

**WALKER CITY COUNCIL
REGULAR MEETING MINUTES
WALKER FIRE HALL MEETING ROOM
MONDAY, SEPTEMBER 11, 2017**

CALL TO ORDER –Mayor Shaw

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

Terri Bjorklund, City Administrator
Wayne Tennis, Chief of Police
Neil Lange, Public Works
Travis Baker, Police
Mary Helfand, Self

Pamela Smith, City Employee
Dean Morrill, Pilot Independent
John Valen, City Attorney
Tim and Linda Gilsrud, Self

CONSENT AGENDA-Mayor Shaw

M/S Moore/Senenfelder to approve the Consent Agenda Items 1 thru 17 as follows, waving the reading.

1. Approve Walker City Council regular meeting minutes of August 7th, 2017.
2. Review and file draft of Cemetery Board Minutes of August 11th, 2017.
3. Review and file draft of Walker Library Board Meeting Minutes of August 16th, 2017.
4. Review and file draft of Walker Park Advisory Board minutes of August 22nd, 2017.
5. Review and file draft of the Walker Planning Commission Board of Adjustments regular meeting minutes of August 28th, 2017.
6. Review and file draft of Art & Culture Commission minutes of August 15th, 2017.
7. Review and file Walker Police Department Monthly Report.
8. Review and file Public Works Committee minutes of August 23rd, 2017.
9. Review and file Walker Area Joint Fire Department Minutes of August 10th, 2017.
10. Approve Cash Balance Report as of July 31st, 2017.
11. Approve to renew membership and to pay invoice 257827 in the amount of \$1,115 for membership dues for the League of Minnesota Cities for 2017-2018.
12. Review and file state-certified level of library support for 2018 in the amount of \$16,981.
13. Review and file response letter from County Administrator Joshua Stevenson regarding the International Eelpout Festival.
14. Review and file Thank You from Leech Lake Area Chamber of Commerce.
15. Review and file letter addressed to City Council from a concerned resident regarding the 2016 Southside Project landscaping.
16. Approve to send Terri Bjorklund to the NJPA conference on Wednesday October 25th, 2017 in Staples, MN at a cost of wages mileage.

17. Approve to send the Walker Police Department to the mandatory training at Pine River, MN on September 27th, 2017 at a cost to include hourly wages. The training is free.

Wilkening added that number 15 should also be added to the next Public Works agenda for review; regarding a concerned resident regarding the 2016 Southside Project landscaping.

Motion passed (5-0)

**WALKER CITY COUNCIL
PUBLIC HEARING MINUTES
WALKER FIRE HALL MEETING ROOM
MONDAY, SEPTEMBER 11, 2017**

CALL TO ORDER –Mayor Shaw

➤ Mayor Jed Shaw called the public hearing to order at 6:01p.m.

- Council members present: McMurrin, Moore, Shaw, Senenfelder, Wilkening
- Council members absent:
- Others present during portions of the meeting included:

Terri Bjorklund, City Administrator
Wayne Tennis, Chief of Police
Neil Lange, Public Works
Travis Baker, Police
Mary Helfand, Self

Pamela Smith, City Employee
Dean Morrill, Pilot Independent
John Valen, City Attorney
Tim and Linda Gilsrud, Self

PUBLIC HEARING–MAYOR SHAW

Mayor Jed Shaw opened the public hearing at 6:01p.m.

Mayor Shaw stated that this is public hearing to hear public comment on a proposed vacation of a portion of Lakeside Drive in the Plat of Parkside Addition to Walker, pursuant to Minnesota Statue §412.851. Shaw turned the public hearing over to councilor Wilkening to review the proposed vacation with the public. Wilkening addressed the public stating that he is on the Planning Commission Board of Adjustments and has reviewed this proposed Vacation several times. This is the public comment portion of this; we are asking the public if they have any questions or comments to address the board at this time. This is not the Council action portion, this is your turn to ask questions or comment on this and this will come up on our agenda later on.

