

Detroit Lakes, Minnesota
November 10, 2009

The regular meeting of the City Council was called to order in the Council Chambers of the City Administration Building at 5:00 P.M., Tuesday, November 10, 2009; all members of the City Council having been notified of the meeting and business to be transacted.

Present: Mayor Matt Brenk; City Attorney William Briggs; City Administrator Robert Louiseau; Assistant City Administrator Lynne Krieger; Finance Officer Louis Guzek; Community Development Director Larry Remmen; Public Utilities Superintendent Curt Punt; Jon Pratt from Ulteig Engineers, Police Chief Kelvin Keena; Public Works Director Bradley Green; Building Official Calvin Mayfield; Liquor Store Manager Bradley MacMaster and Fire Chief Jeffrey Swanson.

Aldermen: Anderson, Aune, Heltemes, Imholte, Marks Erickson, Sukke, Tollefson, Tucker and Zeman.

Absent: None.

There being no corrections or additions to the minutes of the regular Council Meeting held October 13, 2009, the Mayor declared that they would stand approved according to copies of same sent to each member of the Council.

The Mayor called to order a continued hearing from the October 13, 2009, City Council Meeting at 5:02 P.M. to consider the matter of a reported nuisance at 315 Bowling Avenue created by the house not being hooked up to the City's sewer and water system since February 14, 2007. Building Official Cal Mayfield informed the Council he met with the owner, Paul Tadlock, and pointed out what needed to be done to the house to bring it up to City Code and make it rentable, Mr. Tadlock indicated that it would be too costly he would have the house torn down and then sell the lot to his neighbor. Upon the inquiry of the Mayor, Mr. Tadlock indicated he wants to tear down the house and does not have a time frame. Mr. Mayfield advised that he had talked with the neighbor and they wanted the house demolish before they would be interested in purchasing the lot. There being no further comments, the Mayor closed the hearing at 5:07 P.M. and reconvened the regular meeting.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Zeman, seconded by Alderman Aune and carried, without a dissenting vote, allowing Mr. Tadlock 120 days, from this date, to demolish his house and if it is not completed in this time frame, the City would abate the nuisance and assessed the cost to Mr. Tadlock's property taxes.

Pursuant to notice having been published in the official newspaper that the City Council, this date, would hear public comment and give consideration to the proposed

assessments for street and utility improvements to the newly annexed area of Long Lake Phase III, Mayor Brenk called the special assessment hearing to order at 5:07 P.M. Jon Pratt from Ulteig Engineers, reviewed the project and pointed out that the total project cost was \$1,569,834.00 which is about \$500,000.00 lower than the original estimate. The amount to be assessed against benefited property owners will be \$920,814.00. Mr. Pratt broke the total assessment rate down as follows:

Street Improvements:	\$17.16/square foot
Sanitary Sewer	\$17.41/square foot
Service Sewer Laterals	\$361.35 each
Lift Station Connection Fee	\$800.00/connection per lot
Watermain	\$9.71/square foot
Watermain Service	\$835.46 each

Lee Kessler, 17104 Longview Drive, questioned why his property across the road has assessments and questioned if the property is developable since it is at the end of the Airport Runway. Jon Pratt advised that the property is assessed for sewer, water and street footage deferred the resident benefit is deferred until the property is developed. Pursuant to Mr. Kessler's inquiry as to the definition of developed, Mr. Pratt advised that it is when sewer and water are connected. Mr. Pratt indicated that he would check into if the properties in question are developable and if they are not, the assessment would be adjusted. Pursuant to Mr. Phil Johnson's, 17186 Longview Drive, question, City Administrator Bob Louiseau advised that the City pays the contractor 95% of the work that has been completed. Ted Breezee, 16927 Longview Lane, inquired as to when property owners need to hook up to water because he has a good well. City Administrator Louiseau advised that staff need to review the ordinance because there is a discrepancy as to when you need to hook up to water. There being no further questions or comments, the Mayor closed the hearing at 5:20 P.M. and reconvened the regular meeting.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, providing for the acceptance of the assessment roll, as presented, for street and utility improvements to the newly annexed area of Long Lake Phase III, showing an assessable cost of \$966,500.00 to be assessed as follows:

Assessment Roll A: Such assessments shall be payable in equal annual installments extending over a period of twenty years and shall bear interest at the rate of six (6%) percent per annum.

