

**WALKER CITY COUNCIL  
REGULAR MEETING MINUTES  
WALKER FIRE HALL MEETING ROOM  
Monday August 4, 2008**

**CALL TO ORDER – Mayor Walhof**

- Mayor Walhof called the regular scheduled meeting to order at 7:00 pm.
- Council members present: Fjelstul, Finney, Worth, Wilkening, Walhof
- Council members absent: None
- Others present during portions of the meeting included:

Terri Bjorklund, Administrator  
Wayne Tennis, Police Chief  
John Valen, City Attorney  
Sue Sauer, Resident  
Ed Thue, Senior Leech Lakers  
Bob Mallory, Shingobee Twp.  
Terry Freeman, Landecker & Assoc.  
Brian Johnson, Resident  
Scott Bruns, Fire Chief  
Lee Westfield, WACC  
Jesse LeBlanc, Police Officer  
Jamie Taage, Chase On The Lake

Sylvia Bakker, City Employee  
Edy Asell, Planning & Zoning  
Will Hoyt, Landecker & Assoc.  
Lloyd Peterson, Senior Leech Lakers  
Dean Morrill, Pilot Independent  
Shirley Mallory, Shingobee Twp.  
Andy Bednarczyk, Resident  
Ron Geiser, Shingobee Twp.  
Darcie Larson, Senior Nutrition Program  
Willard Arends, Park Board  
Mark Olsen, Fire Department  
Cindy Wannarka, Chamber

**CONSENT AGENDA – Mayor Walhof**

**M/S** Finney, Worth to approve the Consent Agenda Items 1 thru 10 as follows:

1. Approve Walker City Council Public Hearing Meeting Minutes of July 7, 2008.
2. Approve Walker City Council Regular Meeting Minutes of July 7, 2008.
3. Approve Walker City Council Continuation Meeting Minutes of July 8, 2008.
4. Approve Walker City Council Second Regular Meeting Minutes of July 17, 2008.
5. Approve Claim #40067 thru #40116, Claim #40118 thru Claim #40225, Claim #40227 thru Claim #40230 in the amount of \$773,727.64.
6. Approve Cash Balance Report for the month ending June 30, 2008.
7. Review and file Walker Police Departments Monthly Report.
8. Review and file Correspondence and Certificate of Commendation to the City of Walker and its Wastewater Treatment Facility Staff for complying with the Minnesota Pollution Control Agency's Permit Program.
9. Approve payment of Invoice #192 in the amount of \$674.08 to Johnson Construction for repairs for the damage at the restrooms in Walker City Park. City to be reimbursed by the responsible party.
10. Approve payment of Invoice #8370 in the amount of \$1,582.50 to Landecker's & Associates for Professional Services from 06/20/08 to 07/25/08.

11. Add #5 under Public Works and Safety; consider approval of the maintenance agreement between the Chase Condominiums, LLC, Chase on the Lake, LLC, and the City of Walker.

Motion passed: 5-0

## **SCHEDULED CITIZEN PRESENTATIONS – Mayor Walhof**

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

- Annual Disclosure Report for Tax Increment Districts for the year ended December 31, 2008.
- City Hall Back Parking Lot Update.

### **PERSONNEL, BUDGET & ADMINISTRATION – Councilmember /Fjelstul**

1. **M/S** Fjelstul, Wilkening to approve setting the Election Judge pay at \$10.00 per hour for the Head Judges, and \$8.00 per hour for Judges for the 2008 Election Year.

Motion passed: 5-0

2. **M/S** Fjelstul, Finney to approve the following Election Judges for the 2008 Election Year. Co-Head Judges: Carol Smith and Lois Caldwell. Judges: Molly McGregor, Diane Kramer, Shirley Ziegler, Margaret Trimble, Vera Stewart, Ron Berry, Joanne Mitchell, Terri Bjorklund.

Motion passed: 5-0

3. **M/S** Fjelstul, Wilkening to deny payment in the amount of \$437.50 for the Leech Lake Area Chamber of Commerce 2008-2009 membership dues, considering that there is no statutory authority to purchase memberships in local Chamber of Commerce's.

Motion passed: 5-0

4. **M/S** Fjelstul, Finney to approve request from Chase on the Lake for the City to sign a quick claim deed for that part of Block 3, lying west of the west line of 5<sup>th</sup> street, created by accretion.

Motion passed: 4-0 Nye: Wilkening

5. **M/S** Wilkening, Finney to approve using Gas Service Company for the propane service, at a cost \$2.22 per gallon, and a fill of all tanks thru Sept. 30<sup>th</sup> at \$2.15 per gallon for the 2008-2009 heating season.

Motion passed: 5-0

### **ECONOMIC DEVELOPMENT/LIQUOR STORE – Councilmember Wilkening**

1. **M/S** Wilkening, Worth to review and file Walker Planning Commissions Public Hearing and Regular Meeting Minutes of Monday July 28, 2008.

