

**WALKER CITY COUNCIL  
REGULAR MEETING MINUTES  
WALKER FIRE HALL MEETING ROOM  
MONDAY, OCTOBER 7, 2013**

**CALL TO ORDER –Mayor Scott Bruns**

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

Wayne Tennis, Police Chief  
Travis Baker, Police  
Jim Schluz, City Engineer  
Pamela Smith, City Employee  
Steve Ekholm  
Jane Ekholm  
Warren Scouton  
Phil Bauerly  
Laurie Bauerly  
Jim Wallace  
Courtney Brock  
Sheryl Kaubish

Terri Bjorklund, City Administrator  
Neil Lange, Public Works Director  
Dean Morrill, Pilot Independent  
John Stewart  
Lara Stewart  
Terry Freeman,  
Pat Bresley  
Ken Bresley  
Jason Pederson  
Cory Brock  
Gus Kaubish

**CONSENT AGENDA**

M/S Wilkening/Moore to approve the Consent Agenda Items 1 thru 15 as follows, waving the reading.

1. Approve Walker City Council Regular Meeting Minutes of September 9<sup>th</sup>, 2013.
2. Approve Cash Balance Report as of August 31, 2013.
3. Review and file Draft Walker Planning Commissions/Board of Adjustments Meeting Minutes of September 30<sup>th</sup>, 2013.
4. Review and file Walker Library Board Branch Manager's Report of September 25<sup>th</sup>, 2013.
5. Review and file Walker Police Department Monthly Report.
6. Review and file Cass County Economic Development report.
7. Review and file Walker Area Joint Fire Department Meeting Minutes of September 12<sup>th</sup>, 2013.
8. Review and file Park Board Minutes of September 24<sup>th</sup> 2013.
9. Consider approval to pay the final estimate for the Airport A/D Building in the amount of \$71,426.31.
10. Review and File letter from the MPCA dated September 16, 2013.

11. Consider approval of the Anderson Brothers quote for paving a section of Elm Avenue in the amount of \$6,184.00.
12. Consider approval to pay Invoice 39496 from Ulteig for Front Street, Fourth Street and Sixth Street Utility and Street Reconstruction in the amount of \$2,176.00.
13. Consider approval to pay Invoice 50809 for Emergency Repair of Super One Lift Station to General Repair Service at a cost of \$1,735.65.
14. Consider approval of the quote from Mineer Signs for Airport Signage in the amount of \$957.34.
15. Review and File 2014 Certification of PERA aid.

Motion passed (5-0)

#### **SCHEDULED CITIZEN PRESENTATIONS –Mayor Bruns**

None.

#### **CITY STAFF COMMENTS – Administrator Terri Bjorklund**

None.

#### **PERSONNEL, BUDGET & ADMINISTRATION – Councilmember Nelson**

1. **M/S Nelson/Moore** to approve of Claim #48601 to Claim #48660, Claim #48662 to Claim #48677, Claim #48679 to Claim #48735 and bank drafts in the amount of \$225,581.15.

Motion passed (5-0)

2. **M/S Nelson/Moore** to approve to pay the 2014 Membership Fees for the 2013-2014 for the Minnesota Association of Small Cities in the amount of \$536.25.

Nelson-What do we get out of this Terri?

Bjorklund-They lobby for small Cities at the State Capital and act as a resource if you have questions.

Motion passed (5-0)

3. **M/S Nelson/McMurrin** to approve of entering into an Agreement between the State of Minnesota and the Department of Natural Resources and the City of Walker to construct a .3 mile section of a trail and tunnel/underpass under State Highway 200/371 completing the Shingobee Connection Trail.

Motion passed (5-0)

**Public Hearing 6:05 p.m.**

- Pertaining to text additions and amendments to Chapter 91: Animals.