Assessment Roll B: Such assessments shall be deferred until developed. Upon development of the property, the assessment shall be assessed over a period of twenty years at an interest rate of six (6%) percent per annum.

Assessment Roll C: Such assessments shall be deferred until developed or for a maximum of five years. Upon development of the property or when five years has

occurred, the assessment shall be assessed over a period of twenty years at an interest rate of six (6%) percent per annum.

The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to notice having been published in the official newspaper and sent to each of the benefited property owners, that the City Council, this date, would hear public comment on replacing the current individual sump pump sewer system with a more convenient alternative from 1135-1252 West Lake Drive, the Mayor called the hearing to order at 5:23 P.M. Pursuant to a petition received from property owners on West Lake Drive asking for cost estimates on replacing their current individual sump pump sewer system, Jon Pratt, Ulteig Engineers, summarized the costs of a new gravity sanitary sewer system for 1135-1252 West Lake Drive which was approximately \$494,000.00 of which \$398,500.00 would be assessed back to the benefited property owners. Carl Malstrom, 1135 West Lake Drive, expressed concern about the cost of the project and felt the benefits to the property owner was not worth the cost. City Administrator Louiseau acknowledged receipt of letters opposing the project from Sandra and Sonja Taves, 1201 West Lake Drive, Jeff and Melissa Philipp, 1161 West Lake Drive, M. Jane Bennett Safar, 1189 West Lake Drive and Kathy Liden, 1169 West Lake Drive. Mr. Louiseau also advised that City staff did not receive any calls in favor of the project. Upon the inquiry of Alderman Imholte, Mr. Louiseau informed the Council that Brad Wimmer, who had circulated the petition, was not in favor of the project after reviewing the costs. There being no further comments, Mayor Brenk closed the hearing at 5:34 P.M. and reconvened the Council Meeting.

Upon the recommendation of the City staff and the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Zeman and carried, without a dissenting vote, to not construct a new gravity sanitary sewer system for 1135-1252 West Lake Drive.

Pursuant to notice having been published in the official newspaper and mailed to each of the known property owners that were benefited by the 2009 Weed Cutting Project, Mayor Brenk called the special assessment hearing to order at 5:34 P.M. There being no oral or written comments, Mayor Brenk closed the hearing at 5:34 P.M. and reconvened the Council Meeting.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, providing for the acceptance of the assessment roll, as presented, for the 2009 Weed Cutting Project, showing an assessable cost of \$1,190.74 such assessments to be payable in one year at an interest rate of six percent per annum. The motion for the adoption of the resolution was seconded by Alderman Heltemes and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Pursuant to notice having been published in the official newspaper that the Council would, at this meeting, conduct a hearing for the purpose of hearing public comment on the issuance of Sunday and club liquor licenses to the VFW, American Legion and Eagles for one year beginning January 1, 2010, Mayor Brenk called the hearing to order at 5:34 P.M. There being no written or oral comments, the hearing was closed at 5:35 P.M. and the regular Council Meeting was reconvened.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tucker, seconded by Alderman Sukke and carried, without a dissenting vote, authorizing the issuance of Sunday and club liquor licenses to the VFW, American Legion and Eagles for one year beginning January 1, 2010.

Pursuant to notice having been published in the official newspaper that the Council would, at this meeting, conduct a hearing for the purpose of hearing public comment on the issuance of an on-sale wine license to the Chinese Dragon of Detroit Lakes for a one year period beginning January 1, 2010, Mayor Brenk called the hearing to order at 5:36 P.M. There being no oral or written comments, the hearing was closed at 5:36P.M. and the regular Council Meeting was reconvened.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tucker, seconded by Alderman Aune and carried, without a dissenting vote, authorizing the issuance of an on-sale wine license to the Chinese Dragon of Detroit Lakes for one year beginning January 1, 2010.

Pursuant to the request of Tom Hanson, owner of Zorbaz, to allow a temporary "tent" from May through September 2010, at 402 West Lake Drive, Community Development Director Larry Remmen addressed the following:

- 1) The Zoning Ordinance would need to be revised;
- 2) On-site parking; and
- 3) Storm water.

