

Detroit Lakes, Minnesota
February 9, 2010

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, February 9, 2010; 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; Charles Ramstad of the City Attorney's Office; City Administrator Robert Louiseau; Assistant City Administrator Lynne Krieger; Finance Officer Louis Guzek; Community Development Director Larry Remmen; Public Utilities Superintendent Curt Punt; City Engineer Jon Pratt; Police Sergeant Robert Strand, Building Official Calvin Mayfield, Jr.; Liquor Store Manager Bradley MacMaster and Fire Chief Jeffrey Swanson.

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

Absent: Police Chief Kelvin Keena.

The Mayor called to order a hearing at 5:02 P.M. to consider the matter of a reported nuisance at 1941 Long Bridge Road created by an unfinished building, pursuant to the City Code, Section 901.41, Sub. 1. City Administrator Robert Louiseau referred to the information packet that was mailed out to the City Council which included and indicates the condition of the foundation in November, 2009, various correspondences and information the City received from property owners and residents in the area regarding the condition of the property. Mayor Brenk then opened the hearing for questions and upon the inquiry of Linda Wiedmann, 1931 Long Bridge Road, the Council verified that they had received the packets. There being no further questions, the Mayor called for comments. Linda Wiedmann advised the Council that she is President of the Deadshot Estates Condominium Association and was representing the condominium community of eighteen units. She presented the Council with a petition with 38 signatures requesting that the nuisance at 1941 Long Bridge Road be abated by removing the foundation and restoring the excavation if the owner does not voluntarily agree to do so. She went on to read a letter from Bob and Diane Reff, 1938 Long Bridge Road, in favor of the abatement of the nuisance. Brodi Wiedmann, read a letter on behalf of his grandmother, Evelyn Simpson, 1946 Long Bridge Road, asking the City to remove the foundation. Linda Wiedmann read a letter on behalf of Betty Keller, 1934 Long Bridge Road, Warren and Marti Wermager, 1964 Long Bridge Road, and her letter all in favor of the abatement. Barb Halbakken, read a letter from Jerome and Renee' Chelmo, 1960 Long Bridge Road, advising that they purchased a condominium at 1960 Long Bridge Road, rather than the condominium which was across the street from 1941 Long Bridge Road because of the abandoned foundation. Also a letter was read by Ms. Halbakken from Robert and Carol McDougall, 1052 West Lake Drive, Unit #3, stating they did not buy the unit at 1938 Long Bridge Road because of the unsightly foundation which was

across the street. Another letter was read from Scott Fischburg, 1940 Long Bridge Road, requesting the City Council vote to proceed with the removal of the abandoned construction site. A letter was then read, on behalf of the entire Deadshot Estates Condominium Association, asking that the foundation at 1941 Long Bridge Road, be removed. There being no further comments, Mayor Brenk declared the hearing closed at 5:25 P.M. Mayor Brenk advised that if the Council does decide to remove the foundation, it should probably be done through the court system. The Mayor then called on City Attorney William Briggs to give a brief explanation of the District Court process. Mr. Briggs suggested that if the City decides this unfinished foundation at 1941 Long Bridge Road is a nuisance, the City would adopt findings of the specific facts which support their findings and then declare the existence of a nuisance. The City Attorney's Office would then initiate court proceedings to abate the nuisance. The property owner would be notified as they have a right to respond. If the City prevails, they would obtain a court order directing the action and this order would include an award to the City of all of its costs and expenses which shall be charged against the nuisance property.

