Public Works Director Ridlon to contact RL Larson Excavating to get a better understanding of what happened, and it would be discussed at the next Public Works meeting on the 22nd.

CITY STAFF COMMENTS – Administrator Hope Fairchild

1. On Tuesday, September 15th there will be a continental breakfast at 7:30 a.m. followed by an informational meeting for contractors from 8 a.m. to 10 a.m. regarding the hooking up of natural gas lines. This will take place at the lower pavilion in Walker City Park.

Councilmember Senenfelder stated that he had someone from a company who wanted to run a camera down his sewer, even though the gas line was already installed. The Office of Pipeline Safety from the State of Minnesota is saying that because these are all new installs, every sewer line must be inspected, so don't be surprised if you get a phone call.

Public Works Director Ridlon stated that he has talked to the guy in charge of these inspections and said that the inspectors need to present themselves in a professional fashion and have materials with them that explain what they are doing, because the City has had phone calls regarding the inspectors already.

2. After Veteran's Day on November 12th and 13th the DMV will be closed because the MNLARS system will be changed over to a new system which will go live on the Monday after.

PERSONNEL, BUDGET & ADMINISTRATION – Councilmember Senenfelder

1. M/S Senenfelder/Wilkening to approve of Claim #58326 to Claim #58449 including Voided Check Numbers 58347, 58348, and 58366, and bank drafts in the amount of \$778,787.56.

Motion passed (4-0)

2. M/S Senenfelder/Hansen to approve of pay voucher 3 in the amount of \$1,022,360.45 to RL Excavating, Inc. for work done on the 2020 North Side Project to date.

Motion passed (4-0)

3. M/S Senenfelder/Wilkening to approve of 2020 budgeted transfers.

Motion passed (4-0)

4. **M/S Wilkening/Senefelder** to approve of the proposed 2021 preliminary budget. Councilmember Wilkening stated that staff did a great job on this, as the councilmembers asked for cuts, but to not end up at a 10% or 12% like most cities are, without minimizing impact of services.

Councilmember Wilkening stated that the City's proposed budget will actually have a total levy change of -3.26%, and that it is a good, solid budget that he went through line item by line item. He stated that money is continued to be put away for heavy equipment and vehicle replacement, and encouraged the council to approve of the 2021 preliminary budget and tax levy.

Councilmember Senefelder stated that the proposed 2021 levy is close to the 2018 levy.

Motion passed (4-0)

5. **M/S Senefelder/Wilkening** to approve of Resolution 28-2020, a resolution adopting 2021 preliminary budget and tax levy and certifying the truth-in-taxation meetings on December 7th, 2020 at 6:00 pm.

Roll Call: Ayes: Hansen, Senefelder, Shaw, Wilkening **Nays:**

Motion passed (4-0)

6. **M/S Senefelder/Hansen** to approve of Resolution 27-2020, a Resolution accepting donations made to the City of Walker through fiscal year 2020.

Roll Call: Ayes: Hansen, Senefelder, Shaw, Wilkening **Nays:**

Motion passed (4-0)

7. **M/S Senefelder/Wilkening** to approve of Clean Water State Revolving Fund Loan Agreement, Funding ID MPFA-CWRF-L-013-FY21.

Motion passed (4-0)

8. **M/S Senefelder/Hansen** to approve of Drinking Water State Revolving Fund Loan Agreement. Funding ID MPFA-DWRF-L-014-FY21.

Motion passed (4-0)

9. **M/S Senefelder/Wilkening** to approve of Resolution 30-2020, a Resolution Accepting the Offer of the Minnesota Public Facilities Authority to Purchase a \$989,100 General Obligation Water Improvement Note of 2020B, Providing for its Issuance and Authorizing Execution of a Bond Purchase and Project Loan Agreement.

Roll Call: Ayes: Hansen, Senefelder, Shaw, Wilkening **Nays:**

Motion passed (4-0)

10. **M/S Senefelder/Hansen** to approve of Resolution 31-2020, a Resolution Accepting the Offer of the Minnesota Public Facilities Authority to Purchase a \$1,839,138 General Obligation Sewer Improvement Note of 2020A, Providing for its Issuance and Authorization Execution of a Bond Purchase and Project Loan Agreement.

Roll Call: Ayes: Hansen, Senefelder, Shaw, Wilkening **Nays:**

Motion passed (4-0)

11. **M/S Senefelder/Hansen** to approve of Resolution 32-2020, a Resolution Accepting the Offer of the Minnesota Public Facilities Authority to Purchase a \$989,100 General Obligation Water Improvement Note of 2020B, Providing for its Issuance and Authorizing Execution of a Bond Purchase and Project Loan Agreement.

