

Detroit Lakes, Minnesota
May 11, 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 May 11, 2010; all member 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 Works Director Bradley Green; Police Chief Kelvin Keena; City Engineer Jon Pratt; Building Official Calvin Mayfield, Jr.; Liquor Store Manager Bradley MacMaster; Fire Chief Jeffrey Swanson and Park and Arena Supervisor Tom Gulon.

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

Absent: Alderman Tollefson and Public Utilities Superintendent Curt Punt.

A motion was made by Alderman Sukke, seconded by Alderman Anderson and carried, without a dissenting vote, to correct the April 13, 2010, Minutes to reflect that the regular August City Council Meeting will be changed to August 11, 2010, due to the Primary Election on August 10, 2010. The Mayor declared the April 13, 2010, City Council Minutes approved with the correction noted.

The Council was informed that the foundation has been removed at 1941 Long Bridge Road and, therefore, the public hearing is not necessary because the nuisance has been abated.

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 matter of the proposed vacation of a portion of the road at 120 Shorewood Drive in the Plat of Curfman Beach, the Mayor called the hearing to order at 5:04 P.M. Community Development Director Larry Remmen advised that this property does not have any access issues from adjacent properties and the owner is willing to grant the City an easement for a portion of the back lot which lies within 33 feet of the centerline of the road. There being no further questions or comments, Mayor Brenk closed the hearing at 5:05 P.M. and reconvened the City Council Meeting.

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Aune, who moved its adoption, vacating a portion of public right-of-way at 120 Shorewood Drive in the Plat of Curfman Beach. 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.

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 annexation of an 86 acre tract abutting the northerly City limits, Mayor Brenk called the hearing to order at 5:06 P.M. Community Development Director Remmen advised that this request is being made by the US Fish and Wildlife Service, who is the owner of the property, because they want to hook up to City sewer and water. Bob Bristlin, 27739 County Road 141, asked if the US Fish and Wildlife Service would have to follow the same requirements as a he does relative to the distance a building must be from the environmental lake. Mr. Remmen advised that, since they are a U.S. Government agency, they would be exempt from local zoning ordinances. There being no further questions or comments, the Mayor closed the hearing at 5:07 P.M. and reconvened the regular City Council Meeting.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Aune, seconded by Alderman Tucker and carried, without a dissenting vote, introducing, for its first reading, an ordinance annexing an 86 acre tract of land abutting the north City limits which is owned by the US Fish and Wildlife Service.

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 North Washington Avenue, from Main Street to Highway 34, the Mayor called to order a hearing at 5:08 P.M. City Engineer Jon Pratt summarized the project advising that this is a joint project between the City of Detroit Lakes and Becker County which will consist of replacing the sanitary sewer, the watermains, the service lateral extensions, streets, sidewalks, storm sewers and street scapes. Mr. Pratt estimated that the total project costs would be \$1,240,000.00 of which an estimated \$950,600.00 would be paid for by City and County funds and \$289,400.00 would be assessed, such assessments could be assessed for a period of twenty years at a 6% interest rate. Upon the inquiry of Alderman Imholte, Mr. Pratt informed the audience that the bike trail would be incorporated into the boulevard on the west side only. Upon the request of Alderman Marks Erickson, Finance Officer Louis Guzek advised that the annual payment on a 100 foot lot would be approximately \$900.00 which includes the interest for the first year. After Alderman Zeman expressed concerns about the costs, City Administrator Louiseau advised that the assessments, for an elderly person who qualifies for the City's deferment program, may be deferred until that person moves out of their property. Bob Bristlin, 27739 County Road 141, questioned why Washington Avenue street improvements would be assessed since it is a County Road. Mr. Louiseau advised that the assessments are based on the City's Assessment Policy since the County doesn't put in sewer, water, curb and gutter. The Mayor then opened the hearing for comments and Bob Bristlin expressed concern about these improvements being made in an area of the City where buildings are empty and also commented on the burden this will cause for the VFW. Mayor Brenk advised that since the County wants to reconstruct the street because it is very deteriorated, the City felt this was the appropriate time to put new sewer, water and infrastructure under the street. There being no further comments, the Mayor closed the hearing and reconvened the regular Council Meeting at 5:28 P.M.

