

**WALKER CITY COUNCIL
REGULAR MEETING MINUTES
WALKER FIRE HALL MEETING ROOM
MONDAY, NOVEMBER 7TH, 2016**

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

Terri Bjorklund, City Administrator
Pamela Smith, City Employee
Neil Lange, Public Works
Dean Morrill, Pilot Independent
Blake Pratt

John Valen, City Attorney
Wayne Tennis, Chief of Police
Cindy Wannarka, Chamber
Mike Paulus, Cass Co EDC
John Pratt

CONSENT AGENDA-Mayor Shaw

M/S Senenfelder/Haefele to approve the Consent Agenda Items 1 thru 11 as follows, waving the reading.

1. Approve Walker City Council regular minutes of October 3rd, 2016 and October 20th, 2016.
2. Review and file draft of Walker Library Board Meeting Minutes of October 18th, 2016.
3. Review and file draft of Walker Park Advisory Board minutes of October 25th, 2016.
4. Review and file Friends of the Park Meeting minutes of October 13th, 2016.
5. Review and file draft Walker Planning Commissions/Board of Adjustments regular meeting minutes of October 31st, 2016.
6. Review and file September Zoning Administrator report.
7. Review and file Land Use Calendar application deadlines and meeting dates for 2017.
8. Review and file Walker Police Department Monthly Report.
9. Review and file Public Works Committee minutes of October 26th, 2016.
10. Review and file Walker Area Joint Fire Department Meeting Minutes of September 8, 2018 and October 13, 2016.
11. Approve Cash Balance Report as of September 30, 2016.

Motion passed (5-0)

SCHEDULED CITIZEN PRESENTATIONS –Mayor Shaw

- Mike Paulus, Executive Director for Cass County EDC
Replacing Jami Meyer-focus on local businesses to grow.

CITY STAFF COMMENTS – Administrator Terri Bjorklund

None.

PERSONNEL, BUDGET & ADMINISTRATION – Councilmember Senenfelder

1. **M/S** Senenfelder/Wilkening to approve of Claim #52979 to Claim #53106 including voided check #53017 and 53018 and bank drafts in the amount of \$934,269.94.
Motion passed (5-0)
2. **M/S** Senenfelder/McMurrin to approve of quote from Microtech Computer Center in the amount of \$2,362.99 for repairs and updates.
Motion passed (5-0)
3. **M/S** Senenfelder/McMurrin to approve of request from the Walker Police Department to order a 2017 F-150 squad vehicle for delivery in early 2017 from Walker Ford at a base model cost of \$36,263. Additional costs to modify the vehicle to Police standards will apply once it arrives. (There is currently \$38,000 in the vehicle replacement fund)
Motion passed (5-0)
4. **M/S** Senenfelder/Haeefe to approve of Resolution 45-2016, a resolution accepting donations made to the City of Walker thru fiscal year 2016.
Roll Call: Ayes: Haeefe, McMurrin, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
5. **M/S** Senenfelder/Wilkening to approve to pay Invoice No. 60350 from Ulteig in the amount of \$80,521.81 for professional services through September 30, 2016 for the 2016 Southside Street and Utility Improvements.
Motion passed (5-0)
6. **M/S** Senenfelder/McMurrin to approve to pay R.L. Larson Excavating, Inc. \$749,345.56 for partial payment No. 6 for project No. R15.00604 dated October 29th, 2016 for the 2016 Southside Area and 5th Street North Utility and Street Improvements. Cass County has already been billed for their portion in the amount of \$119,704.16.
Motion passed (5-0)

**WALKER CITY COUNCIL
PUBLIC HEARING MEETING MINUTES
WALKER FIRE HALL MEETING ROOM
MONDAY, NOVEMBER 7TH, 2016**

Terri Bjorklund, City Administrator
Pamela Smith, City Employee
Neil Lange, Public Works
Dean Morrill, Pilot Independent
Blake Pratt

John Valen, City Attorney
Wayne Tennis, Chief of Police
Cindy Wannarka, Chamber
Mike Paulus, Cass Co EDC
John Pratt

CALL TO ORDER –Mayor Shaw

- Mayor Jed Shaw called the public hearing meeting to order at 6:06 p.m.
- Pledge of Allegiance
 - Council members present: Haefele, McMurrin, Senenfelder, Shaw and Wilkening
 - Council members absent:
 - Others present during portions of the meeting included:
- Application for a Minnesota DEED Minnesota Investment Fund