**CITY OF WALKER  
PUBLIC HEARING MINUTES FOR  
ORDINANCE ADDITIONS AND AMENDMENTS TO WALKER CITY  
CODE CHAPTER 91: ANIMALS  
WALKER FIRE HALL MEETING ROOM  
MONDAY, OCTOBER 7, 2013**

**CALL TO ORDER –Mayor Scott Bruns**

- Mayor Scott Bruns called the Public Hearing to order at 6:05 p.m.
- Council members present: Nelson, Moore, Bruns, Wilkening, McMurrin
  - Council members absent:
  - Others present during portions of the meeting included:

Wayne Tennis, Police Chief  
Travis Baker, Police  
Jim Schluz, City Engineer  
Pamela Smith, City Employee  
Steve Ekholm  
Jane Ekholm  
Warren Scouton  
Phil Bauerly  
Laurie Bauerly  
Jim Wallace  
Courtney Brock  
Sheryl Kaubish

Terri Bjorklund, City Administrator  
Neil Lange, Public Works Director  
Dean Morrill, Pilot Independent  
John Stewart  
Lara Stewart  
Terry Freeman,  
Pat Bresley  
Ken Bresley  
Jason Pederson  
Cory Brock  
Gus Kaubish

Mayor Bruns opens the Public Hearing at 6:05 p.m. and address's the public asking if there are any questions or comments regarding this Public Hearing. Jane Ekholm-Are you going to read any other public comments that were received?

Bruns reads a letter that was drafted by Jane regarding concerns on dog/pet waste within the City of Walker and the disposal maintenance of pet manure on private residence's yards.

There were no other public comments or suggestions.

Public hearing closed at 6:06 p.m.

4. **M/S Nelson/Moore** to approve of the recommendation of Police Chief Tennis' request to send Officer Travis Baker to the yearly Towards Zero Deaths conference in St. Cloud on November 14<sup>th</sup>, 2013 thru November 15<sup>th</sup> 2013 at a cost of mileage, meals and wages.  
Motion passed (5-0)

5. **M/S Nelson/Wilkening** to approve Lindsey Fallgren's successful completion of the 6 month probationary period as the part-time Liquor Store Clerk with the 3% wage increase, effective 9/27/2013.  
Motion passed (5-0)
6. **M/S Nelson/Moore** to approve Sara McGregor's successful completion of the 6 month probationary period as the part-time Liquor Store Clerk with the .50 wage increase, effective 9/28/2013.  
Motion passed (5-0)

**ECONOMIC DEVELOPMENT & LIQUOR STORE – Councilmember Moore**

1. **M/S Moore/Wilkening** to approve of Walker Planning Commission/Board of Adjustments Meeting Minutes of August 26<sup>th</sup> 2013.  
Motion passed (5-0)
2. **M/S Moore/Wilkening** to approve of Ordinance 2013-01, an Ordinance adding and amending Chapter 91: Animals, Section §91.01(A), §91.01(B), §91.01, §91.03, §91.04, §91.05, §91.06 with changing the last sentence in Section 2 Limitation Upon Annexation to read No person affected by this Subdivision who owns more than a total of four cats or dogs shall be permitted to acquire any additional cats or dogs to replace any cats or dogs in excess of four, except as specifically authorized by the City Council., and 91.07.  
Wilkening seconds for discussion.  
Reading through this I found one typo; 91.06 Section 2 Limitation Upon Annexation. Regarding ownership limits, changing the wording of three in the last sentence to read four.  
Moore amends original motion and motions again with changes suggested.  
Motion passed (5-0)
3. **M/S Moore/Wilkening** to approve of Resolution 24-2013, a Resolution approving Ordinance 2013-01, Amending Chapter 91: Animals and authorizing the summary language for publication of Ordinance 2013-01.  
Ayes: Nelson, Moore, Bruns, McMurrin, Wilkening                      Nays: None.  
Motion passed (5-0)

**Public Hearing 6:15 p.m.**

- Pertaining to the final assessment for improvement of Sixth Street.