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 North Washington Avenue, from Main Street to Highway 34, showing an assessable cost of \$289,400.00 to be assessed over a period of twenty years at an interest rate of six percent per annum. The motion for the adoption of the resolution was seconded by Alderman Tucker. Alderman Imholte reiterated that the City's Agreement with Becker County is based on the accepted contract bid amount. Upon the request of Alderman Imholte, City Engineer Pratt advised that property owners are only being assessed for the standard items and the City will be paying for a portion of the sanitary sewer, a portion of the watermain, hydrants and street enhancements and the City and County are sharing in the cost of all storm sewer, sidewalks and lighting costs. Mayor Brenk then called the question and the motion for the adoption of the resolution carried unanimously. The Mayor declared the resolution adopted.

The Mayor called to order a hearing at 5:30 P.M. to consider the matter of a reported nuisance at 1142 Campbell Avenue created by an accumulation of debris, pursuant to City Code, Chapter 900. Building Official Calvin Mayfield advised that the owner of 1142 Campbell Avenue was the person who made the complaint against the property. Mark Heard, 1006 Willow Street West, and owner of the property at 1142 Campbell Avenue, appeared before the Council to explain why he registered the complaint. He intended to sell the property to Blake Sundvor and a purchase agreement was signed whereby Mr. Sundvor was to make a downpayment the following week. Supposedly the Bank would not give him a loan for the downpayment unless Mr. Sundvor constructed a garage on the property in order to him have more equity in the property but he did not acquire the bank loan. It was then agreed that Mr. Heard would rent to him month to month until he could acquire bank financing. He did build the garage and a document was signed that if he lost the garage, it would go to Mr. Heard. Many attempts were made by Building Official Mayfield and Mr. Heard to get Mr. Sundvor to clean up the property and Mr. Heard is trying to get Mr. Sundvor to move by trying to get him evicted. Papers were served on Mr. Sundvor April 16, 2010, and he has 30 day to remove his property. Discussion was held by the Council on the proper procedure to use to abate the nuisance. Building Official Mayfield distributed pictures to the Council that were taken yesterday of the property. City Attorney expressed concern relative to if Mr. Sundvor is in possession of the property and has not been evicted, he may not permit the City to come on the property and abate the nuisance. After further discussion and upon the recommendation of City Administrator Louiseau, a motion was made by Alderman Zeman, seconded by Alderman Heltemes and carried, without a dissenting vote, that the Council finds that a nuisance exists in violation of City Code Chapter 901, at 1142 Campbell Avenue, and if Blake Sundvor hasn't cleaned up the property by May 18, 2010, the Building Official is authorized to turn the matter over to the City Attorney's Office to obtain the proper authorizations, approvals or court orders allowing the City to go on the property and abate the nuisance.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Heltemes, seconded by Alderman Anderson to approve the issuance of a permit to Matt and Michelle Friesen allowing them to have three dogs at 1314 Jackson Avenue for 2010 with the condition that if there are more complaints, this permit can be revoked by the Council. Alderman Heltemes advised that Matt and Michelle Friesen were at the Public Works Committee Meeting and agreed to tighten up their fence and follow City Ordinances. Char Wilen, 1310 Jackson Avenue, spoke in opposition of allowing the Friesen's to have three dogs at 1314 Jackson Avenue because they come into her yard. Upon inquiry of Mayor Brenk, Public Works Director Brad Green advised that there have been three barking complaints from 2007-2009 but they did get barking collars and the barking stopped and then on April 7, 2010, one of their dogs were running loose which led to them having to apply for a permit to have three dogs. Mayor Brenk then called the question and the motion carried unanimously.

Pursuant to the advertisement for bids for the Lori Avenue Bridge Replacement Project, the following bids were received and opened at 11:00 A.M. on May 10, 2010:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Landwehr Construction, Inc. P.O. Box 1086 St. Cloud, MN 56302	\$170,402.16
Hough, Inc., of Detroit Lakes P.O. Box 2 Detroit Lakes, MN 56502	\$187,423.65
Feldt Plumbing LP 28442 State Highway 34 Detroit Lakes, MN 56501	\$197,065.80
Sellin Bros, Inc. P.O. Box 159 Hawley, MN 56549	\$199,762.00
Midwest Contracting, LLC P.O. Box 545 Marshall, MN 56258	\$251,226.00

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, accepting the bid of Landwehr Construction, Inc., St. Cloud, Minnesota, in the amount of \$170,402.16, for the Lori Avenue Bridge Replacement Project. City Engineer Jon Pratt summarized the project and the time line. He further advised that the City share for the project is estimated to be approximately \$90,000.00 and the balance would be paid by State Bridge Bonding Funds.

