

**WALKER CITY COUNCIL
REGULAR MEETING MINUTES
WALKER FIRE HALL MEETING ROOM
MONDAY, OCTOBER 7, 2019**

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
Dean Morrill, Pilot Independent
Chris Carlson, Ulteig
John Valen, City Attorney
Mark McKenna, SuperOne
Tim Kleimann, SuperOne
Marina Lovell, CCEDC
Rachel Sorrentino, Northwest Gas

Pamela Smith, City Employee
Mike Ridlon, Public Works Director
Wayne Tennis, Chief of Police
Roxie Parks, Chamber
Greg Borash, SuperOne
Patrick Bleth, Northern Star Coop.
Mike Gorham, Northwest Gas

CONSENT AGENDA-Mayor Shaw

M/S Moore/Senenfelder to approve the Consent Agenda Items 1 thru 12 as follows waving the reading.

1. Approve Walker City Council regular meeting minutes of September 9th, 2019.
2. Review and file draft of Walker Planning Commission/Board of Adjustments regular meeting minutes of September 30th, 2019.
3. Review and file August 2019 Zoning Administrator report.
4. Review Walker Public Library Board meeting minutes of September 18th, 2019.
5. Review and file draft of Walker Park Advisory Board meeting minutes of September 24th, 2019.
6. Review and file Walker Police Department Monthly Report.
7. Review and file Public Works Committee meeting minutes of October 3rd, 2019.
8. Review and file Walker Area Joint Fire Department Minutes of August 8th and September 12th, 2019.
9. Approve Cash Balance Report as of August 31st, 2019.
10. Review and file thank you from Leech Lake Chamber of Commerce.
11. Approve payment of invoice 372783 in the amount of \$12,450.00 to SEH for Walker Municipal Airport Master Plan with Airport Layout Plan.
12. Addition of number 12 under Personnel, Budget & Finance consider approval to enter into an agreement for audit services for the 2019 fiscal year with Justin Clausen & Company in the amount of 13,050.00

Motion passed (5-0)

SCHEDULED CITIZENS PRESENTATION –Mayor Shaw

None.

CITY STAFF COMMENTS – Administrator Terri Bjorklund

None.

PERSONNEL, BUDGET & ADMINISTRATION – Councilmember Senenfelder

1. **M/S** Senenfelder/Moore to approve of Claim #57035 to Claim #57149 including Voided Check Numbers 56995 & 57078 and bank drafts in the amount of \$197,685.64
Motion passed (5-0)
2. **M/S** Senenfelder/Hansen to approve of the request from the Accounting Department to transfer \$1,720.00 from the Cemetery operating checking (fund 209) to the Cemetery perpetual care savings account.
Motion passed (5-0)
3. **M/S** Senenfelder/Moore to approve of the request from the Accounting Department to transfer \$161,270.00 from Sewer Department fund 602 to PFA Sewer Debt Service fund 306 and \$103,500.00 from Water Department fund 601 to PFA Sewer Debt Service fund 305.
Motion passed (5-0)
4. **M/S** Senenfelder/Wilkening to approve of Resolution 37-2019, a resolution certifying delinquent nuisance enforcement expenses for past due mowing/maintenance to the 2020 tax roll.
Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
5. **M/S** Senenfelder/Moore to approve to send Steve Kolp to the annual MMBA regional meeting on October 9th, 2019 in Bagely at a cost of \$20.00 plus wages and mileage.
Motion passed (5-0)
6. **M/S** Senenfelder/Hansen to approve of the request of the Chief of Police to order a new patrol car for delivery in 2020; the cost of the vehicle plus equipment not to exceed \$45,000.
Motion passed (5-0)
7. **M/S** Senenfelder /Moore to approve to accept the resignation of Terri Mann.
Motion passed (5-0)
8. **M/S** Senenfelder/Moore to approve of the recommendation of the Personnel Committee to Advertise for a DMV Clerk.
Motion passed (5-0)
9. **M/S** Senenfelder /Moore to approve to send Terri Bjorklund and Pamela Smith to additional election training in Pequot Lakes on December 6th, 2019 at a cost of \$10.00 per person plus wages and mileage.
Motion passed (5-0)
10. **M/S** Senenfelder /Hansen to approve to have City Staff work with Jason Murray of David Drown and Associates, as the Cities Municipal Advisor in determining TIF eligibility for the proposed Walker Assisted Living project.
Motion passed (5-0)

11. Presentation from Miners, Inc. (SuperOne).

Tim Kleimann introduces himself as Miners Inc. real estate asset manager as well as Greg Borash as the CFO and Mark Mckenna the local store manager.

He explains that he is here to talk about the development of property on the East side of Walker known as the Tabaka property for the expansion of SuperOne.

