

Detroit Lakes, Minnesota  
March 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, March 9, 2010; all members of the City Council having been notified of the meeting and business to be transacted.

Present: Mayor Matt Brenk; Assistant City Attorney Charles Ramstad; City Administrator Robert Louiseau; Finance Officer Louis Guzek; Utilities Superintendent Curt Punt; City Engineer Jon Pratt; Police Chief Kelvin Keena, Building Official Calvin Mayfield, Jr.; Liquor Store Manager Bradley MacMaster, Fire Chief Jeffrey Swanson, Park & Arena Supervisor Tom Gulon, and Account Technician Glori French.

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

Absent: Alderman Heltemes; Assistant City Administrator Lynne Krieger; Community Development Director Larry Remmen; Public Works Director Bradley Green and City Attorney William Briggs.

There being no corrections or additions to the minutes of the regular City Council Meeting held February 9, 2010, and the special City Council Meeting held February 23, 2010, the Mayor declared that they would stand approved according to copies of same sent to each member of the Council.

Mayor Brenk announced the hearing on the proposed vacation of a portion of road right-of way in Curfman Beach will not be held at this time. This hearing will be added to the April 13, 2010, Council agenda.

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, referencing the Zorbaz setback, parking and impervious surface variance request back to the Planning Commission. The motion for the adoption of the resolution was seconded by Alderman Zeman. The Mayor called for questions or comments and Tom Hanson, 24945 North Melissa Drive, gave some history on buildings and parking related to Detroit Lakes. The Mayor then called the question and the motion for the adoption of the resolution carried unanimously. Mayor Brenk declared the resolution adopted.

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, authorizing a feasibility study on public parking lots on Summit Avenue (former water treatment plant) and in People's Park (Phinney Avenue). The motion for the adoption of the resolution was seconded by Alderman Zeman. The Mayor called for questions or comments and Tom Hanson, 24945 North Melissa Drive, spoke in favor of the proposed parking &

expanded use of the Peoples Park parking. Mr. Hanson, on behalf of Zorbaz, volunteered to contribute an additional assessment of \$50,000 for the improvement of the parking area. Alderman Zeman noted that the proposed parking plan will help with the parking for people using the public beach, skating park, Kent Freeman Arena and Peoples Park. Upon the inquiry of Alderman Imholte, Administrator Louiseau advised that the parking assessment fees are calculated based upon the difference between how many parking spaces are needed and how many parking spaces each business supplies. Mayor Brenk then called the question and the motion adopting the resolution carried. The Mayor declared the resolution adopted.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Anderson, seconded by Alderman Aune and carried without a dissenting vote to restrict parking on the east side of Summit Avenue from People's Street to Forest Street.

Upon the request of Chris and Johnna Thorson and Nathan and Jackie Weber, Co-Admirals of the 75<sup>th</sup> Annual Northwest Water Carnival, the motion was made by Alderman Marks Erickson, seconded by Alderman Imholte and carried, without a dissenting vote, approving the issuance of the following permits:

#### Licenses and Permits:

- 1) Pet and Doll Parade from Holy Rosary parking lot to City Park parking lot on Saturday, July 17, 2010;
- 2) 75<sup>th</sup> Annual Parade of the Northwest – July 18, 2010; and
- 3) Temporary sign permit during the course of the Water Carnival July 9- July 18, 2010;

#### Street Closings:

- 1) Water Fights, Friday, July 16, 2010 5:00 P.M. – 12:00 P.M., City Parking lot;
- 2) Bed Races and Ice Cream Social, Wednesday, July 14, 2010 5:00 P.M. – 10:00 P.M., City parking lot;
- 3) 5K/10K Mile Walk-Run 6:30 A.M. – 10:00 A.M., July 17, 2010, North Shore Drive, from Washington Avenue to Roosevelt Avenue, including the City Park parking lot;
- 4) Pet and Doll Parade at 11:00 A.M., July 17, 2010, Washington Avenue, from Holy Rosary parking lot to City Park;
- 5) Parade of the Northwest at 1:00 P.M. July 18, 2010, State Street to Summit Avenue to Front Street to Washington Avenue to West Lake Drive to Summit Avenue;
- 6) Classic Car Show at 9:00 A.M. – 3:00 P.M., July 17, 2010, one way entrance on north side of Pavilion near the bandshell and the parking lot to display the cars; and

- 7) Old-Fashioned Day in the Park July 11, 2010 12:00P.M - 5:00P.M, City Park parking lot (east half of the loop).