Bjorklund explained that they have a request to follow through with an application from FOG Firearms, in order to receive a \$600,000 MIF grant applications; the City has to receive that money and dispense that money back. It is a \$600,000 grant with \$300,000 of that being forgiven. It will be used to purchase equipment for the expansion of FOG Firearms. The \$300,000 will then be paid back in payments from FOG Firearms to the City of Walker. The City will reimburse DEED for that. Bjorklund covers the steps that would occur if the motion is passed in favor of the Resolution. The City will send the \$600,000 grant request to DEED, the City will then enter into a grant contract with the State to administer those grant funds. Then the loan documents would be drafted between FOG Firearms and the City of Walker. The City Attorney will file a lien document to secure the funding. The City will collect the payments and forward to DEED. This grant application will allow for a new business to move into the City of Walker, it will allow for additional manufacturing jobs within the City and will make use of an existing building and infrastructure and allow the business space for future expansion; all positives for growth within the City of Walker.

No other questions or comments were heard from the public.

Public hearing closed at 6:08p.m.

7. **M/S** Senenfelder/McMurrin to approve of Resolution 51-2016, a resolution authorizing a MIF Grant Application for Pressing Midnight LLC DBA F.O.G. Firearms & Cartridge Co.
Roll Call: Ayes: Haefele, McMurrin, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
8. **M/S** Senenfelder/Wilkening to approve of request from the Accounting Department to transfer The Following;
A) \$275,396.54 from Fund 500 Street Capital Projects checking to Fund 103 projects checking.
B) \$13,000 from Fund 101 general checking to the Cemetery checking Fund 209.
C) \$88,340 from Fund 101 general checking to the following savings accounts:
 - \$78,840 to Street Equipment Savings
 - \$4,500 to Police Equipment Savings
 - \$5,000 to Building Capital Project Savings Fund 505
Motion passed (5-0)
9. **M/S** Senenfelder/McMurrin to approve of Resolution 46-2016, a resolution decertifying tax increment financing district No.2-8 Wilkening of the City of Walker.
Roll Call: Ayes: Haefele, McMurrin, Senenfelder, Shaw Nays: None
Abstain: Wilkening
Motion passed (4-0)
10. **M/S** Senenfelder/McMurrin to approve of Resolution 47-2016, a resolution decertifying tax increment financing district No. 2-13 Tianna of the City of Walker.
Roll Call: Ayes: Haefele, McMurrin, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
11. **M/S** Senenfelder/Wilkening to approve of Resolution 48-2016, a resolution granting the applications for the deferral of special assessments for the 2016 South Side and Fifth Street North Utility and Street Improvement project Walker, Minnesota.
Roll Call: Ayes: Haefele, McMurrin, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
12. **M/S** Senenfelder/McMurrin to approve of Resolution 49-2016, a resolution calling for a public hearing to receive public comment on the proposed adoption of Ordinance 2016-11, an Ordinance to update the fee schedule.
Roll Call: Ayes: Haefele, McMurrin, Senenfelder, Shaw, Wilkening Nays: None
Motion passed (5-0)
13. **M/S** Senenfelder/Wilkening to approve of Resolution 50-2016, a resolution calling for a public hearing to receive public comment on the proposed adoption of Ordinance 2016-12, an Ordinance amending the City Code Chapter §95: Nuisances and Chapter §96: Property Maintenance.
Mayor Shaw asks for clarification on the stages of misdemeanors and fines attached. Valen stated that there is no specific fine for each; it would be the statutory maximum of \$1,000 for misdemeanor and \$3,000 for gross.
Senenfelder questioned if a nuisance property applied for a building permit would this prevent them from taking further action?
Valen stated that this doesn't prevent us from pursuing the other remedy.

Terri stated that this stemmed from a property that a letter was sent to the property owners from the building inspector and then the property owners came in and applied for a building permit.

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

ECONOMIC DEVELOPMENT/LIQUOR STORE & AIRPORT –Councilmember McMurrin

1. **M/S McMurrin/Wilkening** to approve of Walker Planning Commission/Board of Adjustments regular and public hearing minutes of September 26th, 2016.
Motion passed (5-0)
2. **M/S McMurrin/Wilkening** to approve of the recommendation Walker Planning Commission/Board of Adjustments to approval of LU-2016-08 Variance with the following Finding of Facts and Conditions:

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

A) To allow for a 5 foot setback of the side yard deviating from the 10 foot setback to allow for an addition to the garage.

1. The applicant establishes that there are practical difficulties, as defined in this ordinance, in that the current garage is too narrow for use. The current interior width is 11 foot 6 inches; 12 foot 6 inches is needed to open car doors.
2. The plight of the landowner is not created by the landowner but due to the location and size of the current garage structure that was built in 1948 prior to the establishment of set-backs.
3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood.
4. The variance will not alter the essential character of the locality.
5. The variance is not for economic reasons alone.
6. The variance would not allow or create a use not provided for in a zoning district.