Gilsrud-Will Vonda Avenue, at the point that it hits the lake, will that still be the entire width?

Wilkening-There should not be any effect to Vonda Avenue. Have you seen the map?

Public-Yes. We have it.

Wilkening-Have you seen it when it was staked off?

Public-No, and we wish we could see it.

Wilkening-We thought this process was all done two years ago. It all came down to a snag in how the public hearing process was done because of the DNR and that the DNR did not have a chance to comment. It was never filed and then was brought back to restart the process to clear this up. Dave has a piece of property that the City is currently using

and the public is using. Everybody drives on his property to access the Lake. This was discovered about 6 years ago. The conversation ensued regarding concern of potential liability of somebody getting injured on his property. What he thought was his property was actually our property and what we thought was our property was actually his property. The easiest way to do this was to preserve the lake access and leave it right where it is at and then do a land exchange. We thought this would be a simple process and it turned out to be something that has been ongoing. It has actually run through the Planning Commission three times. Do you have any concerns?

Gilsrud-I understand there is a variance so we have access to the beach.

Terri Bjorklund-An Easement.

Wilkening-And that should not be affected by this.

Gilsrud-Is there any restriction on that easement at all, in terms of what can go across there other than walking there?

Wilkening-Are you questioning the easement? In what direction?

Terri Bjorklund-To get to their beach.

Gilsrud-From the parking lot of the marina across the West parcel and across Vonda Avenue.

Wilkening-You are talking more about Lakeside Avenue rather than Vonda.

Cochran-Access to the beach from Lakeside across this would be a vacated piece of property so they can access their beach by golf carts.

Gilsrud-Dave has been very good to us and we know Dave is not going to be there forever we just want to know there are no restrictions on that easement.

Public-Does it change when ownership changes?

Terri Bjorklund-I think what you are referring to is that easement is actually a public easement so you will be able to use it and enjoy it in the same way that you always have. If I recall correctly we talked about that rather extensively to ensure that you still had access there. When and if Dave sells at some point someone else owns that property, there is nothing and correct me if I am wrong Mr. Valen, to prevent you using the public easement to get to your beach access area.

Valen-changes in ownership would not affect easement.

Gilsrud-You talked of that being staked at one time. Who did the staking?

Wilkening-Terry Freeman with Northern Engineering and Consulting Inc.

Jed Shaw-You could talk with Terry about that if you wanted to and have him walk you through it if you wanted to.

The Board discusses where the easement lies and where the utilities are located.

Shaw-Utilities are separate from ingress and egress. Just because we have a utility easement doesn't mean that we have an easement for ingress and egress. If it is public road or ROW then that would be for ingress and egress.

Cochran mentions that this is the safest way. Where I store my stuff, I am not worried about vehicles flying through there off of the access. The big challenge was in the winter when some of the stuff would get covered up with snow, I would worry about them not seeing it. I think this is a win for everybody.

No other public comments or questions were heard.

Public hearing closed 6:12 p.m.

