

Detroit Lakes, Minnesota
June 12, 2007

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, June 12, 2007, all members of the Council having been duly notified of the meeting and the business to be transacted.

Present: Mayor Larry G. Buboltz; City Attorney William Briggs; City Administrator Richard Grabow; Assistant City Administrator Lynne Krieger; Finance Officer Louis Guzek; Community Development Director Larry Remmen; Public Works Director Brad Green; City Engineer Gary Nansen; Police Chief Kelvin Keena; Building Official Calvin Mayfield and Fire Chief Jeffrey Swanson.

Aldermen: Anderson, Aune, Brenk, Hannon, Heltemes, Imholte, Tollefson, Tucker and Zeman.

Absent: Liquor Store Manager Bradley MacMaster.

There being no corrections or additions to the minutes of the regular Council Meeting held June 12, 2007, 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 City Council, this date, would hear public comment and give consideration to the proposed street improvements for Memory Lane, from Shady Lane to the end, Mayor Buboltz called the hearing to order at 5:00 P.M. City Engineer Gary Nansen summarized the proposed project which consists of construction of 1 ½ inches of bituminous wear course and the estimated cost of the project was \$9,000.00. There being no further oral or written comments, the Mayor closed the hearing at 5:06 P.M. and reconvened the regular Council Meeting.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Zeman, who moved its adoption, ordering street improvements and preparation of plans and specifications for Memory Lane, from Shady Lane to the end. The motion for the adoption of the resolution was seconded by Alderman Hannon and carried without a dissenting vote. The Mayor declared the resolution adopted.

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 construction of curb, gutter, driveway and sidewalk repair/replacement at various locations throughout the City, Mayor Buboltz called the hearing to order at 5:06 P.M. Upon the Mayor's request, Public Works Director Brad Green summarized the project. Nancy Dahl, Becker County Human Services, wanted to

make sure they were on the list to fix a drainage problem in front of the Becker County Human Resource Building at 712 Minnesota Avenue. There being no further oral or written comments or questions, Mayor Buboltz closed the hearing at 5:07 P.M. and reconvened the regular Council Meeting.

Upon the recommendation of the Public Works Committee, a resolution was introduced, by Alderman Zeman, who moved its adoption, ordering the improvement of curb, gutter, concrete driveway and concrete walk for 2007. The motion for the adoption of the resolution was seconded by Alderman Heltemes and carried without a dissenting vote. Mayor Buboltz declared the resolution adopted.

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 on the issuance of an on-sale 3.2 malt liquor license for Ordinary Joe's Bar-B-Que, 119 Washington Avenue, for the period June 12, 2007, through December 31, 2007, Mayor Buboltz opened the hearing at 5:07 P.M. There being no oral or written comments, the Mayor closed the hearing at 5:08 P.M. and reconvened the regular Council Meeting.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Zeman and carried, without a dissenting vote, approving the issuance of an on-sale 3.2 malt liquor license for Ordinary Joe's Bar-B-Que, 119 Washington Avenue, for the period June 12, 2007, through December 31, 2007.

Dave Langworthy of St. Mary's EMS, appeared before the Council and presented a contribution of a First Responder Unit to Chief Kelvin Keena for the Detroit Lakes Police Department, in appreciation of the work the Police Department does as a First Responder.

Upon the recommendations of the Planning Commission which were submitted to the City Council and the recommendation of the Community Development Committee, a resolution was introduced by Alderman Brenk, who moved its adoption, approving the final plat of White Clover Beach Second Addition subject to the following:

- 1) That the owner provide the City with a letter from the Pelican River Watershed District (PRWD) relative to the need for a PRWD Permit.
- 2) That the owner enter into an agreement with the City to pay \$6,000.00 per dedication fee on or before October 1, 2007.

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

Upon inquiry Alderman Imholte advised that as soon as the City officially receives the East and South Shore Drive road from Becker County, a fencing plan around stormwater ponds on East and South Shore Drive will be completed. Bill Fossen, 1384

South Shore Drive, requested that the wood fence around the stormwater pond on South Shore Drive be removed and some landscaping be done. The Mayor advised Mr. Fossen that when the City discusses a plan, he and his other neighbors will be notified. Liz Fossen, 1384 South Shore Drive, informed the Council that the fence also obstructs traffic sight distance.