B) To allow for a 49 foot setback furthest the Lake Side to a 41 foot setback nearest the Lake Side, deviating from the 50 foot setback, to enclose a lower portion that sits below the current structure that is used as a deck/patio area on the Lake Side.

1. The applicant establishes that there are practical difficulties as not being energy efficient, however there are different methods of insulating that could be taken without encroaching on the setback underneath the already nonconforming structure.
2. The plight of the landowner is not created by the landowner but due to the fact that the house built in 1948; prior to the establishment of set-backs, is a nonconforming structure.
3. The purpose of the variance is based upon an allowable use in the zone and is in harmony with the neighborhood; the proposed enclosure of the lower level would be in line with the current above structure and will still be in harmony with the general purposes and intent of the ordinance and comprehensive plan.
4. The variance will not alter the essential character of the locality.
5. The variance is not for economic reasons alone.

6. The variance would not allow or create a use not provided for in a zoning district.
7. The enclosing of the supports of the deck exceeds the allowed repair, replacement, restoration, maintenance, or improvement allowed by MN Statute §462.357 and constitutes expansion.
8. The enclosing of the overhang does not change the impervious surface coverage of lot, since a concrete pad already exists underneath the overhang.
9. In the opinion of the Department of Natural Resources this will not have any further adverse effects on Leech Lake than currently already exist.

Proposed Conditions - The following conditions are recommended by the Board of Adjustment:

A) To allow for a 5 foot setback of the side yard deviating from the 10 foot setback to allow for an addition to the garage.

1. Erosion control measures are used during installation.
2. Reestablish any disturbed turf after project.
3. Structure is to remain a garage and not be used as a dwelling or quest quarters.
4. Garage expansion is not to exceed the proposed addition dimensions as stated in the sketch received by applicant and included in this staff report as attachment No. 2.

B) To allow for a 49 foot setback furthest the Lake Side to a 41 foot setback nearest the Lake Side, deviating from the 50 foot setback, to enclose a lower portion that sits below the current structure that is used as a deck/patio area on the Lake Side.

1. Erosion control measures are used during installation.
2. Reestablish any disturbed turf after project.
3. Overhang enclosure is not to exceed the dimensions of the upper level as stated in the sketch received by applicant and included in this staff report as attachment No. 2.
4. No installation of garage or driveway will be permitted on the East or North side of the house.
5. Installation of rain gardens including using plants, pea rock or other means of drainage to minimize and control the run-off of potential contaminates.

Wilkening stated that it was an applicable Variance and the Council agreed.

Motion passed (5-0)

3. **M/S McMurrin/Wilkening** to approve of the recommendation of the Walker Planning Commission for adoption of the updated City of Walker Comprehensive Plan.

Haefele questioned if no suggested changes were made.

McMurrin explained the reason that the suggested changes were not made. She stated that the Comprehensive Plan is meant to be a guide and it is put together with community input. She didn't feel it is right as a committee or a council to change that input.

Senenfelder stresses that if we are going to spend \$10,000 on updating a document than we need to make the necessary changes and update it.

Wilkening added that we already spent the \$10,000 on updating it. If we make these revisions they will cost more.

Senenfelder stated that the Library cannot be built in the Park because of setbacks from Wells; why would we publish this document if we know we can't build a library in the park.

McMurrin added that not everything in that document is going to happen to its specifics, so why spend more money to have it redone again?

Haefele questioned if Ben should have made these changes and didn't get taken out?

Haefele-Where did the disconnect happen?

Bjorklund stated that life has changed and we have found things out since this document was finalized; such as 100ft wellhead setbacks. It doesn't mean that it has to come out. At the last Council meeting it was brought up that the other Township isn't in the Plan. That is the first that the Planning Commission has ever heard of that, so they will take that into consideration the next time they update the Plan. It is all information that we found out after the plan was drafted.

Haefele-So this is final before Council approval? Does it matter what we say, since it is already finalized? I thought we were looking at it for Council approval.

Bjorklund-That is up to the Council. If the majority vote is to move forward with it as presented, then we will make changes as directed by the Council.

Haefele questioned why it didn't go to Council before to make the changes.

Wilkening-We had a public hearing on this.

Senenfelder questioned what the cost would be to have it updated.

Bjorklund stated that would be question for Hometown Planning.

Wilkening added that the consensus from the Planning Commission is that this isn't input from just the Commission, which a lot of the input comes from the community.

Mayor Shaw questioned how often this plan is updated.

Wilkening-Every 10 years or so.