Kleimann presents a slide show; stating a brief history of the site starting in 1991 there were three homes there, next slide in 2003 the site has been cleared. Next slide shows that in 2016 the only new development is the WACC. He explained that this site sits underutilized. The next slide shows a highlighted area of the parcel. Access to the site is one of the bigger concerns for SuperOne. He stated that as they understand Onigum ROW is a current public access to highway 371, in addition there is Garden Street ROW is legal access. Onigum is a dead-end street that was accessing those three homes. Garden ROW has never been developed as well as Summit Avenue connection. He stated that the area is zoned as General Commercial and the grocery store would be a permitted use. He shows the Tower Avenue slide explaining that the City had wanted to find means to provide safe egress and ingress to and from the City. Kleimann states that they are proposing construction of a 40,000 square foot grocery store and would be 60 percent larger than the one that currently exists today. He shows Option A slide stating the possibility to tie into the expansion of Tower Avenue. Kleimann points out the portion of Tower access and explains that their engineers have estimated that cost at around \$250,000 and the construction of turn lanes would be about \$560,000; Miners is willing to contribute both of those additional costs. Kleimann states that their biggest request is access relocation. What they understand from MnDOT is they don't want to add any more access points off of this stretch on 371. They are happy to relinquish or replace one for one. He points out the other legal access points, adding that they need to City's help to support that. He stated that by choosing Option A the positives would be relocating highway access would allow for future Tower Avenue, it is 100% privately funded, the developer is committed, it would maintain access to landlocked property, allows for future development immediately south and west of the site, and new development. Our concerns are the City to grant access by working with MnDOT, access to City utilities and about the reputation of the possible highway 371 bypass. He stated the difference in engineering estimates was 1.4 million adding that there is a funding gap of around 800,000 which would lead them to look at alternatives for finding funding that may include tax abatement, benefiting properties (assessment), sales tax, MnDOT/State funding through possible grant options to provide safer access to the City and possible liquor store. Kleimann stated that meeting with the County assessor that the proposed taxable value would be 2.5 million that would account to about \$82,000 in additional real estate taxes coming back into the City. He reviews Option B adding that it would allow it to be completed at one time.

Chris Carlson from Ultieg explains Option B after going through the numbers that the \$800,000 from Miners is what the difference would be. So basically by pulling out all of the areas of blue from the City project and rerunning the numbers we have come to an engineer's estimate of around 1.45 million would be the City's cost.

Shaw clarified that if Miners is willing to \$558,000 towards turning lanes; they would not have to make that contribution towards turning lanes if there was a roundabout. At 1.4

million you could back off the \$558,000 and you could apply it towards this project; a difference of about \$900,000.

Carlson states the overall project would still be around 2.4 million for the whole project and if you back out what Miner's is proposing it would be approximately 1.4 million for the City.

The Board questions the landlocked properties.

Greg Borash states that the access that the properties currently have would not change, adding that they will be talking with Lundrigan to figure out something that works.

Borash requested that they have a meeting that includes SuperOne, MnDOT and the City. The Board discusses different access points at length and no decision was made as far as an agreed upon access point.

Shaw questioned possible additional funding options.

Bjorklund stated that she will see if DEED has anything or in regards to the storm water portion possibly Cass County. I will be talking to the Baxter DOT office regarding possible funding.

Wilkening reminds the Board the Sales Tax that was brought up before as a possible avenue to fund the project could not be used. Those sales tax funds are collected to help with the current infrastructure not new. And the abatement process doesn't do us any good because with the County's new regulation; they just passed a new guideline that prohibits them from participating in that. Wilkening adds that even if they went out for bonding on this project the City would have to figure out how to come up with an additional \$45,000 annually for 20 years.

Bjorklund stated that unless the Council has an appetite for raising the levy 8 to 10 percent in one year you will not see the benefit of that.

Shaw reminds the Board that SuperOne is willing to put in their own turn lanes and driveway to access their property, but we would potentially like to see Tower Avenue go the rest of the way through with a roundabout because from a traffic and access perspective it makes the most sense.

Senenfelder stated that it would be quicker for SuperOne to go with Option A and the City to play catch-up later.

Wilkening stressed that it is well worth the City's time to look at Option B and to see if we can make that work financially.

Borash suggested that this project could go in two steps. Possible the roundabout being one step and the rest of Tower being another.

Shaw requested that Chris Carlson could figure out what the roundabout would cost with the \$558,000 applied to it.

Wilkening questioned if they were willing to consider a separate access point to Garden.

Borash stated that they will work with Lundrigan's once they figure out an access point.

Wilkening stated that it comes down to providing safe access for Lundrigan's, funding and MnDOT.

Shaw requested that staff set up a meeting with MnDOT that includes all three parties.