SCHEDULED CITIZEN PRESENTATIONS –Mayor Shaw

CITY STAFF COMMENTS – Administrator Terri Bjorklund

PERSONNEL, BUDGET & ADMINISTRATION – Councilmember Senenfelder

1. **M/S Senenfelder/McMurrin** to approve of Claim #54143 to Claim #54285 including Voided Check Numbers 54141, 54189 and 54190 and bank drafts in the amount of \$567,019.04
Motion passed (5-0)
2. Overview and discussion on the proposed 2018 preliminary budget.
Senenfelder stated that Terri and the staff worked hard on this and trying to keep the tax dollars down and limit some of our spending. Wilkening added that if you look at the total budget increase in level in the last five years it is \$20,000 and we are saving more money for projects then we ever have.
3. **M/S Senenfelder/Moore** to approve of Resolution 30-2017, a resolution adopting preliminary budget and tax levy and certifying the truth-in-taxation meetings.
Roll Call: Ayes: McMurrin, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
4. **M/S Senenfelder/McMurrin** to approve of the application for a 1 day temporary liquor license for Portage Brewing Company September 23rd, 2017.
Motion passed (5-0)
5. **M/S Senenfelder/Wilkening** to approve of Resolution 28-2017, a resolution accepting donations made to the City of Walker thru fiscal year 2017.
Roll Call: Ayes: McMurrin, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
6. **M/S Senenfelder/Moore** to approve of the request from the accounting department to transfer \$500.00 from the cemetery operation checking fund 209 to the cemetery perpetual care savings account.
Motion passed (5-0)
7. **M/S Senenfelder/McMurrin** to approve of the request to send Officer Travis Baker to a Towards Zero Deaths Conference in St. Paul October 25th-27th, 2017 at a cost of mileage, meals and wages. (The room has to be paid for but will be partially covered by the grant after reimbursement).
Motion passed (5-0)
8. **M/S Senenfelder/Moore** to approve to send Carol Longfellow to the 2017 MDRA annual meeting in St. Cloud on September 15th, 2017 at a cost of \$30.00 plus mileage and wages.
Motion passed (5-0)
9. **M/S Senenfelder/Moore** to approve to advertise an RFP for Building Inspection and Related Services.
Wilkening indicated the nice job done on the RFP. Bjorklund questioned if the timeline made sense to the council. The Board agreed the timeline made sense.
Motion passed (5-0)

10. **M/S Wilkening/McMurrin** to approve to pay the bills as presented and further the discussion in limiting the City's liability through transfer of funds to an outside 501c3 and making the commission its own self-sustaining organization separate from the City.

The Board discusses at length the donations and expenditures of the Art and Culture Commission. Bjorklund questioned the board what they see as legal expenditures and within our authority to do. You have the information from the Auditor whom has spoken to the attorney of the State Auditor's office and you have information from City Attorney Valen. Staff needs some direction because we have some outstanding bills that need to get paid.

Senenfelder questioned if it would work to keep the Art and Culture Commission and let them run their money through a 'friends' of an Art and Culture Commission and then the group could make donations to the City so the City does not get involved in fund raising. Wilkening added that it is not all about fundraising it is about paying the bills also. Bjorklund mentions a fundraising event that they would like to do and with liquor being served and whether the City should be paying the bills for their liquor purchases with donated funds. The Board agrees that it must meet the public purpose to expend those funds. The Board decides it best to have a few councilmembers sit down with the Arts and Culture Commission at their next meeting to discuss different options on how to resolve this. Jed agrees to join Char at the next Arts & Culture Commission meeting. If Mayor Shaw cannot attend the Arts & Culture meeting councilmember Senenfelder volunteers to attend. Wilkening question if the bills on the table today could be paid. Valen stated that he is not a CPA, but does not believe that the City's payment of those bills violates the public expenditure law. It is fairly broad and it states that the City may appropriate money to support an artistic organization. I don't agree that these are tax dollars. To me the best reason for heading the direction that you are is number one to not impose on Terri all of this messing around. People should know that their donations are not tax deductible under this system of running it through the City. I don't know if they are being told that they are deductible, but they are going to think that. That is the best reason for getting the foundation involved in that. I do not think you are running afoul with public expenditure law by paying those bills from the donations that you have received.

Wilkening questioned if we were to make a motion to pay these bills as listed here and then direct any other funds that have been donated to the City to the Walker Area Foundation or any other 501c3 that the group decides, could we do that? Valen stated that sure they could do that. Wilkening stated that would allow them to move on with their event.

Bjorklund questioned if there was an issue with people that have made a donation to the City of Walker for a pavilion with taking that money and handing it over to this group. Bjorklund clarified with Valen that he would not have a problem with paying bills for an event that included a wine and dinner paring. Valen stated that he did not, because he thinks that you can characterize this as expenditures in support for an artistic organization. Bjorklund clarified with Valen that as he interprets the law, the City would have a broad authority for expenditures for an Arts and Culture Commission. We could move forward in the fashion in which we are and still be well within the law, even if our Auditors don't agree and are to write us up for this; do you

still feel that we are within our legal boundaries. Valen stated that he did feel we are within our legal boundaries. Bjorklund addressed the board stating that your City Attorney says that you're within the legal ramifications of the law and your Auditor has some issues. Your Auditor may or may not write you up for this. This is up to the Council to decide. Wilkening speaks of potential liability. It is noted that the next meeting is September 19th, and the fundraiser is in October.