A motion was made by Alderman Zeman, seconded by Alderman Sukke as follows:

BE IT RESOLVED THAT THE DETROIT LAKES CITY COUNCIL FINDS THAT:

1. an unfinished building or structure exists at 1941 Long Bridge Road (the property);
2. construction on the property began more than one year ago with erection of foundation walls; work on the project then was abandoned and ceased and the project has been dormant for more than one year;
3. the property has been the subject of many prior complaints to the City over an extended period of time due to its unfinished state, appearance and safety hazards;
4. City staff investigated the complaints and made reports to the City Council, which discussed the complaints and the staff reports;
5. after prior complaints about the project the City conducted a nuisance hearing and determined that the property was a safety hazard;
6. to diminish the safety hazard, the city constructed new "cap" on the foundation but the cap installed by the city is deteriorating;
7. there has been no substantial work on the building project for more than 6 months prior to this hearing;
8. the unfinished construction is an eyesore to the neighborhood and has impeded the sale of neighborhood properties; if left to further deteriorate the property will again present a safety hazard; and
9. the incomplete construction of the building or structure on the property substantially detracts from the safety or attractiveness of the immediate neighborhood and adversely affects neighboring properties; and

THE CITY COUNCIL CONCLUDES THAT the unfinished foundation at 1941 Long Bridge Road is a Nuisance in violation of City Code Section 901.41 which should be abated by removal of the structure and restoration of the property; and

THE CITY COUNCIL AUTHORIZES AND DIRECTS the City Attorney to take action to abate the Nuisance described above including legal action in District Court for removal of the unfinished foundation or structure on the property, restoration of the property, and an award to the City of all costs and expenses of the City for the legal action and remedial abatement to be assessed against the property.

Upon the request of Alderman Tucker, City Administrator Louiseau then read Section 901.41 (a) as follows: "Unreasonable State of Partial Construction" means any unfinished building or other structure of any kind (1) which has been under construction more than one year or where no substantial work has occurred for more than six months and, (2) because of the incomplete construction, exterior finish, or painting the building or structure substantially detracts from the safety or attractiveness, or both, of the immediate neighborhood or otherwise adversely affects neighboring properties. Alderman Imholte concurred that the property at 1941 Long Bridge Road, meets the criteria to declare it a nuisance. Mayor Brenk then called the question and the motion carried unanimously.

There being no corrections or additions to the minutes of the annual City Council Meeting held January 5, 2010, and the regular City Council Meeting held January 12, 2010, the Mayor declared that they would stand approved according to copies of same sent to each member of the Council.

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Aune, who moved its adoption, setting a public hearing for March 9, 2010, at 5:00 P.M. for the proposed vacation of a portion of road right-of-way in Curfman Beach. The motion for the adoption of the resolution was seconded by Alderman Anderson and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Community Development Director Larry Remmen updated the Council on the turnback property from MnDOT in the Crescent area which consists of five parcels that aligned the Highway 10 right-of-way and these parcels have five separate owners one of which the correspondence has come back as unknown and two owners the City is waiting to hear back from. The City has talked about eminent domain proceedings in order to acquire the properties from the unknown property owners. The two property owners who the City was able to contact are willing to sell. Alderman Imholte reminded the Council and City staff that at a meeting with MnDOT, it was pointed out that MnDOT will help the City with costs if the turnback of these properties resulted in costing the City money.

The Council acknowledged receipt of the Community Development Department 2009 Annual Report. Alderman Zeman stated it was a good report but asked for further

information such as recipients of Tax Increment Financing, loans, etc. and their status over fifteen years.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, that building permits for the month of January, 2010, in the estimated construction value of \$484,310.00, 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.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Marks Erickson and carried, without a dissenting vote, approving the issuance of a permit allowing Lori Botzet to have three dogs at 1151 Phinney Avenue for 2010.

Pursuant to Public Works Director Brad Green obtaining quotes for solid waste disposal services, the following quotes were received:

Detroit Lakes Disposal Service	\$15,881.40
Waste Management, Inc.	16,700.00
Jon & Son's Disposal Service	21,666.96

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, accepting the quote of Detroit Lakes Disposal Service, in the amount of \$15,881.40, for solid waste disposal services for the City for the period March 1, 2010, through April 30, 2012. Alderman Zeman requested that the Public Works Department make sure there are enough garbage cans in the downtown area especially in the summer months.

