

Detroit Lakes, Minnesota  
July 14, 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, July 14, 2009, all members of the City Council having been notified of the meeting and the business to be transacted.

Present: Mayor Matt Brenk; City Attorney William Briggs; Finance Officer Louis Guzek; Community Development Director Larry Remmen; City Administrator Robert Louiseau; City Engineer Gary Nansen; Police Chief Kelvin Keena; Building Official Calvin Mayfield; Secretary/Account Technician Glori French and Liquor Store Manager Bradley MacMaster.

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

Absent: Alderman Tucker; Public Utilities Superintendent Curt Punt, Assistant City Administrator Lynne Krieger and Fire Chief Jeffrey Swanson.

There being no corrections or additions to the minutes of the regular Council Meeting held June 9, 2009, the Mayor declared that they would stand approved according to copies of same sent to each member of the Council.

Pursuant to notice having been published in the official newspaper that the Council would, at this present meeting conduct a hearing for the purpose of hearing public comment in the matter of an abatement of a nuisance created by an unlicensed white Dodge Ram truck at 211 Laura Avenue, Mayor Brenk called the hearing to order at 5:03 P.M. Chief Keena advised the Council that the vehicle still remains unlicensed as of this morning. There being no further comments, Mayor Brenk closed the hearing at 5:05 P.M. and reconvened the regular Council Meeting.

Upon the recommendation of the Police Chief and Community Development Committee, a motion was made by Anderson, seconded by Alderman Heltemes and carried, without a dissenting vote, that the City Council finds that a nuisance exists at 211 Laura Avenue and directed Police Chief Keena to abate the nuisance of the unlicensed white Dodge Ram truck at 211 Laura Avenue.

Pursuant to notice having been published in the official newspaper that the Council would at this present meeting conduct a hearing for the purpose of hearing public comment in the matter of an abatement of a nuisance created by an unlicensed gray Mercury Sable at 1220 8<sup>th</sup> Street SE #7, Mayor Brenk called the hearing to order at 5:12 P.M. Chief Keena advised the Council that the vehicle had been properly licensed and there was no need for any action. There being no further comments, the Mayor closed the hearing at 5:14 P.M. and reconvened the regular Council Meeting.

Pursuant to notice having been published in the official newspaper that the Council would at this present meeting conduct a hearing for the purpose of hearing public comment in the matter of an abatement created by an accumulation of debris, i.e. a hole where a building was demolished and cabins that need maintenance including ripped out screens and paint at 1048 West Lake Drive, Mayor Brenk called the hearing to order at 5:15 P.M. Building Official Mayfield reported to the Council that the brush and trees on the lot had been removed and cleaned up and the property is now fenced with a no trespassing sign. Mayfield had spoke with the Contractor and he indicated that he will not be mowing the grass nor doing any maintenance on the buildings. Attorney Brant Beeson, 611 Summit Avenue, representative for the property owner, reported that the doors had been secured, screens have been fixed and the front lawn had been mowed. The property owner is not sure of his development plans for the property. He would like to leave the lawn in the back to grow out to be natural and allow the small trees to develop, similar to the Hausken's property on East Shore Drive. He knows of his obligation to remove any noxious weeds that may develop in that area. Beeson stated that the low area in the back portion would be an ideal location for a drainage pond and the property owner has asked the Pelican River Watershed for suggestions regarding proper drainage on his property. The property owner wants to be a good citizen and per the request of the City Council, he is willing to paint or tear down the building, but is requesting the Council to allow him time to do this before the September City Council Meeting. James Langemo, 1052 West Lake Drive, commented he does appreciate the small items that have been done to clean up the property, but feels the nuisance is still pretty bad. The weeds are encroaching on the fence line, the building itself is very unsightly and these items need to be addressed. There being no further comments, Mayor Brenk closed the hearing at 5:25 P.M. and reconvened the regular Council Meeting.