**CITY OF WALKER  
PUBLIC HEARING MINUTES FOR  
FINAL ASSESSMENT FOR IMPROVEMENTS OF SIXTH STREET  
WALKER FIRE HALL MEETING ROOM  
MONDAY, OCTOBER 7, 2013**

**CALL TO ORDER –Mayor Scott Bruns**

- Mayor Scott Bruns called the Public Hearing to order at 6:15 p.m.
- Council members present: Nelson, Moore, Bruns, Wilkening, McMurrin
  - Council members absent:
  - Others present during portions of the meeting included:

Wayne Tennis, Police Chief  
Travis Baker, Police  
Jim Schluz, City Engineer  
Pamela Smith, City Employee  
Steve Ekholm  
Jane Ekholm  
Warren Scouton  
Phil Bauerly  
Laurie Bauerly  
Jim Wallace  
Courtney Brock  
Sheryl Kaubish

Terri Bjorklund, City Administrator  
Neil Lange, Public Works Director  
Dean Morrill, Pilot Independent  
John Stewart  
Lara Stewart  
Terry Freeman,  
Pat Bresley  
Ken Bresley  
Jason Pederson  
Cory Brock  
Gus Kaubish

Mayor Bruns reads the outline on how the Public Hearing will be conducted. This assessment hearing is not to discuss whether or not the project should have been constructed or how it was accomplished. Complaints concerning construction or construction procedures are not to be discussed at this hearing. These complaints can be made with the City. Comments will be heard in order of the sign-in sheet.

Mayor Bruns turned the meeting over to City of Walker Engineer, Jim Schluz. Jim reviews the assessment policy, project cost and assessment methodology.

Bjorklund states that Council Resolution has deemed it a 10 year assessment payback at 4.4% interest per annum from the date of adoption. No interest would be applied if you paid in full within 30 days of the adoption. This can be paid at any time at the city clerk's office throughout the duration of the assessment.

Bruns-Any comments in regards to the assessment?

Jim reads from the sign-in sheet in order for questions regarding this Public Hearing.

Terry Freeman, John Stewart, Lara Stewart, Jane Ekholm, Steve Ekholm, Warren Scouton: No comment.

Phil Bauerly-How is this determined a special assessment and not the City's responsibility?

Bruns-The City had set-up an assessment policy for streets, water and sewer long before I got here.

Jim describes some reasons for assessment policies. One issue is tax exempt parcels, another is bonding for a project, and another is standard gain for the properties benefited for the project and a zero sum gain. As far as the 3 main sources of money is general levy, user rates and assessments.

Bruns explains that is why the Council requested a higher sales tax was to help defer some of the cost with regards to infrastructure with the streets understanding that it is not just the owners themselves that use the street but a lot of other people as well.

Jim continues to read from the sign-in list.

Laurie Bauerly-I don't at this time but I might before the questions are done.

Ken Bresley:None.

Jason Pederson confirms with the Council that they have received his written objection. Jason states that he feels that procedures have not been followed for a number of reasons. He states that he did not receive notice for the February 2012 meeting, noting that his property has one building on it but it is divided into several separate parcels, and never received notice for the preconstruction meeting as well.

Jason-I didn't see anything that had any market value approach on it.

Jason states that the City Engineers reasoning of not complying with Statute 429 was because part of it was a sewer assessment. He also argues that if this wasn't taken care of that it was going to affect the whole City, and then why not just assess the entire City instead of separate parcels? He also questions the boundaries of the sewer district stating that it would be the entire City of Walker as a sewer district. And his understanding is that the City of Walker code states that if it was a sewer improvement that it would need to be assessed to the entire district.

Jim responds that the reason 20 parcels were assessed verses the entire City of Walker is that was because they were normal sized pipes verses oversized pipes would be assessed to a district. Jim notes the other portion that the City is paying, stating so that in a sense the other portion is divided between the City as a whole.

Wilkening states that viewing the several affidavit of service by mail that Jason should have received adequate notice for all the public hearings.

Some members of the Public stated that they never received notice of Public Hearing for the February 2012 Public Hearing.

Jason questions the City Engineer if the alleged improvement did anything to the market value of the property.

Jim-No.