Facilities and Grounds:

- 1) Fire Department on July 18, 2010;
- 2) City Beach, Park and Pavilion July 19-July 18, 2010; and
- 3) City Band Shell, July 10-18, 2010.

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, approving the issuance of the following temporary on-sale 3.2 malt liquor licenses to the Detroit Lakes Jaycees for the 75<sup>th</sup> Annual Northwest Water Carnival:

- 1) Becker County Fairgrounds in an enclosed area on July 10, 2010;
- 2) The enclosed area in the parking lot north of the Pavilion July 14 and July 16, 2010;
- 3) The enclosed area on the south side of the Pavilion on the beach July 9, July 17 and July 18, 2010; and
- 4) The Pavilion July 9, 14, 15, 16 and July 17, 2010.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Anderson, seconded by Alderman Zeman to abate the nuisance at 315 Bowling Avenue. Upon the inquiry of Mayor Brenk, City Administrator Louiseau advised that he spoke with Bill Kacer from Fergus Falls regarding buying the property at 315 Bowling Avenue. Mr. Kacer's intent is to fix up the property and has requested an additional two to three weeks more time to finish his due diligence review which involves looking at some of the work that would need to be done to bring the house up to code and make the property in habitable condition. Mayor Brenk then called upon Mr. Tadlock who indicated he will work with Mr. Kacer regarding the purchase of his property and if the property is not purchased, Mr. Tadlock will demolish the house at 315 Bowling Avenue. Mr. Louiseau advised that this action should be referred to the City Attorney's Office to make sure proper procedure is followed if the City decides to abate this nuisance. A motion was made by Alderman Imholte, seconded by Alderman Tucker and carried, without a dissenting vote, to table the motion abating the nuisance at 315 Bowling Avenue until the April 13, 2010, City Council Meeting.

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, authorizing the selection of an engineering firm to provide professional services for the Detroit Lakes North Industrial Park Phase II Project. The motion for the adoption of the resolution was seconded by Alderman Aune. Administrator Louiseau informed the Council that four engineering firms had submitted proposals and he recommend all firms be interviewed prior to making a selection. A motion was made by Alderman Zeman, seconded by Alderman Aune and carried, without a dissenting vote, to amend the motion to adopt the

resolution authorizing the interviews with the four firms. Mayor Brenk then called the question on the amended motion and it carried unanimously. Mayor Brenk declared the amended resolution adopted.

Upon the recommendation of the Community Development Committee a motion was made by Alderman Anderson, seconded by Alderman Marks Erickson authorizing the Development Authority to negotiate with “interested parties” for Phase I of the Crescent Area. Alderman Zeman spoke in opposition of moving ahead with this project and suggested that the City wait until the economy gets better so there is more interest than one party. Mayor Brenk then called the question and the motion carried with one dissenting vote (Zeman).

Pursuant to the recommendation of the Community Development Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, authorizing the Streetscape design elements for the North Washington Avenue Project. Alderman Imholte expressed his frustration with Becker County Commission’s limitations relative to the RDG guidelines. 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 Community Development Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, for establishing terms for the Community Strategies Committee. A 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 Community Development Committee, a motion was made by Alderman Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, that building permits for the month of February, 2010, in the estimated construction value of \$107,350.00, 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 Imholte, seconded by Alderman Zeman, and carried, without a dissenting vote, to award the bid for the architectural services for the warming house at People’s Park and Arena II ceiling repair projects to BHH Partners in the amount of \$6,650.00: (\$3,750.00 for the warming house and \$2,900.00 for the Arena II ceiling).

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Anderson and carried, without a dissenting vote, approving the Concession Agreement at Snappy Park between the City of Detroit Lakes and the Detroit Lakes Softball Association for a term of three years effective April 1, 2010, through September 15, 2012 (2010-\$4,450.00, 2011-\$4,600.00, 2012-

\$4,750.00) contingent upon the Softball Association providing the City an annual financial statement for the concession stand each year.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, accepting the preliminary report and setting a hearing on April 13, 2010, for storm sewer and paving improvements to the alley behind MeritCare Clinic. The motion for the adoption of the resolution was seconded by Alderman Zeman. City Engineer Jon Pratt and Administrator Louiseau explained the project advising that the total cost of the project was approximately \$481,000.00 of which \$270,000.00 would be the City's share. Alderman Imholte reiterated that the resolution include:

- 1) MeritCare be responsible for 100% of the reconstruction cost of the alley to Lincoln Avenue; and
- 2) The alley will on a one-way going South from Lincoln Avenue.