Roll Call: Ayes: Hansen, Senefelder, Shaw, Wilkening **Nays:**

Motion passed (4-0)

12. **M/S Senenfelder/Hansen** to approve of the recommendation of the Budget and Finance Committee to lower the 2021 liquor license fees by 33% due to the COVID-19 pandemic income loss.

Motion passed (3-0), Wilkening abstained

13. **M/S Senenfelder/Wilkening** to approve of Chase on the Lake's liquor license application for On Sale, Sunday, and 3.2% On Sale Licenses.

Motion passed (4-0)

14. **M/S Senenfelder/Hansen** to approve of Hope Fairchild and Jennie Meyer to attend a Land Use Training and Education virtual conference on October 12th and 13th, with a cost of \$150.00 per person, \$300.00 in total.

Motion passed (4-0)

15. **M/S Senenfelder/Wilkening** to approve of the resignation of Sara McGregor.

Motion passed (4-0)

16. **M/S Senenfelder/Hansen** to approve of the recommendation of the Personnel Committee to promote Lindsey Fallgren to the 32-hour full-time liquor store clerk position starting on September 19th, 2020, and a 3% wage increase following a successful completion of six month probation period.

Motion passed (4-0)

17. **M/S Senenfelder/Wilkening** to approve of the recommendation of the Personnel Committee to hire Janice Pfarr as part-time liquor store clerk at a rate of \$13.00 per hour, with a 3% wage increase after successful completion of six month probation period.

Motion passed (4-0)

ECONOMIC DEVELOPMENT, LIQUOR STORE, AIRPORT & LIBRARY - Councilmember Hansen

1. **M/S Hansen/Wilkening** to approve of Walker Planning Commission/Board of Adjustments meeting minutes of July 27th, 2020.

Motion passed (4-0)

2. **M/S Hansen/Wilkening** to approve of the recommendation of the Planning Commission/Board of Adjustments to approve LU-2020-09, a Lot Split M/B request, pending a redrawn survey combining the proposed Triangle Tract and North Tract and getting the survey to city staff by September 9th, 2020.

Proposed Findings - The following findings of fact are provided for consideration by the Board of Adjustment:

1. The South Tract, Triangle Tract, and North Tract are all currently zoned Transitional Commercial and Low Density Residential, and are suitable in their natural state for residential or commercial uses as permitted in the Transitional Commercial and Low Density Residential zones.
2. The North, Triangle, and South Tracts do not have access to public water and sewer. The lots have a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment sewage systems.
3. The Lot area of the North Tract is 1,255,594 ± sq. ft., the Lot area of the Triangle Tract is 406,775 ± sq. ft., and the Lot area of the South Tract is 1,024,752 ± sq. ft. All lots meet the Low Density Residential unsewered minimum lot size of 20,000 sq. ft. and the Transitional Commercial minimum lot size of 5,000 sq. ft.

4. The North Tract, Triangle Tract, and South Tract all meet the impervious surface coverage requirements of the Low Density Residential zone at 25% and the Transitional Commercial zone at 75%.
5. North and South Tracts are subject to the right-of-way designated on State Highway 34 NW.
6. Triangle Tract does not have a minimum of 33 feet of frontage on the designated right-of-way, State Highway 34 NW.

Proposed Conditions - The following conditions are provided for consideration by the Board of Adjustment:

1. All tracts must be rezoned prior any development to maintain consistency.

Motion passed (3-0), Senenfelder abstained

3. M/S Hansen/Wilkening to approve of the recommendation of the Planning Commission/Board of Adjustments to approve LU-2020-10, a Lot Split Plot request.

Proposed Findings - The following findings of fact are provided for consideration by the Board of Adjustment:

1. The proposed lot split is zoned CENTRAL BUSINESS DISTRICT and the abutting property zoned as CENTRAL BUSINESS DISTRICT and is properly zoned. The Central Business District is the city's downtown commercial district and Cass County Courthouse, oriented towards efficient pedestrian movement with municipal parking areas and on-street parking. Typical uses will include government facilities, service-oriented commercial and tourism-oriented retail uses. Zero lot line setbacks are permitted for commercial retail uses and coordinated off-street parking.
2. Proposed parcel will have access to public water and sewer.
3. East Tract meets all setbacks.
4. The lot area of East Tract is 3,250 sq. ft. and meets the Central Business District minimum commercial lot requirement of 2,500 sq. ft.
5. The impervious surface coverage of the East Tract is currently 75%. This meets the Central Business District's maximum impervious surface coverage of 100%.
6. The East Tract does not meet the minimum of 33 ft. of frontage on a designated right-of-way.