Jason states that it should be void on its face because of this.

Jim responds stating the City has consistent methodology; that the amount assessed does not exceed the value that's added to the property. The methodology for determining that dollar amount is not relevant.

Valen-The Council is not circumventing 429 City wide sewer districts. As far as notices are concerned it shows affidavits of service by mail were mailed to your address and to Kaubish's address.

Jim Wallace states that he is an attorney from Park Rapids representing the Brocks. Jim presents a written objection to file.

Jim Wallace-My clients have never received any notice and the Brocks have lived there for eight years.

He adds that the Brocks never got a sidewalk so it's hard to characterize this as an improvement for their parcel.

Jim Schluz explains the methodology of assessing the ends of some streets and or cul-de-sacs.

Jim Schluz continues to read names: Cory Brock, Courtney Brock, and Sheryl Kaubish.

Gus Kaubish-Who certified that affidavit? Was it under oath?

John-We have an Affidavit of Service by mail signed by Terri Bjorklund and notarized by Sylvia Bakker.

Gus states that the letter sent to him stated that the meeting was at City Hall, there was no date or phone numbers as well.

Bjorklund states the step to change this was taken and at some point the wrong draft was mailed, she apologizes for the mix up with meeting location.

Jim Schluz states that he will take ownership for that when he drafted it and forwarded it on to them he included City Hall.

Courtney Bauerly confirms that her written objection was also received.

There were no other public comments or suggestions.

The public hearing was closed at 6:54 p.m.

4. **M/S Moore/Wilkening** to approve of Resolution 25-2013 a Resolution Adopting the Assessment for the Improvement of Sixth Street.

Wilkening-My only concern is I believe that we notified for the assessment of the street. I feel confident in that part of it.

He states that previous assessment of the city the policy was higher and that there never was a 65% retaining fee for the City's portion. There will still be assessment, noting that there is over 25 million in projected road costs in the future.

Nelson states that verifying address along with having certified mail should be looked into when sending assessment notices, however that it is incumbent to each individual attending the meetings to try resolving issues like this.

Mayor Bruns agrees with Wilkening and Nelson.

Ayes: Nelson, Moore, Bruns, McMurrin, Wilkening                      Nays: None.

Motion passed (5-0)

5. **M/S Moore/Nelson** to approve of Resolution 26-2013 a Resolution for Vacating a portion of Third Street, as Dedicated in the Original Plat of the City of Walker.

Wilkening adds that this Resolution 26-2013 includes approval with the findings of fact.

Ayes: Nelson, Moore, Bruns, McMurrin, Wilkening

Motion passed (5-0)

6. **M/S Moore/Wilkening** to approve of the recommendation of the Walker Planning Commissions/Board of Adjustments to tabling LU-2013-02 and extending the time limit of the Conditional Use Permit to enable the Council to consider the

addition and possible adoption of an Interim Use Permit to the current City Code of Ordinances.

Wilkening describes that a CUP stays with the life of the property and an Interim Use can be set for a specific amount of time. Wilkening states that an Interim Use permit would be appropriate in this situation and allow Mr. Scouton to continue with his business and not add further delays.

Terri explains that the Planning Commission had suggested a 90 day extension however, after discussing this with the City Attorney the law only allows for a 60 day extension.

Moore-Abstain

Motion passed (4-0)

### **LIBRARY, PARKS & AIRPORT – Councilmember McMurrin**

Ken Bresley-Airport AWOS installation update.

Ken states that the Walker A/D building is done and complete they are waiting for some paperwork from the FAA. He mentions that the courtesy car has been a welcome addition to the Airport. He adds that the AWOS will be located on the outside of the building. The AWOS will detect visibility, wind speed, lightening, and barometric pressure, among a number of other weather detections, making flying safer for everyone. The AWOS equipment is installed, maintained and funded 100% by the MNDOT. He states that anybody will be able to use this system. Bresley thanks the Council for their many months of support for this project.