Upon the recommendations of the Planning Commission that were submitted to the City Council and upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Brenk, who moved its adoption, approving the final plat of Bridgeview Estates First Addition subject to the owner providing the City with a letter from the Pelican River Watershed District relative to the need for a PRWD Permit. The motion for the adoption of the resolution was seconded by Alderman Tollefson and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to the request of the Detroit Lakes Development Authority and upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Brenk, who moved its adoption, approving an application of an application for a Rural Business Grant (RBEG) through United States Department of Agriculture Rural Development to fund 49% of a Business District Redevelopment Study (Highway 10 Corridor through town, Washington Avenue, West Lake Drive to County 6, and the downtown including the Community Center Area and the Gateway District) and a Conference Center Feasibility and Market Analysis Report and further resolves to fund the 51% (up to 40,800.00) match for the grant, such funds to be appropriated from the Liquor Fund. The motion for the adoption of the resolution was seconded by Alderman Anderson. Cyndi Anderson, Mosaic Consulting, Inc., 1229 Timber Lane, advised that the grant application was submitted by the Detroit Lakes Development Authority this date and the City will know by June 20, 2007, if the grant was approved. Ms. Anderson also advised that a second grant application would be submitted by the City for a Convention Center Feasibility Report. Upon inquiry, Community Development Director Larry Remmen advised that the Detroit Lakes Development Authority approved paying for the fee necessary to submit the grant application. Upon the inquiry of Alderman Zeman, Community Development Director Larry Remmen advised that if the Redevelopment Study was the only report completed, the cost is estimated to be \$46,000.00. A motion was made by Alderman Heltemes, seconded by Alderman Zeman, to amend the motion adopting the resolution to authorize the City to fund only the Redevelopment Study. Alderman Anderson spoke in opposition of the amendment. Alderman Zeman expressed concerns that the City's capacity to pay for both reports and the feasibility of a convention center. Mayor Buboltz then called the question on the motion for the amendment and the following vote was recorded: Ayes: Aldermen Hannon, Heltemes and Zeman; Nays: Aldermen Anderson, Aune, Brenk, Imholte, Tollefson and Tucker. The Mayor declared the motion for the amendment to the resolution failed. Alderman Tucker and Imholte spoke in favor of the resolution authorizing a Redevelopment Study and a Conference Center Feasibility Study. Mayor Buboltz then called the question on the original resolution and the following vote was recorded: Ayes: Anderson, Aune, Brenk, Imholte, Tollefson and Tucker; Nays:

Aldermen Hannon, Heltemes and Zeman. Mayor Buboltz declared the resolution adopted.

Upon the Planning Commission recommendations that were submitted to the City Council and the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Tucker, to authorize the issuance of a 25-foot rear yard variance to Northwest Eye Center allowing construction of an eye clinic at 1244 Washington Avenue subject to obtaining a Pelican River Watershed District Plan. Bob Bristlin, 27739 County Road 141, spoke in favor of the variance. Mayor Buboltz then called the question and the motion carried with one abstention (Imholte).

Pursuant to the recommendations of the Planning Commission which were submitted to the City Council and the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Tollefson and carried without a dissenting vote, to introduce, for its first reading, an ordinance rezoning the Tower Road Industrial Park from "I-2" Heavy Industrial to "I-1" Light Industrial.

Pursuant to the recommendations of the Planning Commission which were submitted to the Council and the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Anderson and carried, without a dissenting vote, approving the preliminary plat of Dunton Locks Heights, subject to the following conditions:

- 1) That the owner obtain a letter from the Minnesota Department of Transportation stating that they accept the access road onto Highway 59
- 2) That the owner obtain a letter from Lake View Township accepting the road design of the plat;
- 3) That the owner obtain the required Pelican River Watershed District Permit
- 4) That the cul-de-sac right of way be dedicated in the area where the hammer handle turn will be constructed; and
- 5) That the owner pay cash or enter into an agreement to pay cash equal to 6% of the land value in lieu of park dedication.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Anderson and carried, without a dissenting vote, introducing for its first reading, an ordinance adding Chapter 1007 to the City Code regarding stormwater runoff and erosion and sediment control.

Pursuant to the recommendation of the Community Development Committee, a resolution was introduced by Alderman Brenk, who moved its adoption, introducing for its adoption a resolution in support of State Bonding, in the amount of \$8,964,000.00, for the Detroit Lakes Conference Center Project with a 50% match without a payback. The motion for the adoption of the resolution was seconded by Alderman Anderson. Mayor

Buboltz then called the question and the following vote was recorded: Ayes: Anderson, Aune, Brenk, Imholte, Tollefson and Tucker; and Nays: Aldermen: Hannon, Heltemes and Zeman. Mayor Buboltz declared the resolution adopted.