A motion was made by Alderman Zeman; seconded by Alderman Heltemes and carried with two dissenting votes (Imholte and Anderson) that Council finds that a nuisance exists and authorize the abatement of the nuisance at 1048 West Lake Drive, on September 1, 2009, if the property owner has not cleaned up the property.

Pursuant to notice having been published in the official newspaper that the Council would, at this present meeting, conduct a hearing for the purpose of hearing public comment in the matter of the abatement of a nuisance created by a fence that was extended 10' past the house toward the lake on each side of the house with a 4' wire fence added in some places at 1664 Long Bridge Road, without a building permit, Mayor Brenk called the hearing to order at 5:27 P.M. Building Official Mayfield commented that nothing had changed in regard to the length of the fence. Community Development Director Remmen advised the Council that an application for a variance (allowing a fence to exceed three feet in their front yard) has been made and the public hearing will be on July 23. Alderman Heltemes commented that the property owner is currently in violation and the current penalty for not obtaining a building permit prior to construction is double the building permit fee. There being no other comments, the Mayor closed the hearing at 5:32 P.M. and reconvened the regular Council Meeting.

A motion was made by Alderman Imholte, seconded by Alderman Heltemes that the City Council finds that a violation exists at 1664 Long Bride Road. Mayor Brenk called for a vote and the motion did not carry because of dissenting votes of Aldermen Marks Erickson, Anderson, Aune, Tollefson.

Aldermen Imholte and Zeman stressed the importance that something has to be done when the public does not follow the building permit application process.

A motion was made by Alderman Anderson, seconded by Alderman Aune and carried, with two dissenting votes (Heltemes, Imholte), to defer action until the August City Council Meeting.

Pursuant to the request of Tom Hansen, Owner of Zorbaz and upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Marks Erickson, seconded by Alderman Zeman and carried, without a dissenting vote, to extend the amendment to Zorbaz Liquor License Premise (40 x 60 portable tent) to include the following weekend days during regular business hours; July 31, August 1,2,7,8,9,14,15,16,21,22,23 and on inclement weather days through August 23, 2009.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Zeman, seconded by Alderman Tollefson and carried, without a dissenting vote, to sell Lot 4, Block 4 of Park View 2nd Addition to the adjoining property owners in the amount \$5795.44. The buyers will also pay for the survey, closing and deed preparation costs.

Pursuant to Scott Mehlauff, 935 North Shore Drive, addressing the Council on the "Whistle Free Zone", City Administrator Bob Louiseau gave an update on a meeting that was held with Robin Goracke, Legislator Director, from Congressman Peterson's Office. He advised her the City was in negotiations with BNSF Railroad but having some difficulty with the indemnify request from the Railroad. Research showed that no other community in the area that had a "Whistle Free Zone" was required to indemnify the Railroad. Congressman Peterson's Office will be happy to help with any other requests the City may have. City Administrator Louiseau also talked with the Railroad Section of MNDOT, the Detroit Lakes local office and St. Paul office. They are willing to assist in any way they can. At this time, staff is trying to work out acceptable language for the City and the Railroad regarding the indemnification. Alderman Imholte stressed that the City has spent a lot of time and money regarding this issue and should move forward and pull out all the stops. Alderman Zeman advised that he met with Representative Paul Marquart and was informed that the State level could do very little but the Federal level maybe able to get this done. Louiseau will give an update at the September City Council Meeting.

Mayor Brenk updated the Council and staff that Senator Al Franken's staff will be in the Council Chambers on Thursday, July 16 from 12:00 P.M. to 2:00 P.M. at City Hall. Anyone is welcome to meet with them.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, accepting a letter of withdrawal from Marvel Development LLC for the conditional use permit allowing a 105 unit multi-family senior assisted living facility in an "R-2" District at Clear Creek Addition.

Pursuant to the recommendations of Planning Commission which were submitted to the City Council and upon recommendation of the Community Development Committee consideration to the issuance of a variance to exceed the impervious surface required to allow construction of a 288 square feet deck at 2170 Shady Lane was tabled until after the July Planning Commission Meeting.