Pursuant to the recommendation of the Public Works Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, authorizing the City Engineer to prepare a feasibility report for storm sewer and paving improvements to the alley behind MeritCare and a short segment of Park Avenue. The motion for the adoption of the resolution was seconded by Alderman Aune and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune, and carried, without a dissenting vote, to approve the issuance of solid waste hauler's licenses to Detroit Lakes Disposal Service and Waste Management for 2010.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of commercial fertilizer applicator licenses for Tru Green and Laker Chemical, Inc. for 2010, pursuant to their application and \$25.00 fee.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, approving the attendance of Public Works Employees Scott Hanson, Lyle Sather, Terry Stiegel and Brennon Raser to the Annual Pesticide Application Recertification Workshop in Fargo on February 26, 2010.

Pursuant to the recommendation of the Finance Committee and the Detroit Lakes Becker County Airport Commission, a motion was made by Alderman Imholte, seconded by Alderman Tollefson and carried, without a dissenting vote, accepting the quote of Up North Construction, Frazee, Minnesota, (only quote received), in the amount of \$18,620.00, for insulation and related improvements to the main Maintenance Hangar at the Detroit Lakes Airport.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, establishing a policy on donation of vacation leave to another employee. A motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Heltemes and carried, without a dissenting vote, approving the following fee schedule for 2010:

PINE TO PALM COURSE:

<u>Green Fees:</u>		<u>Early Payment Discount by April 1st.</u>
18 Holes (wkdays/wkends & holidays)	\$38.00/40.00	Note: All Green Fees Cart Rentals do not in include MN Sales Tax
9 Holes	22.00	
Afternoon Rate (After 2 P.M.)	28.00	
Twilight incl Cart (After 5PM)	20.00	
Fall Rate (Sept 15)	22.00	
Two for One Promotion (W/Restrictions)	38.00	
MN Golf Trail Discount Rate	26.60	
 <u>Carts:</u>		
18 Holes	\$30.00	Indicates Changes
18 Holes Member (new)	28.00	
9 Holes	15.00	
9 Holes Member (new)	14.00	
Single Rider	14.00	
Cart Book 22 Half Cart Punches	300.00	
Cart Book 22 Half Cart Punches member	280.00	
Twilight Cart (After 2 PM)	13.00	

Memberships:

Husband and Wife	\$1025.00	\$975.00
Single	630.00	595.00
Student (19-22)	275.00	260.00
Junior (12-18) 8 Yrs with Certificate	185.00	175.00

LAKEVIEW EXECUTIVE COURSE:**Green Fees:**

18 Holes	\$25.00
9 Holes	15.00
Afternoon Rate (After 2 PM)	16.00
Two for One Promotion (W/Restrictions)	25.00
Junior Play on Thursdays	3.00
Senior Green Fee (7-12 AM Mon. & Wed.)	13.00

Carts:

18 Holes	\$22.00
9 Holes	13.00
Single Rider	11.00
Cart Book (11 Tickets)	220.00
Senior Cart (7-12 AM Mon. & Wed.)	7.00

Memberships:

		Rate For Early Paymt. <u>Discount by April 1st</u>
Family	\$685.00	\$650.00
Husband and Wife	580.00	550.00
Single	390.00	370.00
Student (19-22)	175.00	165.00
Junior (12-18) 8 yrs With Certificate	140.00	135.00

Combined Memberships:

Husband and Wife	\$1200.00	\$1140.00
Single	740.00	705.00
Student (19-22)	340.00	325.00
Junior (12-18) 8 yrs. With Certificate	225.00	215.00

LOCKERS: (Per Month) 30.00

DRIVING RANGE:

Bucket Fees	\$3.00/5.00
Family	245.00
Husband and Wife	150.00
Single	110.00
Children 18 and Under	95.00

Pursuant to the request of the Detroit Country Club Board of Directors and upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Tollefson and carried, without a dissenting vote, approving the issuance of a loan up to \$300,000.00 at a fixed rate of 5% for the Detroit Country Club for various capital improvements (vinyl siding and deck furniture at the main clubhouse, toro mower, aerator, blower and topdressor, addition to existing structure to Lakeview Clubhouse).