Motion (5-0)

11. **M/S Senenfelder/Wilkening** to approve to advertise and hire a full-time DMV Clerk starting at \$13.00 per hour.

Motion passed (5-0)

12. **M/S Senenfelder/McMurrin** to approve to hire a File Clerk/DMV Clerk/Administrative Assistant position-see draft job description attached. Senenfelder stated that the personnel committee sees the need for additional staff based on the work load at City Hall.

Motion passed (5-0)

13. **M/S Senenfelder/Wilkening** to approve to appoint Carol Longfellow as the File Clerk/DMV Clerk/Administrative Assistant at a starting wage of \$15.00 per hour, upon successful completion of a six month probation period an additional 3% increase to her wage.

Wilkening adds that she is a good employee and feels that this job will be done well by her based on what I know of her.

Motion passed (5-0)

14. **M/Shaw/McMurrin** to approve that we do as our City Attorney advises and we send the checks back with a letter of explanation that we are currently restructuring that particular committee.

Bjorklund requested the board relook at the draft resolution 32-2017; it has all the donations to the Art & Culture Commission that we have held at this point. We don't deposit donations until after you have accepted them. Valen question how old they are. Bjorklund believes possibly 60 days is the oldest one. Valen recommends sending them back. The Board suggested sending a letter when returning the checks the checks to the individual donor that states the City is in the process of restructuring.

Motion passed (5-0)

Senenfelder requested that the letter go out the day after the Arts & Culture Commission meeting.

ECONOMIC DEVELOPMENT/LIQUOR STORE/AIRPORT/LIBRARY – Councilmember McMurrin

1. **M/S McMurrin/Moore** to approve of Walker Planning Commission/Board of Adjustments Meeting Minutes of July 31st, 2017.

Motion passed (5-0)

2. **M/S McMurrin/Wilkening** to approve of the recommendation of the Planning Commission/Board of Adjustments to approve Ordinance 2017-05, an Ordinance adding Rural Residential to districts established amending the land use classification chart and adding performance standards for rural residential.

Motion passed (5-0)

3. **M/S McMurrin/Moore** to approve of Resolution 31-2017, a Resolution authorizing a summary publication of Ordinance 2017-05, an Ordinance adding Rural Residential to districts established amending the land use classification chart and adding performance standards for Rural Residential.

Roll Call: Ayes: McMurrin, Moore, Senenfelder, Shaw, Wilkening Nays: None

Motion passed (5-0)

4. **M/S McMurrin/Senenfelder** to approve of the recommendation of the Planning Commission/Board of Adjustments to approve Resolution 27-2017, a Resolution Vacating a portion of Lakeside Drive in the Plat of PARKSIDE ADDITION TO WALKER including the following findings of fact:

- a. It enables the city to straighten a public street, thereby promoting public safety;
- b. The vacation is offset by an equal or greater exchange of land better suited for roadway use;
- c. The vacation is not detrimental to other properties in the vicinity, and does not negatively impact the health, safety or welfare of the public;
- d. The vacation is not in conflict with the comprehensive plan;
- e. The vacation does not have an adverse impact on historical or other cultural resources, and does not negatively affect the shorelands

Roll Call: Ayes: McMurrin, Moore, Senenfelder, Shaw, Wilkening Nays: None

Motion passed (5-0)

5. **M/S McMurrin/Moore** to approve of the Library Board minutes of June 21st, 2017
Motion passed (5-0)

6. **M/S McMurrin/Wilkening** to approve to enter into an agreement with the State of Minnesota for an Airport Maintenance and Operation Grant Contract.