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 City share of the funding for the Lori Avenue Bridge Replacement Project be included with the bonding for the Washington Avenue Street and Utility Improvement Project.

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 accept the preliminary engineering report for the extension of the Heartland Trail Extension, from the Overlook Trail along Big Detroit Lake to McKinley Avenue and from McKinley Avenue to Washington Park, contingent upon the Department of Natural Resource's approval of funding for a portion of the project.

Pursuant to the recommendation of the Public Works Committee, a resolution was introduced by Alderman Heltemes, who moved its adoption, approving plans and specifications for Project No. 03-622-30, street and utility improvements for North Washington Avenue (County Road No. 22), from Main Street to Highway 34. The motion for the adoption of the resolution was seconded by Alderman Zeman and carried without a dissenting vote. Mayor Brenk declared the resolution adopted.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Zeman, who moved its adoption, restricting all parking to that which is parallel with the curb on Washington Avenue (County Road No. 22), from Main Street to Highway 34. 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.

Pursuant to the recommendation of the Public Works Committee, a resolution was introduced by Alderman Heltemes, who moved its adoption, approving plans and specifications for expansion of a parking lot on Phinney Avenue in People's Park. 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.

Upon the advertisement for bids for construction of a warming house/park shelter and storage building for the People's Park Rink, the following bids were received and at 10:00 A.M., May 10, 2010:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Bristlin Construction	\$198,000.00
AAA Construction	\$209,000.00
JP Structures	\$223,476.00
Haataja Contracting, Inc.	\$237,200.00
Bob Bristlin & Son Construction	\$238,900.00

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, accepting the low bid of Bristlin Construction, Detroit Lakes, Minnesota, in the amount \$198,000.00, with a deduct of \$2,800.00 (using shingles on warming house instead of metal) and a deduct of \$2,300.00 (using Alt. #3 ceiling finish on warming house) and a deduct of \$64,000.00 (not to build the storage shed) bringing the total to \$128,900.00 for construction of the warming house and park shelter.

Pursuant to the recommendation of the Public Works Committee, a resolution was introduced by Alderman Heltemes, who moved its adoption, accepting the sidewalk repair/replacement survey, as presented, and setting a hearing for June 8, 2010, at 5:00 P.M. on the proposed curb, gutter, driveway and sidewalk improvements at various locations throughout the City of Detroit Lakes. The motion for the adoption of the resolution was seconded by Alderman Marks Erickson and carried without a dissenting vote. The Mayor declared the resolution adopted.

The Council acknowledged the volunteer work and donation Team Lab and Dave Sherbrooke/Sherbrooke Turf did on the two softball fields at Snappy Park and directed Public Works Director Green to send them a letter of appreciation.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Heltemes, who moved its adoption, authorizing the Mayor and City Administrator to execute the Minnesota Department of Transportation's Limited Use Permit for the purpose of constructing and maintaining Municipal Identification Entrance Signs. The motion for the adoption of the resolution was seconded by Alderman Marks Erickson and carried without a dissenting vote. The Mayor declared the resolution adopted.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Heltemes, to approve the request of Lakes Area Farmer's Market to use the City Park from May 13, 2010, through October, 2010. Alderman Imholte expressed concern about some of the vendors not being farmers. Mayor Brenk then called the question and the motion carried unanimously.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the request of Holy Rosary Church to use the S.E. side of the Sports Arena parking lot on June 12, 2010, for the Diocese of Crookston Annual Bishop's Cup and Family Fishing Tournament.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of Commercial Lawn Fertilizer Applicator Licenses to Ritchie Just dba Valley Green of Detroit Lakes and Kevin Rue dba K & J Landscaping for 2010, pursuant to their applications and \$25.00 fee.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of semi-commercial dock licenses for Viking Motel, 612 West Lake Drive, and Good Medicine Cabins, 616 West Lake Drive, and a commercial dock license for J & K Marine, 121 West Lake Drive for 2010.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of firework permits for BJ Alan Company to sell fireworks in Menard's #3213 and TNT Fireworks to sell fireworks in the WalMart parking lot.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of a Display of Fireworks License for Lakeshirts on June 4, 2010, for their Sales Conference at the Pavilion.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Tucker, seconded by Alderman Marks Erickson and carried, without a dissenting vote, approving the issuance of a temporary on-sale intoxicating liquor license for the Jaycees for May 13, 2010, to sell and serve alcoholic beverages in a fenced area at the City Park in conjunction with ParkFest.