1. **M/S McMurrin/Moore** to approve of Resolution 27-2013, a Resolution Supporting the Airport Rededication.  
McMurrin reads the entire Resolution 27-2013. The Board thanks Bresley for his many years of dedication to the Walker Municipal Airport which will now be renamed as Walker Municipal Airport-Bresley Field.  
Ayes: Nelson, Moore, Bruns, McMurrin, Wilkening                      Nays: None.  
Motion passed (5-0)
2. **M/S McMurrin/Nelson** to approve of the recommendation of Walker Park Board to accept the application from Walker Area Community Center to use the lower pavilion and grass area for Chase the Police Triathlon July 26<sup>th</sup>, 2014, contingent upon the City receiving proof of liability insurance.  
Motion passed (5-0)
3. **M/S McMurrin/Moore** to approve of the recommendation of Walker Park Board to accept the application from Leech Lake Chamber of Commerce and The WACC to use the Walker City Park for the Leech Lake Walleye Tournament on May 28<sup>th</sup>, 2014 thru June 2<sup>nd</sup>, 2014, contingent upon the City receiving proof of liability insurance.  
Motion passed (5-0)
4. **M/S McMurrin/Moore** to approve of the recommendation of the Walker Park Board to accept the application from Leech Lake Area Chamber to use the Walker City Park for Walker Bay Days on August 1<sup>st</sup>, 2014 thru August 3<sup>rd</sup>, 2014, contingent upon the City receiving proof of liability insurance.  
Motion passed (5-0)



5. **M/S McMurrin/Moore** to approve of the recommendation of the Walker Park Board to plant Maple and Linden trees and of a care plan for the trees after planting for the previously approved tree planting project.  
Motion passed (5-0)
6. **M/S McMurrin/Moore** to approve of the recommendation of the Walker Park Board to move the skating rink to the old mini-golf property next to the forest service building.  
Nelson states that he is completely opposed to this. He feels that it is the wrong place to have a skating rink.  
McMurrin disagrees she views this as a welcoming addition to that area.  
Wilkening states that he would support building a new building and a rink at that area.  
Bruns agrees with Nelson and feels that the kids are safer at the current location of the skating rink.  
Ayes: Wilkening  
Nays: Nelson, Bruns  
Motion fails.
7. **M/S McMurrin/Nelson** to approve of the recommendation of the Walker Park Board to purchase 4 signs reminding handlers to keep dogs on leashes per city ordinance and 4 signs to remind handlers to pick up their dogs waste at a cost of \$17.83 for each sign.  
Motion passed (5-0)
8. **M/S McMurrin/Moore** to approve of the recommendation of the Walker Park Board to work with Jeff Holly for obtaining bumpers for day docks at the end of Fifth Street without the Park Board financially contributing to the project.  
Nelson voices his support for this. He states that with expensive boats being docked there in the summer it would encourage people to feel like they could park their boats there without being damaged.  
Motion passed (5-0)

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

1. **M/S Wilkening/McMurrin** to approve of the recommendation of Public Works to accept the quote from Midland Bi-Fold Doors to purchase replacement Hanger #2 Doors, at an approximated cost of \$2,500.00.  
Motion passed (5-0)
2. **M/S Wilkening/Moore** to approve of the recommendation of Public Works to accept the quote from Hawkins Inc. for analyzing water samples at the water plant in the amount of \$1,550.00.  
Motion passed (5-0)

**OTHER BUSINESS –Mayor Bruns**

M/S Wilkening/Nelson to remove the power poll that is currently located in front of the Forest Service building and to remove the light pole across the highway.

The Board discusses the options of the light poll that currently sits across the highway from the Forest Service property; should be moved or to do away with it completely.

McMurrin disagrees that this should not be removed. She feels that that area of the road with the curve coming into town is an important area to keep a streetlight.

Motion passed (4-1)

**ADJOURNMENT –Mayor Bruns**

Mayor Bruns adjourned the Regular Scheduled Meeting at 7:32 p.m.

\_\_\_\_\_  
Scott Bruns, Mayor

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