Pursuant to the recommendations of the Planning Commission which were submitted to the City Council and upon recommendation of the Community Development Committee, a motion was made by Alderman Zeman, seconded by Alderman Heltemes and carried, without a dissenting vote, authorizing a 7' front yard variance allowing construction of an addition at 610 East Grant Street.

Pursuant to the recommendations of the Planning Commission which were submitted to the City Council and upon recommendation of the Community Development Committee, a motion was made by Alderman Zeman, seconded by Alderman Anderson and carried, without a dissenting vote, introducing for its first reading an ordinance rezoning 124 Langford (Merit Care) from a "R-2" One and Two Family Residential District to "B-3" Auto Oriented Business District.

Pursuant to the recommendations of the Planning Commission which were submitted to the City Council and upon recommendation of the Community Development Committee, a motion was made by Alderman Zeman, seconded by Alderman Sukke and carried, without a dissenting vote, authorizing a variance to allow two curb cuts allowing a circular driveway at 1376 South Shore Drive.

Larry Remmen, Community Development Director summarized an update on the Crescent Development Project advising that staff is currently discussing Crescent Redevelopment with DLM Properties, a request has been sent to Collin Peterson's Office to help fund part of the Crescent Redevelopment and the closing on the Floral Impressions Property is scheduled for July 23, 2009.

Mayor Brenk reported that a meeting is schedule with County Highway Engineer Brad Wentz regarding the construction of North Washington Avenue in conjunction with Becker County to implement some of the street scape designs.

Pursuant to the request from Detroit Lakes Chamber of Commerce, MN State Community & Technical College, Detroit Lakes and City of Frazee. A motion was made by Alderman Zeman, seconded by Alderman Sukke to submit an application for a \$5,000 Economic Development Planning Grant to the West Central MN Initiative Fund. City Administrator Louiseau advised that the Grant is for \$5,000 and would be matched with local funding; \$2,000 from MN State Community & Technical College, \$2,000 from the Detroit Lakes Development Authority and \$1,000 from the City of Frazee. Mayor Brenk then called the question and the motion carried unanimously.

Pursuant to the recommendation of the Community Development Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, that building permits for the month of June, 2009, in the estimated construction value of \$2,056,985.00, 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 Zeman and carried, without a dissenting vote, to approve moving a 30-minute parking sign that is just west of Going Postal to directly in front of Going Postal located at 103 East Holmes Street.

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, to allow brush at the City's compost site on Stony Road in the Tower Road Industrial Park with the condition that the brush will be ground on site.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Imholte and carried, without a dissenting vote, to execute a letter of support for the Heartland Trail Extension.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Imholte and carried, without a dissenting vote to enter into a one week Sports Arena Lease Agreement with the Detroit Lakes Youth Hockey Association for \$6,000.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Sukke and carried, without a dissenting vote to allow the closing of a designated portion of the Public Beach outside the Pavilion for a wedding ceremony on September 5, 2009 at 5:00 P.M...

City Administrator, Louiseau gave a brief update on the Flowering Rush at the City Beach.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried without a dissenting vote approving Lake's Area Young Life's request for use of the roadways, water and park and authorization to block off a short section of West Lake Drive, from Lake Avenue to the Pavilion for their 6<sup>th</sup> Annual Triathlon August 15, 2009.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried without a dissenting vote, authorizing the Chamber of Commerce to use the area in front of the Freeman Arena and the new ice arena for shuttle bus service parking for WE Fest, to use Peoples Park for overflow parking and to block off ten parking spaces on the East side of Washington Avenue in front of Norby's Department Store for a bus drop-off/pick-up point downtown for August 6, 7 and 8, 2009.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, approving the issuance of temporary transient merchant's licenses for Gary Cox and Mike Chandler to sell WE Fest tickets at 1575 West Lake Drive and 1377 West Lake Drive, respectively August 5-8, 2009.

A motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, approving the use of the City Park and various street closings, for the 2009 Dick Beardsley Half Marathon, 5K Run and 1 K Kid's Run on September 12, 2009.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, authorizing the Chamber of Commerce to block off Washington Avenue from Front Street to Frazee Street and Holmes Street from the alley by Schurman Law Office to the alley by Toy Finders on August 4, 2009, from 6:00 A.M. to 7:00 P.M. for Crazy Days.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Zeman and carried, without a dissenting vote, authorizing to make the four-way stop at McKinley and Frazee Street permanent.

Pursuant to Detroit Lakes Airport obtaining quotes for the Equipment Garage Expansion, the following quotes were received and opened June 22, 2009, at 2:00 P.M.:

Bidder	Bid Amount
Car-Col Construction, Inc 19513 State Highway #371 Brainerd MN 56401	\$204,134.71
Brown Construction, Inc. DBA American Builders 1928 4 <sup>th</sup> Avenue NW West Fargo ND 58078	\$225,182.57

Upon recommendation of the Finance Committee a motion was made by Alderman Imholte, seconded by Alderman Anderson and carried, without a dissenting vote, accepting the lowest quote of Car-Col Construction, Inc., in the amount of \$204,134.71 for the equipment garage expansion. City Administrator Louiseau reported the source of funds for this project is coming from a Grant from the MN Department of Aeronautics and balance of funds from the Airport Capital Improvement Fund which has dedicated funds to this project.

Pursuant to Detroit Lakes Airport obtaining quotes for the Hangar Building Improvements, the following quotes were received and opened June 22, 2009 at 2:30 P.M.:

Bidder	Bid Amount	
	Alt A- Oct 1, 2009	Alt B- November 30, 2009
Srock Construction, Inc. 3915 Forest Park Circle SW Alexandria MN 56308	\$413,033.25	\$413,208.25
Car-Col Construction Inc 19513 State Highway #371 Brainerd MN 56401	\$432,103.50	\$449,935.15
J.P. Structures, Inc. 45 11 <sup>th</sup> Street SE Menahga MN 56465	\$600,676.61	\$600,676.61
Hammers Construction, Inc. 44434 Harvest Ave., PO Box 148 Perham MN 56573	\$484,945.55	Non-responsive bid

Upon recommendation of the Finance Committee a motion was made by Alderman Imholte and seconded by Alderman Sukke and carried, without a dissenting vote, accepting the lowest quote of Srock Construction Inc., for Alternate Bid A in the amount of \$413,033.25 for the hangar building improvements. City Administrator, Louiseau reported the source of funds for this project is coming from a Grant from the MN Department of Aeronautics, and balance of funds from the Airport Capital Improvement Fund which has dedicated funds to this project.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, accepting the work and authorizing final payment, in the amount of \$97,758.01, to C & L Excavating for the 2008 Street and Utility Improvements on Tower Road.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, accepting the work and authorizing final payment, in the amount of \$5,083.25, to Feldt Plumbing LLP for the 2008 Sanitary Sewer and Watermain Extensions to the Airport.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Zeman and carried, without a dissenting vote, authorizing the sale of a tax forfeited lot at the corner of Central Street and Davis Avenue to the adjacent lot property owner, Chris Songstad, for \$80.00. The buyer will be paying all the appropriate recording fees.

Pursuant to the request of Burlington Township 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, authorizing to accept the road work that is being done in front of Sucker Creek and pay the City's portion of the assessments \$2,220 to Burlington Township.

Alderman Imholte informed the Council that the 2010 Budget meeting dates have been set for August 5 at 7:00 A.M., August 6 at 5:00 P.M. and August 7 at 7:00 A.M. in the Conference Room at 1025 Roosevelt Avenue and invited all Council Members to attend.