Proposed Condition - The following condition are provided for consideration by the Board of Adjustment:

1. Staff has no proposed conditions.

Motion passed (4-0)

4. M/S Hansen/Wilkening to approve of the recommendation of the Planning Commission/Board of Adjustments to approve of having city staff take care of the paperwork and file the CUP for PID # 96-337-2310, 401 Minnesota Ave. W.

Councilmember Wilkening stated that this was a conditional use permit that did not get properly recorded when it originally went through the Planning Commission and City Council.

Councilmember Senenfelder asked City Attorney Valen if this was legal.

City Attorney Valen stated that it was legal and recommended to handle it this way.

Motion passed (4-0)

5. M/S Hansen/Wilkening to approve of the Walker Municipal Airport Capital Improvement Plan.

Motion passed (4-0)

6. **M/S Hansen/Senenfelder** to approve of Application for Payment No. 3 (final) in the amount of \$1,304.03 for Walker Municipal Airport Access Road and Parking Lot Rehabilitation to Anderson Brothers Construction Company.

Motion passed (4-0)

7. **M/S Hansen/Wilkening** to approve of Resolution 29-2020, a resolution executing Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition.

Roll Call: Ayes: Hansen, Senenfelder, Shaw, Wilkening Nays:

Motion passed (4-0)

8. **M/S Hansen/Senenfelder** to approve of Walker Public Library Board minutes of July 15th, 2020.

Motion passed (4-0)

9. **M/S Hansen/Senenfelder** to discuss of the recommendation of the Library Board to rent the room across from the library rental space for book storage and workspace at \$350.00 per month.

Councilmember Senenfelder asked if this was to be rented just because of the smell of the storage containers.

Councilmember Hansen stated that it was presented to her as both for storage and work space. Councilmember Hansen stated that the librarian needs the extra space as the library will stay in the temporary location for an extended period of time.

Councilmember Wilkening stated that all books should be stored in the room across the hall from the rental library space instead of storing some in storage containers.

Administrator Bjorklund stated that the \$350.00 will be added to the base cost of what the City has to pay to Kitchigami Regional Library System, so if this is being added to what the City has to pay, the council could require all books to be kept in that space so they stay in good condition.

Public Works Director Ridlon stated that if the books are boxed, they should all be able to fit in the extra room.

Motion passed (4-0)

10. **M/S Hansen/Senenfelder** to approve of the recommendation of the Library Board to rent the room across from the library rental space for the storage of all books and as workspace at \$350.00 per month.

Motion passed (4-0)

PARKS & AMBULANCE BOARD – Councilmember Moore

1. **M/S Shaw/Senenfelder** to approve of Walker Park Advisory Board to approve Minutes of July 28th, 2020.

Motion passed (4-0)

PUBLIC WORKS AND SAFETY/CEMETERY – Councilmember Wilkening

1. **M/S Wilkening/Senenfelder** to approve of the recommendation of the Public Works Committee to purchase a spare sewer lift pump for Stille Haven Lift from Minnesota Pump Works in the amount of \$2,510.00.

Motion passed (4-0)

2. **M/S Wilkening/Senenfelder** to approve to pay invoice # 17071 in the amount of \$3,060.00 to Turf Technology LLC for grub insecticide at Evergreen Cemetery.

Motion passed (4-0)

3. **M/S Wilkening/Senenfelder** to approve of applying for a VW Diesel Replacement Grant to replace city's current backhoe with a 2020 John Deere 310 SL backhoe for a cost not to exceed \$101,415.26. The grant would cover up to 25% of the replacement.

Motion passed (4-0)

4. **M/S Wilkening/Hansen** to approve of the purchase and installation of a control panel for the upper lift station for \$6,830.00 from Electric Pump.

Motion passed (4-0)

OTHER BUSINESS – Mayor Shaw

- The Evergreen Cemetery will be conducting clean-up of the Cemetery grounds after September 20th, 2020. Cemetery personnel will be removing items from graves, including fresh and artificial flowers. Please remove any items you wish to save prior to September 20th, 2020.

Administrator Bjorklund stated that the City has received thank-you notes expressing appreciation for the service they received from the DMV and city reception.

ADJOURNMENT – Mayor Shaw

Mayor Jed Shaw adjourned the meeting at 6:50 p.m.

Jed Shaw, Mayor

Attest: _____
Hope Fairchild, Administrator