Upon the recommendation of the Community Development Department, a resolution was introduced by Alderman Brenk, who moved its adoption, introducing for its adoption, a resolution in support of State Bonding for Trunk Highway 34 Multi-Use Trail from Detroit Lakes to Park Rapids. The motion for the adoption of the resolution was seconded by Alderman Hannon. Mayor Buboltz advised that the request has been submitted for \$20,480,000.00 and no local match is required. Mayor Buboltz then called the question and the motion for the adoption of the resolution carried unanimously.

Pursuant to the recommendation of the Community Development Committee, a resolution was introduced by Alderman Brenk, who moved its adoption, introducing for its adoption a resolution approving the use by Becker County of 18.46 JOBZ acres to encourage economic development. The motion for the adoption of the resolution was seconded by Alderman Anderson and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to the recommendation of the Community Development Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, that building permits for the month of May, 2007, in the estimated construction value of \$3,743,964.00, 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 advertisement for bids for the 2007 Street and Utility Reconstruction – Municipal State Aid Streets Project, the following bids were received and opened on June 12, 2007, at 2:00 P.M.:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Quam Construction Co., Inc. P.O. Box 48 Willmar, MN 56201	\$1,835,285.34
Lakes Paving, Inc. P.O. Box 515 Detroit Lakes, MN 56501	1,853,398.97
Sellin Brothers, Inc. P.O. Box 159 Hawley, MN 56549	1,889,485.20

Central Specialties 6325 County Road 87 S.W. Alexandria, MN 56308	1,973,244.27
Arcon Construction, Inc. P.O. Box 159 Harris, MN 55032	2,013,368.71

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, accepting the bid of Quam Construction Co., Inc., Willmar, Minnesota, in the amount of \$1,835,285.34, for the 2007 Street and Utility Construction – Municipal State Aid Streets Project. The motion for the adoption of the resolution was seconded by Alderman Brenk and carried without a dissenting vote. Mayor Buboltz declared the resolution adopted.

Pursuant to the request of Tom Granlund, Budget Host, 895 Highway 10 East, and upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Brenk and carried, without a dissenting vote, approving a drive over curb at the Budget Host Inn, 895 Highway 10 East in connection with the Highway 10 Project, reconstruction of the frontage road.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Brenk and carried, introducing, for its second reading and adoption, Ordinance No. 311, allowing a residential dock to be up to 32 feet long rather than 24 feet.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Imholte and carried, without a dissenting vote, approving the 2007 Seal Coating Plan in the estimated amount of \$65,000.00 to \$70,000.00.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Brenk and carried, without a dissenting vote, accepting the quote from the State Contract for purchase of a street sweeper, in the amount of \$192,250.72 for the Public Works Department, such appropriations to come from Storm Water Fees.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Imholte and carried, without a dissenting vote, approving the Purchase of Services Contract for the Detroit Lakes Community Recreation Director Services with School District No. 22 agreeing to pay the School District 25% of the School's cost of the Director's 12-month salary, travel expense, fringe benefits and other normal employment costs.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Brenk and carried, without a dissenting

vote, approving the Bylaws of the Detroit Lakes Community Education and Recreation Advisory Committee.

Pursuant to the request of the Detroit Lakes Community and Cultural Center and upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Hannon and carried, without a dissenting vote, approving the use of portions of the City Park and various street closings, as outlined on the attached map to their letter of June 11, 2007, for the Dick Beardsley Half Marathon 5K run/walk on September 8, 2007.

Pursuant to the request of the Humane Society of the Lakes and upon the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Zeman and carried, without a dissenting vote, approving their request to use a portion of the City Park and a portion of North Shore Drive for their 2007 Mutt Strut and Pet Expo on September 8, 2007, from 1:00 P.M. to 5:00 P.M.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Imholte and carried, without a dissenting vote, accepting and approving the audited 2006 Financial Statement.

Pursuant to the advertisement for bids for sealcoating of Runway 13/31 at the Detroit Lakes Airport, the following bids were received and opened on May 14, 2007, at 3:00 P.M.:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Morris Sealcoat & Trucking, Inc. 46253 208 th Street Morris, MN 56267	\$75,954.00
Astech Corp. 8348 Ridgewood Road St. Joseph, MN 56374	\$91,926.20