Tom Hanson appeared before the City Council to address the issues. Mr. Hanson informed the Council that his goal is to promote Zorbaz and the town and last year when the tent was up at Zorbaz, there were no problems. They were able to accommodate all parking and the impervious surface issue was not a problem. He informed the City Council that he has no plans to build a permanent addition to the Zorbaz building. He encouraged the Council to amend the Zoning Ordinance allowing other businesses to put up temporary structures also. Alderman Zeman spoke in favor of and made a motion to allow Tom Hanson to erect a temporary tent from May 1, 2010, to September 30, 2010. Mayor Brenk called for a second to the motion and no one seconded the motion. Alderman Tucker spoke in opposition of erecting the tent for that length of time and suggested Zorbaz could put the tent up when it was needed and then take it down until the next event. He suggested that if the Zoning Ordinance was amended to accommodate temporary structures in an "RLB" District, he may reconsider voting for it. Alderman Heltemes spoke in opposition of the tent because rules and ordinances are made for a reason and if the ordinances are not changed allowing everyone to put up temporary

structures, he is not in favor of allowing Zorbaz to erect the tent. Alderman Heltemes addressed parking issues at Zorbaz which Mr. Hanson stressed was not a issue. Alderman Imholte spoke in favor of erecting the tent for 2010 but did not want to vote at this meeting because he had thought the matter was going to be deferred and had told some interested parties that the item was not going to be discussed at this meeting and therefore they are not in attendance. Alderman Imholte advised that he would not be in favor of erecting the tent after 2010 but would support a permanent building in place of the tent. He expressed concern about the impervious surface issue and suggested that if the tent was included when counting Zorbaz's impervious surface calculation, an additional storm water utility fee could be charged. Mr. Hanson did not agree that the tent causes storm water run off but did agree to paying an additional storm water fee. Upon the inquiry of Alderman Aune, Police Chief Keena advised that his Department had about six complaints during the time the tent was erected last year but noted that was not a unusual number. Alderman Anderson suggested that any action be deferred until Mr. Hanson and City staff can schedule a meeting to address the issues that have been brought up at this Council Meeting. Alderman Anderson spoke in opposition of the time frame that Mr. Hanson wants to keep the tent erected. Alderman Zeman stressed that the Council should support Zorbaz's request because it is a major attraction in Detroit Lakes. Alderman Marks Erickson commented that she has received several complaints about noise and parking and also felt that the length of time was an issue with her. Mayor Brenk called for a motion and the motion was made by Alderman Aune, seconded by Alderman Zeman to defer action on the request of Zorbaz to erect a tent on their property from May 1, 2010, to September 30, 2010, until the December 8, City Council Meeting or, if necessary, until a Special Council Meeting is scheduled.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Aune, seconded by Alderman Tucker to accept the Kris Street Crossing Agreement between the City of Detroit Lakes and Burlington Northern Santa Fe Railroad. Alderman Heltemes stressed that the Council needs to be aware the agreement includes a option to terminate the agreement at anytime. Upon the inquiry of Alderman Zeman, City Administrator advised that the combined cost for the gates and cable the City has paid \$170,000.00 and they are insurable under the City's insurance policy. Alderman Tucker spoke in support of the agreement but stressed that the minimum cost to the City for this agreement will be \$7,500.00/year. Mayor Brenk then called for a vote and the motion carried unanimously.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Aune, seconded by Alderman Zeman to authorize the Public Utilities to plant a third row of pine trees to the north of the existing two row of trees on Tower Road by the Public Utilities Work Center. Public Utilities Superintendent Curt Punt advised that by planting the third row of trees to the north hopefully will allow room for a proposed bike path. City Administrator Louiseau commented that a number of accommodations were made pursuant to the request of neighboring property owners such as removing the berm because concerns of water runoff which cost the City approximately \$30,000.00 and moving the Public Utilities driveway. Tom Mack, 26430 North Tower Road, appeared before the Council asking why the trees can't be planted

between the last row and the building. Public Utilities Superintendent Punt advised that there is no room to plant the trees to the south. Mayor Brenk suggested that the Public Utilities will do the best they can do to accommodate Mr. Mack. The Mayor then called the question and the motion carried unanimously.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Sukke, seconded by Alderman Tucker and carried, without a dissenting vote, that building permits for the month of October, 2009, in the estimated construction value of \$1,236,030.00, be issued pursuant to their applications accompanied by the required City fees and State Surcharges, the issuance of such permits having been recommended by the Building Official and approved by the Community Development Committee.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Marks Erickson and carried, without a dissenting vote, designating parking by permit only on the south side of the 200 Block of Oak Street for seven days per week, 24 hours per day. Upon the inquiry of the Mayor, Public Works Director Brad Green advised that signs will be place in that area informing the public of this designation.