Pursuant to the resignation of Laurie Erdall from the Records Technician Position at the Police Department and upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Heltemes and carried, without a dissenting vote, to authorize the Police Chief to hire a replacement for this position.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Tollefson and carried, without a dissenting vote, approving execution of a Minnesota Public Facilities Authority Real Property Declaration relative to the loan received for the City's Water Treatment Plant.

The City Council acknowledged receipt of a check in December, 2009, in the amount of \$8,137.96, as payment under the lease agreement with the Detroit Country Club for operations in 2009. Alderman Imholte advised that this money is received and used for projects in the General Fund and thanked the Detroit Country Club for their payment.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, accepting the work and authorizing final payment, in the amount of \$47,467.44, to Car-Col Construction, Inc., Brainerd, Minnesota, for the Airport Equipment Garage Expansion.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Tollefson, seconded by Alderman Sukke and carried, without a dissenting vote, to approve a Detroit Lakes Police Department Policy (General Order 41.2.8) relative to Police Pursuits.

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, approving the issuance of a fireworks permit allowing the Detroit Lakes Regional Chamber of Commerce to conduct a fireworks display on Little Detroit Lake for Polar Fest on February 13, 2010.

Pursuant to the request of the several cities and fire departments and upon the recommendation of the Public Safety Committee, a motion was made by Alderman Tollefson, seconded by Alderman Sukke and carried, without a dissenting vote, to enter

into agreements with the City of Perham, Pelican Rapids, Ashby and Frazee relative to participation in the Instant Alert System.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of a vehicle for hire license for Becker Country Transit for 2010.

Upon 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 Twin Cities Power Boats to conduct their power boat races on Little Detroit Lake June 5-6, 2010. Alderman Imholte emphasized that Public Works Director Green check to make sure they are not spraying for flowering rush during that time.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Tollefson, seconded by Alderman Sukke and carried, without a dissenting vote, approving the sale of a Detroit Lakes fire truck to Callaway in the amount of \$67,750.11.

Pursuant to the request of Emmanuel Foundation Charity Benefit and upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tucker, seconded by Alderman Heltemes and carried, without a dissenting vote, denying the request to make a donation to their charity benefit.

Pursuant to the request of the Detroit Lakes Regional Chamber of Commerce and 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 a donation of \$250.00 for the 2010 Chamber Annual Banquet on May 6, 2010.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, approving the following gambling applications:

- 1) Holy Rosary Church for a raffle at the Church on July 1, 2010; and
- 2) Detroit Lakes Fire Relief Association for gambling at the Sandbar II on May 1, 2010.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Aune, seconded by Alderman Marks Erickson, and carried, without a dissenting vote, to donate \$150.00 to the Post Prom Event.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tucker, seconded by Alderman Zeman and carried, without a dissenting vote, approving the gambling application submitted by Minnesota Flyers for gambling at the Speak Easy.

Alderman Tucker, Chairman of the Liquor Gambling Control Committee, referred to a report provided to the City Council outlining Lakes Liquor's sales and personnel costs per year starting in 1999 which showed sales had more than doubled in ten years and personnel costs had dramatically decreased. Mr. Tucker recognized Liquor Store Manager Brad MacMaster for the great job.

Upon the recommendation of the Public Utilities Commission, a motion was made by Alderman Tollefson, seconded by Alderman Anderson and carried, without a dissenting vote, approving Amendment No. 1 to an Antenna Site Lease Agreement with Rural Cellular Corporation dba Verizon Wireless which will (1) provide for additional ground space for Verizon to place a generator (2) establish conditions pertaining to the operation and use of said generator and (3) provide for an annual increase in the rent payable to the City of Detroit Lakes for additional ground space for placement of generator.