Chris Carlson will back up the numbers to separate what the roundabout would be on its own. He suggested that Miners be prepared to come with a plan or a reasonable solution on how to handle the Lundrigan's property that includes them being on board with it as well as to figure out an easement for Tower to come the rest of the way through.

12. M/S Senenfelder/Moore to approve to enter into an agreement for audit services for the 2019 fiscal year with Justin Clausen & Company in the amount of 13,050.00
Motion passed (5-0)

ECONOMIC DEVELOPMENT/LIQUOR STORE/AIRPORT/LIBRARY –

M/S Moore/Wilkening to approve to waive the reading of the Land Use Findings of Facts and conditions stating that they are listed as on record.

Motion passed (5-0)

1. M/S Hansen/Moore to approve of Walker Planning Commission/Board of Adjustments meeting minutes of August 26th, 2019.
Motion passed (5-0)
2. M/S Hansen/Wilkening to approve of the recommendation of the Planning Commission Board of Adjustments to approve LU-2019-06, a conditional use permit for moving > 50 cubic yards (non-shore or bluff impact) with the condition that the silt fence is installed immediately after the connection of the water and sewer based on the findings of fact one through seven and the conditions one through three.

Findings of fact:

1. With implemented conditions, no soil erosion or possible pollution of public waters will occur as a result of the conditional use.
2. The fill site is viewable from public waters however will have no impact on site or how it is viewed from public waters.
3. The application does not have lake access for watercraft.
4. The subject property is located in an area zoned as Transitional Commercial (TC); dirt moving of more than 50 cubic yards is Conditionally Permitted.
5. The use, with conditions imposed by the Planning Commission, is compatible with the surrounding neighborhood and does not conflict with the Comprehensive Plan.
6. The use with conditions is compatible with the existing neighborhood; the adjacent properties that surround that parcels to the North is zoned Multi Family Residential (MFR), to the South is Traditional Residential (TR), East is Parks and Recreation (PR) and West is Transitional Commercial (TC); which is a compatible conditional use for those zoning districts.
7. The proposed use, with conditions, is not considered to be injurious to public health, safety, decency, order, comfort, convenience, appearance, or prosperity.

Conditions:

1. Maintain preventative steps for soil erosion before, during and after the project.
2. All areas disturbed during grading shall be covered with topsoil and seeded.
3. Water run-off shall be contained on subject properties.

Hansen questioned if the silt fence was up.

Wilkening stated that it is.

Motion passed (5-0)

3. **M/S Hansen/Wilkening** to approve of the recommendation of the Planning Commission Board of Adjustments to approve LU-2019-07, a Lot Split based on the following findings of fact:

- (1) Tract A is properly zoned and suitable in its natural state for the intended purpose with minimal alteration. Tract A, Tract B and portions of Tract C have been approved a Conditional Use Permit for Dirtmoving >50 cubic yards.
- (2) Tract A is connected to public water and sewer. Tract B and Tract C will be able to connect to public 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. The minimum lot size for newly created lots in the Transitional Commercial zone is 5,000 sq. ft. and the minimum lot size for the newly created lots in Traditional Residential is 15,000 sq. ft. The proposed division is as follows: Tract A being 15,101± square feet, Tract B being 15,273 ± square feet and Tract C 223,970± square feet.
- (5) Future development will not be constrained by the proposed lot layouts.
- (6) Each lot is subject to the right-of-way designated on Front Street W and Trunk Highway No. 371.

Motion passed (5-0)

4. **M/S Hansen/Wilkening** to approve of the recommendation of the Planning Commission Board of Adjustments to approve LU-2019-07, a zoning reclassification petition to change the zoning classification of Tract C based on the following findings of fact:

- (1) *This property is not known at this time as a designated as a natural sensitive area.*
- (2) *The present owners of said parcels are the sole petitioners of the zoning reclassification. Future development of these parcels is compatible with the proposed zoning reclassification; Keeping Transitional Commercial closer to busy highways and the residential areas behind them. The proposed rezoning meets compatibility requirements in that the following zoning districts surround the property:*
 - a. *North –Traditional Residential/Parks and Recreation*
 - b. *South –General Commercial*
 - c. *East – Traditional Residential/Transitional Commercial*
 - d. *West –Traditional Residential*
- (3) *Property is not classified as shore land.*
- (4) *The topographic characteristics are in the process of changing due to a Conditional Use Permit that has approved Dirtmoving >50 cubic yards of fill to be placed on areas of the Tract A, B and C. No fill will be placed on the area known as Block 8. That has been classified as wetland and further permits would be needed for any future development.*
- (5) *Property has standard vegetative cover.*
- (6) *In-water physical characteristics are not applicable.*
- (7) *Recreational uses of surface water are not applicable.*
- (8) *Property is abutted on the South Side by Trunk Highway No. 371, on the West side Tianna Drive and on the North side Front Street W. Accesses*

could be installed on Front Street W and Trunk Highway No. 371 both of which serve as transportation corridors for public use; contingent upon any agreements set forth between MnDOT and Brad Baird.