Alderman Heltemes advised that the recommendation of the Public Works Committee was to defer action on staffing the Lincoln Rink until more details can be worked out and place it on the Finance Committee's agenda for December 8, 2009. Mike Hutchinson, 1434 East Shore Drive, spoke in favor of staffing the Lincoln Rink.

A motion was made by Alderman Tucker, seconded by Alderman Anderson to allow completing the placement of the Chamber of Commerce sign at 421 Main Street West. Upon the request of Alderman Zeman, Mayor Brenk advised that the only money that will be spent is the \$7,500.00 that was approved for the Chamber of Commerce. Pursuant to the inquiry of Alderman Imholte, Chris Tovsen, Chamber Director, advised that the Chamber has also approved this site. Alderman Imholte spoke in favor of the motion as long as the City does not spend more than the allocated \$7500.00. Mayor Brenk then called the question and the motion carried unanimously.

Jon Pratt, Ulteig Engineers, summarized the feasibility study on proposed sewer, water and street improvements for the Downtown Crescent Area. Mr. Pratt informed the Council that the total estimated cost of the project is \$1,274,000.00 and the City's estimated share would be \$517,000.00. Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Aune, who moved its adoption, approving the feasibility report on proposed sewer, water and street improvements for the Downtown Crescent Area. The motion for the adoption of the resolution was seconded by Alderman Anderson. City Administrator Louiseau advised the Council that if this feasibility study is approved, the Veteran's Memorial Committee has asked that the City provide them with the square footage and where the permanent location would be for the Veteran's Memorial Park to help them with planning design and fund raising. Upon the inquiry of Alderman Marks Erickson, City Administrator Louiseau

advised that City staff's intent throughout the discussion on the Crescent Area has been to create a Parking District that would include businesses in the Crescent Area but also the businesses along Washington Avenue, Lake Avenue and from the Community Center over to St Mary's/Innovis Health. Mayor Brenk then called the question and the motion for the adoption of the resolution carried unanimously.

Upon the recommendation of the Public Works Committee, a resolution was made by Alderman Heltemes, who moved its adoption, ordering the street and utility improvements and preparation of plans and specifications for North Washington Avenue (CSAH 22), from Main Street to Trunk Highway 34. The motion for the adoption of the resolution was seconded by Alderman Imholte. City Administrator Louiseau advised the Council that the City Engineer will prepare a preliminary assessment roll and individual assessment worksheets will be sent to affected property owners with a letter asking them to contact the City if they have any questions. Mayor Brenk then called the question and the motion for the adoption of the resolution was adopted.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Anderson and carried, without a dissenting vote, authorizing the Mayor and City Administrator to enter into an agreement with Becker County for repair and replacement of streets and sidewalks on North Washington Avenue (CSAH 22) in conjunction with the North Washington Avenue and Utility Improvement Project. City Administrator Louiseau advised that the City will reimburse the County for the City's share of the bills as they come in as outlined in the agreement. The Mayor called for a vote and the motion carried unanimously.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Anderson and carried, without a dissenting vote, approving plans and specifications for the Lori Avenue Bridge Replacement Project. Mr. Pratt advised that by approving these plans and specifications, this will allow the City to be placed on the list for funds from the Bridge Bonding Fund.

Pursuant to obtaining proposals for operation the City Pound for 2010 and 2011, the only proposal received was that of Lucky Dog Boarding and Training Center, Detroit Lakes, Minnesota. Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Anderson and carried, without a dissenting vote, accepting the proposal of Lucky Dog Boarding and Training Center for operation of the City Pound for 2010 and 2011.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Marks Erickson and carried, without a dissenting vote, authorizing the Mayor and City Administrator to enter into a Sports Arena Lease Agreement with the Detroit Lakes Public Schools for October 12, 2009, through March 7, 2010, and October 25, 2010, through March 6, 2011.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Marks Erickson and carried,

without a dissenting vote, authorizing the Mayor and City Administrator to enter into an agreement with the Minnesota Department of Public Safety, Drive and Vehicle Services, for use of the area near the intersection of Hawk Street and Cormorant Avenue for administering road test exercises for commercial vehicle license applicants.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Tucker and carried without a dissenting vote, approving the request of the Chamber of Commerce to close Washington Avenue, from Frazee Street to Highway 10, Holmes Street, from Lake Avenue to the alley behind Goin' Postal and Front Street, from Lake Avenue to the alley behind Beug's Hardware on June 3-5, 2010 for the Street Faire.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, providing for the prepayment and redemption of \$825,000.00 General Obligation Improvement Bonds, Series 2000A and \$1,200,000.00 General Obligation Improvement Bonds of 2001. The motion for the adoption of the resolution was seconded by Alderman Heltemes. Finance Officer Louis Guzek advised the Council that the Bonds the City is actually calling are \$325,000.00 on the 2000 issue at an interest rate of 5.1% to 5.5% and \$720,000.00 on the 2001 issue at an interest rate of 4.8% to 5.15%. Mayor Brenk called for a vote and the motion for the adoption of the resolution was carried unanimously.