Pursuant to obtaining proposals for consultant services to evaluate alternative locations for the Municipal Liquor Store from McComb Group, Ltd., Dakota Worldwide Corporation and Springsted and upon the recommendation of City staff, a motion was made by Alderman Anderson, seconded by Alderman Imholte, to accept the low proposal of McComb Group, Ltd. for evaluation of alternative locations for the Municipal Liquor Store. Alderman Zeman expressed concern about moving the liquor store when sales are good and feels the consultants will only evaluate the locations of the Crescent Redevelopment Area, the area by Highway 10 West and remodeling the existing site. Mayor Brenk advised if McComb Group, Ltd. is awarded the bid, they be asked to evaluate other sites as well that might be appropriate. City Administrator Louiseau advised that the Committee developed the Request for Proposals and this involved evaluating the current site, Crescent Area site and look at sites by Highway 10 West but in addition it does request the consultant to take a look at all of the rest of geography in the community and if there is a better site beside the three listed to incorporate that into their recommendation process. He further advised that the Committee felt it was important to let the consultants know there were at least three sites that needed to be evaluated when making their proposals. Upon the request of Alderman Marks Erickson, City Administrator Louiseau summarized the criteria that will be used such as maximizing sales and profits, maximizing the efficiency of operations, identifying the needs and limitation of the current facility, project future sales volumes, provide adequate space for projected sales and future expansion, provide adequate parking including future expansion and assist in revitalizing the Crescent Redevelopment District. Mayor Brenk then called the question and the motion carried unanimously.

A motion was made by Alderman Imholte, seconded by Alderman Aune and carried, without a dissenting vote, approving the following plumbing licenses for 2010:

Kahle Plumbing and Heating
Precision Plumbing
Home Heating and Plumbing

T & T Plumbing and Heating
Petermann Plumbing and Heating
Gus's Plumbing

Lakes Area Plumbing and Heating Seaberg Plumbing and Heating
JM Bruhn Plumbing

A motion was made by Alderman Imholte seconded by Alderman Aune and carried, without a dissenting vote, to approve the issuance of cigarette licenses, for one year, for Cenex Convenience Store and Petro Plus Convenience Center.

Mayor Brenk informed the Council that the Becker County Assessor has notified the City that the Board of Review for 2010 assessments will be held in the Becker County Courthouse on May 13, 2010, at 9:30 A.M. Pursuant to the recommendation of the Mayor, a motion was made by Alderman Aune, seconded by Alderman Tucker, and carried, without a dissenting vote, appointing Aldermen Imholte, Heltemes, Tollefson, Tucker and Alderman Anderson as an alternate to the Board of Equalization.

Upon the recommendation of the Mayor, a motion was made by Alderman Imholte, seconded by Alderman Anderson and carried, without a dissenting vote, authorizing up to two staff or Council to attend the 2010 Coalition of Greater Minnesota Cities Legislative Action Day on February 17, 2010, in St. Paul.

A motion was made by Alderman Anderson, seconded by Alderman Aune and carried, without a dissenting vote, appointing George VanDam to the Public Utilities Commission for another three-year term effective March 1, 2010

Mayor Brenk called a special City Council Meeting (planning) for February 23, 2010, at 1:30 P.M. in the Council Chambers.

Upon the recommendation of Mayor Brenk, a motion was made by Alderman Zeman, seconded by Alderman Tollefson and carried, without a dissenting vote, designating Charles Ramstad and Karen Skoyles as the Assistant City Attorneys for the City of Detroit Lakes.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Aune 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 \$2,434,080.80 as of January 31, 2010, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the payment of claims paid by proper authorization covering the period January 12, 2010, through February 9, 2010, in the amount of \$4,695,535.70. The motion for the adoption of the resolution was seconded by Alderman Aune and carried without a dissenting vote. The Mayor declared the resolution adopted.

The motion was made by Alderman Aune, seconded by Alderman Tucker and carried, without a dissenting vote, that the Animal Control Report, County Court

Report for December, 2009, Chief of Police Reports, Liquor Store Manager's Report and parking violations report be approved and placed on file.

There being no further business to conduct, by general consent, Mayor Brenk adjourned the meeting (6:10 P.M.).

Respectfully submitted,

Lynne Krieger
Asst. City Administrator