Pursuant to 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 917 Sports Bar and Grill for May 15, 2010, to sell and serve alcoholic beverages at the Pavilion for the Fischer Wedding.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of permits to consume alcoholic beverages at the Pavilion for the Allison Sukke wedding party guests on June 20, 2010, and the Elizabeth Franco wedding party guests on August 1, 2010.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving gambling applications submitted by the Detroit Lakes Strikers Soccer Club allowing them to hold a raffle at the Sandbar II in September, 2010, and the Holy Rosary Catholic Church for raffles on August 29, 2010, at the Holy Rosary Catholic Church and on August 22, 2010, at the Kent Freeman Arena.

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 3.2 malt liquor license allowing the Detroit Lakes Softball Association to sell beer at Snappy Park for 2010.

Pursuant to the recommendation of the Public Utilities Commission, a resolution was introduced by Alderman Imholte, who moved its adoption, establishing new 2010 Water and Wastewater Rates effective July 1, 2010. The motion for the adoption of the resolution was seconded by Alderman Aune. City Administrator Louiseau advised that the overall increase, in general, for the two utilities (water and wastewater) for an average residential customer is approximately 19%. He further explained that the primary drivers behind this increase are related to the costs the City has incurred in the reconstruction and rehabilitation of the Water Treatment Plant and the 2008 amendment to a State Statute requiring all Minnesota public water systems serving more than 1,000 people to adopt a conservation rate structure so customers have an incentive to conserve water. He further mentioned that water rates may also have to be reviewed again in 2012 to achieve this rate structure by January 1, 2013. Mr. Louiseau also pointed out that the Commission looked at a number of cities in Minnesota that are similar in size to Detroit Lakes and out of all these cities, the City of Detroit Lakes utility rates were the 3rd lowest. Alderman Heltemes commented that one of the problems the Public Utilities has is their interest income has decreased in 2008 and 2009 which has cut down on the Public Utility's revenues. He also mentioned that in 2017, the loan will be paid off on the Willow Street Plant and the Public Utilities is trying to hold their increase costs down until that time. Mayor Brenk then called the question and the motion for the adoption of the resolution carried unanimously.

Upon the recommendation of the Public Utilities Commission, a motion was made by Alderman Anderson, seconded by Alderman Aune, approving the transfer of electric service territory from Otter Tail Power to the City of Detroit Lakes consisting of the SE ¼ of Section 20 in Detroit Township, Becker County (South side of Brandy Lake). City Administrator Louiseau advised the Council that a property owner is looking at developing a couple of lots in that area and Otter Tail Power is not able to access the area directly from their lines. The City's lines would be adjacent to territory the City currently serves and therefore Otter Tail Power has agreed to transfer this territory to the City which would not require any compensation. There being no further discussion, Mayor Brenk called the question and the motion carried unanimously.

A motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of a plumbing license to Rassmussen Plumbing and Heating for 2010.

A motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of cigarette licenses, for one year, for Detroit Lakes Tobacco, 611 Washington Avenue, Stop N Go, 339 Highway 10 East, Dino Mart, 526 Washington Avenue, Mellow Moods Pipe & Tobacco, 517 Washington Avenue, Big Daddy's Quick Stop, 444 Morrow Avenue and Food N Fuel, 106 Barbara Avenue, pursuant to their applications and \$150.00 fee.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Zeman, 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 \$2,333,690.30 as of April 30, 2010, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Zeman, who moved its adoption, approving the payment of claims paid by proper authorization covering the period April 14, 2010, through May 11, 2010, in the amount of \$2,443,572.83. 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.

The motion was made by Alderman Zeman, seconded by Alderman Tucker and carried, without a dissenting vote, that the County Court Report for March, 2010, Animal Control Report, Chief of Police Report, Fire Chief's Report, Liquor Store Manager's Report and parking violations report for April 2010 be approved and placed on file.

There being no further business to conduct, by general consent, The Mayor adjourned the meeting at 6:26 P.M.

Respectfully submitted,

Lynne Krieger
Asst. City Administrator