Alderman Imholte advised that the Finance Committee did not make a recommendation on changing the bid letting procedures. Alderman Zeman commented that the more the City is able to bid out, the prices will be better.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Tucker and carried, without a dissenting vote, authorizing City staff to enter into a Employee Assistance Program Agreement with Lakeland Mental Health Center, Inc., for 2010.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Tollefson, authorizing the City Administrator to join the Greater Minnesota Environmental Trust in the amount of \$1,500.00. City Administrator Louiseau advised that this group has been formed to make cities more efficient with land use, water quality, energy policy research, analysis and development; promotion of environmental and land use best practices, sponsorship of education seminars and conferences, legal action and advocacy at the state level on environmental funding and policy issues. Mayor Brenk then called the question and the motion carried unanimously.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Sukke, who moved its adoption, declaring costs to be assessed and ordering preparation of proposed assessment for the 2009 nuisance abatement charges on 113 West Union Street and 815 Rossman Avenue. The motion for the adoption of the

resolution was seconded by Alderman Tucker and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Sukke, who moved its adoption, setting a assessment hearing for the 2009 nuisance abatements charges on 113 West Union Street and 815 Rossman Avenue for December 8, 2009, at 5:00 P.M. The motion for the adoption of the resolution was seconded by Alderman Tucker and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Sukke, who moved its adoption, setting a special assessment hearing for December 8, 2009, at 5:00 P.M. for unpaid water, sewer and storm water charges for 2009. The motion for the adoption of the resolution was seconded by Alderman Tucker and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, authorizing the Police Chief to seek quotes on the purchase of a 2010 squad car.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Sukke, seconded by Alderman Tucker and carried, without a dissenting vote, approving the application for a parade permit submitted by the Chamber of Commerce to conduct a "Santa's Grand Parade" on November 30, 2009.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tucker, seconded by Alderman Anderson and carried, without a dissenting vote, setting a hearing for December 8, 2009, at 5:00 P.M. to hear comment on changing the license fees for liquor licenses.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Sukke, seconded by Alderman Tucker and carried, without a dissenting vote, to set a hearing for December 8, 2009, to give consideration to the issuance of on-sale intoxicating liquor licenses, on and off-sale 3.2 malt liquor licenses and Sunday liquor licenses for one year effective January 1, 2010.

Upon the recommendation of the Mayor, a motion was made by Alderman Anderson, seconded by Alderman Aune and carried, without a dissenting vote, appointing Cynthia Fritz to the Detroit Lakes Library Board for a three-year term effective September 1, 2009.

Pursuant to the recommendation of the Mayor, a motion was made by Alderman Imholte, seconded by Alderman Tollefson and carried, without a dissenting vote, appointing Pat Lindquist to a three-year term on the Detroit Lakes Planning Commission effective January 1, 2010.

A motion was made by Alderman Sukke, seconded by Alderman Tucker and carried, without a dissenting vote, that the trial balance, submitted by Finance Officer Louis Guzek, showing the balance in the City treasury to be in the amount of \$3,495,234.48 as of October 31, 2009, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Sukke, who moved its adoption, approving the payment of claims paid by proper authorization covering the period October 14, 2009, through November 10, 2009, in the amount of \$1,721,277.21. The motion for the adoption of the resolution was seconded by Alderman Tucker and carried without a dissenting vote. The Mayor declared the resolution adopted.

The motion was made by Alderman Sukke, seconded by Alderman Tucker and carried, without a dissenting vote, that the County Court Report for September, 2009, Chief of Police Reports, Fire Chief's Report, Liquor Store Manager's Report, Animal Control Report and parking violations report be approved and placed on file.

There being no further business to conduct, by general consent, the Mayor adjourned the meeting (6:51 P.M.)

Respectfully submitted,

Lynne Krieger
Asst. City Administrator