Motion passed (5-0)

7. **M/S McMurrin/Moore** to approve of Resolution 29-2017, a Resolution for authorization to execute Minnesota Department of Transportation Airport Maintenance and Operations Grant Contract.

Roll Call: Ayes: McMurrin, Moore, Senenfelder, Shaw, Wilkening Nays: None

Motion passed (5-0)

**PARKS /AMBULANCE BOARD/ARTS AND CULTURAL COMMISSION–
Councilmember Moore**

1. **M/S Moore/Senenfelder** to approve of the Walker Park Advisory Board meeting minutes of July 25th, 2017.

Motion passed (5-0)

2. **M/S Moore/Senenfelder** to approve to allow the Leech Lake Foster Care Program to amend the date of their event for a Back to School Bash from Friday August 25th, 2017 to Saturday September 23rd, 2017.

Motion passed (5-0)

3. **M/S Moore/Senenfelder** to approve of the recommendation of the Walker Park Advisory Board to approve the Donated Bench application and approve placement near the lighthouse.

Motion passed (5-0)

PUBLIC WORKS, SAFETY & CEMETERY – Councilmember Wilkening

1. **M/S Wilkening/Senenfelder** to approve of the recommendation of the Public Works Committee to approve the quote from Tyler’s Backhoe Service for the removal of concrete base in the park by the bathrooms in the amount of \$1,500.00. (T&C Excavating will be donating 30 yards of black dirt)
Motion passed (5-0)
2. **M/S Wilkening/McMurrin** to approve of the recommendation of the Public Works Committee for Neil Lange to attend the annual MN Warn Meeting on September 27th, 2017 in St. Cloud. (There is no fee to attend this meeting.)
Motion passed (5-0)
3. **M/S Wilkening/Senenfelder** to approve of the recommendation of the Public Works Committee to approve the quote from Bemidji Bituminous, Inc. for the repair in front of the Legion and on the north side of the pump station in the amount of \$1,980.
Motion passed (5-0)
4. **M/S Wilkening/Moore** to approve of the recommendation of the Public Works Committee to approve the quote from Ziegler for repairs on the back-up generator for the water plant and main lift station in the amount of \$2,700.
Motion passed (5-0)
5. **M/S Wilkening/Senenfelder** to approve of the recommendation of the Public Works Committee to approve the quote from Team Lab for starting a bug program to reduce the mounting of sludge at the main sewer pond in the amount of \$3,600.
Motion passed (5-0)
6. **M/S Wilkening/Senenfelder** to approve of the recommendation of the Public Works Committee to approve the quote from Nelson Sanitation for the cleaning of 5,300 feet of sewer main, two catch basins by the lake and two storm pump stations in the amount of \$4,145.
Motion passed (5-0)
7. **M/S Wilkening/McMurrin** to approve of Cemetery Board minutes of May 23rd, 2017.
Motion passed (5-0)
8. **M/S Wilkening/McMurrin** to approve to advertise an RFP for Contractual Mowing for Evergreen Cemetery.
Motion passed (5-0)

OTHER BUSINESS –Mayor Jed Shaw

- The Evergreen Cemetery will be conducting clean-up of the Cemetery grounds after **September 15, 2017**. Cemetery personnel will be removing all items from graves, including fresh and artificial flowers.

MEETING CLOSED TO PUBLIC–Mayor Jed Shaw

The regular meeting closed at 6:57 p.m. under the attorney-client exception to the open meeting law in order for the city to have confidential communications with its legal counsel regarding a land acquisition.

Closed portion of the meeting was adjourned and regular meeting re-opened and then closed at 6:59 pm

The closed portion of the meeting was opened at 7:09 p.m. and closed at 7:09 p.m. The regular portion of the meeting was reopened at 7:09 p.m.

ADJOURNMENT-Mayor Jed Shaw

Mayor Shaw adjourned the regularly scheduled Meeting at 7:09 p.m.

Jed Shaw, Mayor

Attest: _____
Terri Bjorklund, Administrator