Haefele questioned why not move forward with the suggested changes. I if all we are asking for is small tweaks; depending on what he would charge for it.

Senenfelder is adamant that he doesn't believe that we should 'rubber-stamp' this document, when in fact it is not actually updated. When I see this I see a lot of copy past and a lot of verbiage that other communities use and certain things that don't fit this community, especially the Library being built in the Park.

McMurrin added that there are a lot of things within the document that might or might not happen.

Senenfelder argued that the Library could not happen in the Park.

Aye: Wilkening McMurrin Nays: Senenfelder, Haefele, Shaw

Motion failed (2-3)

4. **M/S McMurrin/Senenfelder** to approve of the Airport Capital Improvement Project List for submission to MNDOT.

Motion passed (5-0)

LIBRARY, PARKS– Councilmember Haefele

1. **M/S Haefele/Senenfelder** to approve of the Walker Park Advisory Board meeting minutes of September 27th, 2016.

Motion passed (5-0)

2. **M/S** Haefele/Senenfelder to approve of the Library Board minutes of September 21, 2016.
Motion passed (5-0)
3. **M/S** Haefele/Wilkening to approve of the recommendation of the Library Board to update the existing Library Refreshed Book Policy for the City of Walker.
Motion passed (5-0)
4. **M/S** Haefele/Senenfelder to approve of the recommendation of the Park Board to approve the following applications from Leech Lake Chamber of Commerce and both events contingent upon receiving Certificate of Liability and subject to application fees once a fee schedule is in place.

Walker Bay Days- August 3rd- August 7th, 2017. Event is on August 5th from 7a.m. to 6 p.m.

Leech Lake Walleye Tournament- May 31st-June 5th, 2017. Event is on June 3rd & 4th from 5 a.m. to 5 p.m.

The Board discussed the length of time these events were at the Park and how long the actual event was. There may fees imposed on the number of days of the event. They discuss the ability to host a big event in one day.

Motion failed (0-5)

M/S Haefele/Senenfelder to approve the application for Walker Bay Days, but only to allow for 2 days.

Valen reminds the Board that they have an application for 5 days that they need to either grant it or deny it and you do not have an application for a 2 day event.

Haefele-So we need a new application?

Motion failed (0-5)

PUBLIC WORKS, SAFETY & CEMETERY – Councilmember Wilkening

None.

OTHER BUSINESS –Mayor Jed Shaw

- City offices and DMV will be closed Friday November 11th, 2016 in observance of Veterans Day and Thursday November 24th and Friday November 25th, 2016 for observance of Thanksgiving.
- Walker Bay Spirits will be closed on Thursday November 24th, 2016.
- Reminder-Truth in Taxation Meeting to hear public comments will take place at the December 5th, 2016 Council Meeting at 6:05 p.m. at the Walker Fire Hall.

Haefele reviewed a rough draft of a proposed fee schedule that they have been working on with the Park Board. Haefele stated that the rough draft did not include that they are according to the City Ordinance; they are supposed to be taking a \$500 damage deposit fee.

Bjorklund questioned the 501c3 and 501c6 are they limiting them to just those two?

Senenfelder and Haefele clarified that it was those plus any other tax exempt status.

The Board discussed the \$500 damage deposit and if that is limited to non-tax exempt entities or would it apply to all applicants.

Senenfelder clarified that this damage deposit is limited to only groups of 300 or more.

Senenfelder stressed the importance of imposing a fee to use the park because of the amount of staff time that goes into this; processing the application, clean-up, set-up among other things.

Haefele-We are not asking for a fee from everyone, only those using our facilities to make a profit.

Senenfelder asked if they wanted to only allow for a 2 day event application with the addition of a one day set-up prior and a one day clean-up after. Or if it is a 1 day event application allow for a one day set-up prior and a one day clean-up after.

Mayor Shaw clarified that the fee charged for that event would be applicable to the above if there were additional days needed than a per-day fee would apply. Shaw suggested a \$50 fee for each additional day.

The Board discussed full day verses half day for set-up/clean up and winter/summer schedule for the park changing the add on of additional days would be at the reduced rate of \$100 a day and the rate of our labor is \$50 per hour and charging a clean-up fee per hour at the current labor rate. This would also include the Rock Garden.

Bjorklund questioned how they would collect money after the fact.

The Board discusses taking a damage deposit and or sending them a bill.

CONTINUATION-Mayor Jed Shaw

Mayor Shaw continues the meeting until 5:00 p.m. on Tuesday November 15th, 2016, to Canvas the Election Results.

Jed Shaw, Mayor

Attest: _____
Terri Bjorklund, Administrator