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 motion was made by Alderman Marks Erickson, seconded by Alderman Imholte and carried, without a dissenting vote, approving City staff and Council to attend the 2010 League of Minnesota Cities Safety and Loss Workshop scheduled in March 2010.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Marks Erickson, who moved its adoption, authorizing a preliminary engineering report on public parking lots on Front Street and Summit Avenue. A motion for the adoption of the resolution was seconded by Alderman Anderson 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 Marks Erickson, seconded by Alderman Imholte and carried, without a dissenting vote, to enter into a technical agreement with MnDOT for Highway 10 beautification pursuant to the Transportation Enhancement Grant awarded to the City.

Upon the recommendation of the Public Works Committee, a Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Marks Erickson, seconded by Alderman Anderson and carried, without a dissenting vote, authorizing Lakes Area Young Life the use of the City roadways, water and City Park for the 7<sup>th</sup> Annual Triathlon on August 21, 2010.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Anderson and carried without a dissenting vote, to authorize the sale and removal of the Lincoln Rink Warming House.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, designating April 30, 2010, for the Arbor Day Celebration.

Alderman Imholte reported that the Finance Committee did not schedule any meetings regarding the proposed unallotment of \$334,194 from the LGA for 2010. Meetings will be schedule in the future.

Alderman Imholte advised that the recommendation of the Finance Committee was to defer action on consideration to amending the lease agreement with the American Legion Campground.

Pursuant to 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 City Council to make a request to the Legislature to authorize the City to impose a .5% (1/2 percent) sales tax on food, beverage and entertainment to be used for specific projects identified; Business Corridor Plan and Flowering Rush control efforts on Detroit Lake, especially the Public Beach.

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 two-day transient merchant's license for James Neigel to sell guns and miscellaneous items at the Armory on May 1 & 2, 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 Mahube to conduct a parade for the "Week of the Young Child" on April 16, 2010.

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 sale of fireworks by B.J. Alan Company in Kmart for 2010.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Tollefson, 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 \$2,459,840.10 as of February 28, 2010, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Tollefson, who moved its adoption, approving the payment of claims paid by proper authorization covering the period February 10, 2010, through March 9, 2010, in the amount of \$3,469,099.15. 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 Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, that the County Court Report for January, 2010, DL Volunteer Fire Department Annual Report for 2009, Animal Control Report, Chief of Police Report, Liquor Store Manager's Report and parking violations report for February 2010 be approved and placed on file.

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

- 1) MN Flyers Gymnastics for gambling at the Holiday Inn; and
- 2) Humane Society of the Lakes for a raffle on September 4, 2010 at Lakeside Tavern

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, approving a permit to consume at the Kent Freeman Sports Arena for the Old Timer's Hockey (upper lobby of Arena I only) on March 5, 6, 7, 2010.

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, approving the Memorandum of Understanding with the American Federation of State, County and Municipal Employees, AFL-CIO, Local No. 568, relative to certain employees, including part-time warehouse workers.

Pursuant to the request of Alderman Tucker and upon the recommendation of the Liquor/Gambling Control Committee, a resolution was introduced by Alderman Tucker, who moved its adoption, amending Section 210 of the City Code establishing a \$150.00 fee for a temporary on-sale intoxicating liquor license for a business that holds an on-sale intoxicating liquor outside of the City limits effective March 9, 2010. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Pursuant to the request of Amanda Sayre 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, approving the issuance of a temporary on-sale intoxicating liquor license for Bennigan's, 3333 HWY 10, Moorhead, allow them to sell and serve alcoholic beverages for the Sayre Wedding on May 8, 2010, at the Pavilion.

A motion was made by Alderman Tollefson, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of plumbing licenses for Esser Plumbing and Heating and Voss Plumbing and Heating for 2010.

A motion was made by Alderman Tollefson seconded by Alderman Aune and carried, without a dissenting vote, to approve the issuance of cigarette licenses, for one year, for Lakeview General Store.

The Mayor noted the Mayor's March agenda items will be added to the April 13, 2010 City Council Meeting, no action at this time.

There being no further business to conduct, by general consent, Mayor Brenk adjourned the meeting (6:00 P.M.).

Respectfully submitted,

Glori French  
Account Technician