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, authorizing the resident at 1151 Phinney Avenue to have three dogs through December 31, 2009.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, approving the issuance of a temporary on-sale intoxicating liquor license for the Sandbar II to sell and serve liquor during the Becker County Fair July 30-August 1, 2009.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried without a dissenting vote, approving the application submitted by Holy Rosary Catholic Church allowing them to conduct two raffles; August 16 and August 23, 2009.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried without a dissenting vote, approving the application submitted by the Detroit Lakes Jaycees approving their application to the State to play Bingo on July 16, 2009, at the Pavilion.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried without a dissenting vote, approving the issuance of a temporary one day on-sale intoxicating liquor license for the Detroit Lakes Jaycees allowing them to sell and serve liquor at the Pavilion July 18, 2009.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman and carried without a dissenting vote, approving the issuance of a permit to consume alcoholic beverages at the Pavilion for the Shawna Lang wedding on September 5, 2009.

Upon the recommendation of the Public Utilities Commission, a motion was made by Alderman Tollefson, seconded by Alderman Heltemes and carried without a dissenting vote, introducing for its second reading and adoption of Ordinance No. 334, an ordinance adopting a provision with respect to the aggregation of demand response on behalf of City of Detroit Lakes Municipal Electric Retail Customers.

Pursuant to the recommendation of the Public Utilities Commission, a resolution was introduced by Alderman Tollefson, who moved its adoption, approving plans and specifications and ordering advertisement for bids for the water treatment plant rehabilitation, bids to be received and opened on August 7, 2009, at 11:00 A.M.. 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.

Pursuant to the recommendation of the Public Utilities Commission, a resolution was introduced by Alderman Tollefson, who moved its adoption, approving plans and specifications and ordering advertisement for bids for replacement of the Soo Line Wastewater Lift Station, bids to be received and opened on August 7, 2009, at 11:00 A.M.. The motion for the adoption of the resolution was seconded by Alderman Heltemes and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to the request of Minnesota Department of Transportation Office of Aeronautics, a resolution was introduced by Alderman Tollefson, who moved its adoption, authorizing the Mayor and City Administrator to execute MN Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition (Agreement 95179-Hangar Building Improvements). 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.

Pursuant to the request of Minnesota Department of Transportation Office of Aeronautics, a resolution was introduced by Alderman Tollefson, who moved its adoption, authorizing the Mayor and City Administrator to execute MN Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition (Agreement 95205-Equipment Garage Expansion). 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.

Pursuant to the recommendation of Mayor Brenk, a motion was made by Alderman Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, appointing Tom Klyve to a three year term on the Detroit Lakes Development Authority effective August 5, 2009.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Sukke and carried without a dissenting vote, approving the request submitted by Darvin Jahnke allowing him to hold a vintage snowmobile show in the City Park on September 26 from 8:00 A.M. to 4:00 P.M. no admission will be charged.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Anderson, seconded by Alderman Marks Erickson and carried, without a dissenting vote, approving the request submitted by Minnesota Flyers Gymnastics, Inc. allowing them to use People's Park on August 27 from 4:00 P.M. to 8:00 P.M. for an Olympic Open House.

Pursuant to the request from The Detroit Lakes Regional Chamber of Commerce and recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Heltemes and carried without a dissenting vote, approving the use of the City Park for the 31<sup>st</sup> Annual Arts & Crafts in the Park on Sunday July 26, 2009.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Aune, seconded by Alderman Imholte and carried without a dissenting vote, approving the application submitted by Smokey Hills Chapter of MN Deer Hunters allowing them to conduct a raffle on November 27, 2009.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Zeman and carried without a dissenting vote, approving the application submitted by Detroit Lakes Youth Hockey Association allowing them to conduct a raffle in the fall of 2009.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman 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 \$5,429,396.00 as of June 30, 2009, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee; a resolution was introduced by Alderman Anderson, who moved its adoption, approving the payment of claims paid by proper authorization covering the period June 10, 2009, through July 14, 2009, in the amount of \$6,992,970.57. The motion for the adoption of the resolution was seconded by Alderman Zeman and carried without a dissenting vote. The Mayor declared the resolution adopted.

The motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, that the Animal Control Report, County Court Report for June, 2009, Chief of Police Reports, Fire Chief's Report, 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,

Glori French  
Secretary/Accounting Technician