- (9) *The rezoning of the property is not contrary to the socio-economic needs of the public.*
- (10) *Tract C will be able to access public water and sewer.*
- (11) *The property is not known to have any significant historical or ecological value.*
- (12) *The rezoning is not seen to have any adverse effects on the surrounding properties. Its use is consistent with surrounding properties.*
- (13) *An alternative location is not an applicable factor given the circumstances.*
- (14) *The rezoning would not create a condition of spot zoning.*
- (15) *The application aligns with the following items from the 2016 Comprehensive Plan:*

- *Community Character Policy (pg. 18)*

No. 1 The pattern of new growth and development must be complimentary to the community's traditional development pattern a grid network of streets, a vibrant public realm and a physical orientation towards Leech Lake.

- *Economic Development Strategies (pg. 24-25)*

No. 5 Review and amend existing zoning ordinances so as to ensure that the City balances necessary regulations with the flexibility for property owners to maintain and build structures that contribute to the City's unique character.

Senenfelder questioned how the Public Hearing went.

Wilkening and Hansen stated that a bunch of the neighbors from the back showed up. Wilkening stated that they gave clarification of what part was being rezoned to Transitional Commercial. Hansen added that they wanted to know what the plan for that parcel was going to be, adding that is not known at this time.

Motion passed (5-0)

5. **M/S Hansen/Wilkening** to approve of the recommendation of the Planning Commission Board of Adjustments to approve Resolution 38-2019, a Resolution calling for a public hearing to receive public comment on the proposed adoption of Ordinance 2019-06, an Ordinance adding Tiny Homes Subdivision to the Walker City Code.

Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)

6. **M/S Hansen/Moore** to approve of Walker Public Library Board minutes of August 21st, 2019.

Motion passed (5-0)

7. **M/S Hansen/Senenfelder** to approve to enter into an agreement for Architectural & Design Services with Hytec Construction for the design and new construction of the Library and Public Restrooms.

Motion passed (5-0)

PARKS/AMBULANCE BOARD–Councilmember Moore

1. **M/S Moore/Senenfelder** to approve of Walker Park Advisory Board to approve Minutes of August 27th, 2019.
Motion passed (5-0)

PUBLIC WORKS, SAFETY & CEMETERY – Councilmember Wilkening

1. **M/S Wilkening/Hansen** to approve of the recommendation from the Public Works Committee to approve the Street Closure request to close Fifth Street from Minnesota to the alley behind Von Hanson’s Meats and to revise the end date from November 30th, 2019 to December 1st, 2019 in the morning.
Motion passed (5-0)
2. **M/S Wilkening/Moore** to approve of the recommendation from the Public Works Committee to approve resolution 39-2019, a Resolution requesting Paul Bunyan Natural Gas, LLC, be exempted from the provisions of Minnesota Statutes Chapter 216B.
Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
3. **M/S Wilkening/Senenfelder** to approve of Ordinance 2019-07, an Ordinance granting to Paul Bunyan Natural Gas, LLC, its lessees, successors and assigns, a non-exclusive right and authority for a period of twenty-five years to erect and maintain a gas distribution system, appertaining in, upon, over, across and along the streets, alleys, bridges, or other public places of the City of Walker, Minnesota, for the distribution and sale of natural gas and prescribing the terms and conditions under which the grantee is to operate its distribution system.
Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
4. **M/S Wilkening/Senenfelder** to approve of Resolution 40-2019, a Resolution declaring the City Council of the City of Walker as the Natural Gas Franchise Fee Board.
Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
5. **M/S Wilkening/Senenfelder** to approve of Ordinance 2019-08, an Ordinance implementing a gas service franchise fee on Paul Bunyan Natural Gas LLC, a Minnesota corporation, its successors and assigns, for providing gas service within the City of Walker commencing upon natural gas distribution at a date to be determined.
Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
6. **M/S Wilkening/Senenfelder** to approve of Resolution 41-2019, a Resolution calling for a public hearing to hear public comment in regards to the feasibility report received by council on September 10th, 2018.
Roll Call: Ayes: Hansen, Moore, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)

OTHER BUSINESS –Mayor Shaw

- The Public Works department will be flushing hydrants October 14th through October 18th, 2019 between 8:00 am and 3:30 pm.
- Fall Clean Up: Small brush and bagged leaves only will be picked up curbside on October 21st and October 22nd. NO large tree limbs or tires will be accepted.

ADJOURNMENT-Mayor Jed Shaw

Mayor Shaw adjourns the meeting at 7:04 p.m.

Jed Shaw, Mayor

Attest: _____
Terri Bjorklund, Administrator