Motion passed 5-0

2. **M/S** Wilkening, Fjelstul to approve Walker Planning Commissions recommendation to approve a Conditional Use permit LU 2008-10 to operate a

Club/Lodge Senior Citizen's Center on parcel 96-375-0030, with the following findings and conditions:

**Findings:**

1. With implemented conditions, no soil erosion or pollution of public waters is likely as a result of the conditional use.
2. The visibility of structures and other facilities as viewed from the public waters is not affected by the conditional use.
3. The site is serviced by adequate city water and sewer services.
4. The conditional use does not attract watercraft.
5. The club/lodge is an allowable use in all zoning districts.
6. The Comprehensive Plan of 1997 listed the *Need for Services/Activities for Retired People* as a weakness in the community.
7. The use, with conditions, imposed by the Planning Commission, is compatible with the surrounding neighborhood, in that there are other non-residential uses in the area, including the Ambulance service and a church building.
8. The use, with conditions imposed by the Planning Commission, would not likely be injurious to the public health, safety, decency, order, comfort, convenience, appearance, or prosperity of the community.

**Conditions:**

1. Submittal of storm water retention on the subject parcel to satisfaction of City Engineer per ordinance requirements.
2. Minnesota Department of Transportation approval of the proposed driveway accesses to T.H. #34 with written verification of such approval to the City prior to any work in State right-of-way.
3. Proposed building shall be connected to municipal sanitary sewer and water.
4. All structures, including sidewalks and driveways, to be within setbacks.
5. Submittal of bluff calculations from design firm, showing that structure does not need to meet bluff setback requirements, or a design meeting bluff setback requirements, if applicable.
6. Parking to be provided per ordinance requirements §154.049
7. Submittal and approval of a landscaping plan.
8. Submittal and approval of a sign and lighting plan.
9. The proposed use and structures must meet all other City ordinance requirements. Failure by the owner to act within six months, or failure to complete the work under a conditional use permit within one year, unless extended by the Planning Commission, shall void the permit.

Motion passed: 5-0

3. **M/S** Wilkening, Fjelstul to approve Walker Planning Commissions recommendation to approve a Conditional use permit LU 2008-12 to allow 50 cu yards of dirt moving on the WACC parcel, and 350 cu yds. of dirt moving on the Tabaka parcel to create a transitional grade with the following findings and conditions:

**Findings:**

1. With implemented conditions, no soil erosion or possible pollution of public waters will occur as a result of the conditional use.

2. The visibility of structures and other facilities as viewed from public waters is not affected by the conditional use.
3. The site is serviced by adequate city water and temporary sewer services.
4. The subject property does not attract watercraft.
5. The dirt moving is an allowable conditional use in all zoning districts.
6. The proposal is not in conflict with the Comprehensive Plan.
7. The use, with conditions imposed by the Planning Commission, is compatible with the surrounding neighborhood.
8. The use, with conditions imposed by the Planning Commission, would not likely be injurious to the public health, safety, decency, order, comfort, convenience, appearance, or prosperity of the City.

***Conditions:***

1. Applicant must obtain and submit written permission from neighboring property owner before commencing with Phase I.
2. Applicant must provide erosion control measures. All areas disturbed during grading shall be covered with topsoil and seeded. Areas subject to concentrated run-off or steeper than 3:1 shall be sodded or seeded and protected with appropriate mulch cover.
3. Water run-off shall be contained on subject property.

Motion passed: 5-0

4. **M/S Wilkening**, Worth to recommend extension of paving completion for one year, until July 2<sup>nd</sup>, 2010.

***Findings:***

Storm water and erosion control is satisfactory to MPCA.  
Final infrastructure agreement has not been implemented.

***Conditions:***

Paving is maintained in current condition.

Motion passed: 5-0

5. **M/S Wilkening, Finney** to approve sign plan for Chase on the Lake as follows:
  1. Existing "Chase" sign on lake side of hotel building.
  2. A 24 sq. ft. sign for the "502" restaurant over the entrance to the restaurant from the west parking area.
  3. An 18 sq. ft. sign over the main hotel entrance door.
  4. A 4' wide by 20' high backlit sign on the Northwest corner of the hotel building, and on the northeast corner of the Conference Center building. (2 signs)

Motion passed: 5-0

6. **M/S Wilkening, Fjelstul** to approve the final plat for Chase on the Lake, and for Common Interest Community Number 65 with the following:

***Findings:***

1. The Final plats have been prepared in agreement with the preliminary plat.
2. The title work has been provided and approved by the City Attorney.
3. The Common Interest Community Declaration (covenants) have been provided and approved by the City Attorney.
4. The number of units in the final plat are consistent with the PUD.

5. The maximum height of the structures do not exceed the height of the former hotel building (elevation 1360' - 8")
6. The shore land setback of the structures is consistent with the preliminary plat (Landecker & Associates, Inc. Attachment C)
7. The green space for the PUD has been calculated at 47%
8. Deeds for all transfers of land associated with the plat and adjacent right-of-ways have been reviewed and approved by the City Attorney.
9. 24 boat slips have been placed on Leech Lake, less than the 30 maximum stated in the preliminary plat.
10. An EAW was waived by the Environmental Quality Board in a letter dated September 25, 2006, based on a letter submitted by Lisa Ward, Gilliland & Hayes, attorney for the applicant on September 22, 2006.
11. Parking – The Applicant has provided 14 spaces of on-site parking, and achieved an additional 11 on-site parking spaces through the vacation and re-alignment of Cleveland Boulevard. Applicant will construct an additional 33 parking spaces on property owned by the City or the Applicant to the south of the project. All 58 parking spaces are to be non-exclusive.

***Conditions pending:***

1. Confirmation of no objections from DNR (Kirk English)
2. Approval of final plats by Independent Licensed Land Surveyor.
3. Uncompleted public improvements in the amount of \$41,000 have been estimated by the City Engineer, and approved by the City Attorney. An adjustment for any completed public improvements in this estimate will be made at final plat approval and Applicant has agreed to provide a letter of credit for 125% of the determined amount, which may be reduced proportionate to improvements satisfied. (Attachment B)

Motion passed: 5-0

7. **M/S** Wilkening, Worth to table implementing right-of-way permits, and refer to Public Works for review, and bring back to the September Council Meeting.

Motion passed: 5-0

8. **M/S** Wilkening, Finney to present the most recent purchase agreement to the Senior Leech Lakers, Inc. for "The Whistle Stop" Building, for their review. Council member Wilkening withdrew the motion, and moved the following **M/S** Wilkening, Fjelstul to present the purchase agreement as drafted by John Valen to the Seniors for consideration.

Terri Bjorklund, said that for the record she would like to see a few changes per Victor Smith thru John Valen, so that when you are approving it you would know the language, and they would be under conditions # 2 after the payment from the Seniors of \$50,000.00 at the time of the closing of the sale, and under Subject To, the reservation of any minerals or mineral rights to the State of Minnesota be omitted from the final purchase agreement I have in my hand.

Council member Wilkening withdrew the motion, and moved the following. **M/S** Wilkening, Finney to present the standard purchase agreement as modified, item # 2, at the signing of the closing, and the reservation of any minerals or

mineral rights to the State of Minnesota be omitted, and to be signed and sent to the Seniors for their consideration.

Motion passed: 5-0

**PARKS & RECREATION/LIBRARY – Councilmember Worth**

1. **M/S** Worth, Wilkening to review and file Walker Park Board Meeting Minutes of July 22, 2008.

Motion passed: 5-0

**PUBLIC WORKS & SAFETY/ CEMETERY– Councilmember Finney**

1. **M/S** Finney, Wilkening to approve Nick Zubke, Maintenance Supervisor's request to have Jet-Line come in and jet ¼ one-fourth of the town's sewer lines at a cost not to exceed \$5,000.00.

Motion passed: 5-0

2. **M/S** Finney, Worth to approve Walker Fire Department hosting a Fire Fighting I training class at a cost not to exceed \$17,000.00.

Motion passed: 5-0

3. **M/S** Finney, Wilkening to approve Resolution 26-2008, and Shingobee Township Resolution 2008-15, a Joint Resolution to amend Joint Resolution Shingobee Township Resolution 2007-06, and the City of Walker's Resolution 35-2007.

Roll Call: Ayes: Finney, Fjelstul, Wilkening. Worth, Walhof Nyes: None

Motion passed: 5-0

4. **M/S** Fjelstul, Worth to table approval of the Individual Volunteer Agreement as presented.

Motion passed: 5-0

5. **M/S** Finney, Wilkening to approve the Maintenance Agreement between the Chase Condominiums, LLC, Chase on the Lake, LLC and the City of Walker.

**OTHER BUSINESS – Mayor Walhof**

- National Night Out to be held August 5, 2008 in Walker City Park.
- **M/S** Wilkening, Finney for the Public Works Department to work with the City Engineer to define parking area, and trail crossings from 6<sup>th</sup> to 5<sup>th</sup> Street, so it creates a continuous plan and then submit this for the parking lot plan, so we can start this direction as soon as possible.

Motion passed: 5-0

- **M/S** Wilkening, Fjelstul to authorize City Administrator to receive quotes for the clearing of City owned property on Hwy 34, commonly known now as the Senior Citizen Center.

Motion passed: 5-0

- Sue Sauer, commended the Public Works Department for their timely response in getting the trees off the streets after a recent storm, and to Al for the clean up of the cemetery.

- M/S Wilkening, Finney to authorize Mayor Bradley Walhof to sign the 2 deeds's for the Chase on the Lake, and the realignment of Cleveland Blvd.

Motion passed: 5-0

**ADJOURNMENT – Mayor Walhof**

Mayor Walhof adjourned the meeting at 8:29 p.m.

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Bradley J. Walhof, Mayor

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