Upon the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Aune and carried, without a dissenting vote, to accept the bid of Morris Sealcoat & Trucking, Inc., Morris, Minnesota, in the amount of \$75,954.00 for sealing Runway 13/31 at the Airport. Upon inquiry, City Engineer Gary Nansen advised that 95% of this cost will come from FAA.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Imholte and carried, without a dissenting vote, approving Change Order No. 2 to the Spruce Valley Corporation's Contract, in the amount of \$20,000.00, to jack and bore and an additional bore pit sheeting, relative to the 2006 Sanitary Sewer and Watermain Improvements, Long Lake Road – Phase 2, Ridgewood Estates.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Aune and carried, without a dissenting vote, approving the City Administrator Position Profile completed by the Brimeyer Group, Inc.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Hannon and carried, without a dissenting vote, accepting the proposal from S & L, Inc., in the amount of \$51,600.00, for City assessment services for Years 2008-2011.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Brenk and carried, without a dissenting vote, approving a policy for Disposal of City-Owned Real Property.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Anderson, seconded by Alderman Brenk and carried, without a dissenting vote, approving the Purchase of Services Contract with the Detroit Lakes Regional Chamber of Commerce for Tourism Bureau Director services for the period July 1, 2007, through June 30, 2008.

A motion was made by Alderman Anderson, seconded by Alderman Zeman and carried, without a dissenting vote, requesting that the Mayor set up a joint meeting with the Detroit Lakes City Council, Becker County Board of Commissioners and the Detroit Lakes/Becker County Airport Commission to discuss a report prepared by Finance Officer Louis Guzek on appraised value of Airport property.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, authorizing the City to participate in the Vanguard 457 Deferred Compensation Plan. The motion for the adoption of the resolution was seconded by Alderman Hannon and carried without a dissenting vote. Mayor Buboltz declared the resolution adopted.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Aune, seconded by Alderman Tucker and carried, without a dissenting vote, approving the issuance of a permit to exceed noise limits in the City to The Bridge Marina, Bar and Grill for the dates listed on their application and within the regulations of the current Noise Ordinance.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, authorizing the Chamber of Commerce to conduct a fireworks display on July 4, 2007, at the City Beach.

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, approving the issuance of firework permits to Generous Jerry's Fireworks (Anglo American Store), Phatom Fireworks, Lincoln, NE (Pamida Parking Lot), Lakeside Vending, Inc., Dent, MN, (Kmart Parking Lot) and Matt Winskowski's Fireworks (former Boys and Girls Club Thrift Store), allowing them to sell fireworks, pursuant to their applications and fees.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving the attendance of seven firefighters to the State Firefighter Conference in Brainard, Minnesota, on June 8-10, 2007.

Upon the recommendation of the Police Chief, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of a permit for Dick Dunkirk to conduct a dance at the Pavilion on July 7, 2007.

Pursuant to the request of the Humane Society of the Lakes for a donation of \$3,500.00, and upon the recommendation of the Liquor/Gambling Control Committee, The request was referred to the Budget Committee.

Pursuant to the request of the Detroit Lakes Regional Chamber of Commerce for the City to make a donation to the "Adopt a Banner" Program the motion was made by Alderman Heltemes, seconded by Alderman Tollefson and carried, without a dissenting vote, to deny the request.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving the request of the Chamber of Commerce for a donation \$250.00 for the 4th of July fireworks display, such donation to be taken from the Liquor Fund.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of a temporary on-sale 3.2 malt liquor license for the Jaycees to sell beer at the Washington Ball Park on July 4, 2007, pursuant to their application and \$25.00 fee.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving temporary on-sale intoxicating liquor licenses for the Holiday Inn on June 2, 2007, at the Pavilion for a party, on May 26, 2007, at the Armory for a wedding, on June 22, 2007, at the Pavilion for a Detroit Lakes Community and Cultural Center dance and June 30, 2007, at the Detroit Lakes Community and Cultural Center for a wedding, pursuant to their application and \$50.00 fee.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving gambling applications for the VFW Post 1676 and MOC Pup Tent 9 for gambling at their club.

Upon the recommendation of the Public Utilities Commission, a motion was made by Alderman Tollefson, seconded by Alderman Hannon and carried, without a dissenting vote, approving an agreement with the Missouri River Energy Services which defines both MRES and Detroit Lakes' responsibilities for compliance with mandatory reliability standards as developed and enforced by the North American Electric Reliability Council.

Pursuant to City Charter, Chapter 6, Section 6.04 and upon the recommendation of the Mayor, a motion was made by Alderman Hannon, seconded by Alderman Brenk and carried, without a dissenting vote, appointing the Finance Committee (Anderson, Brenk, Imholte and Tollefson) as the Budget Committee for 2007.

Pursuant to the recommendation of the Mayor, a motion was made by Alderman Brenk, seconded by Alderman Tollefson and carried, without a dissenting vote, authorizing the attendance of Council and staff to the Coalition of Greater Minnesota Cities Summer Conference in Detroit Lakes, Minnesota, on July 25-27, 2007.

A motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of a plumbing license to Tim Schmidt dba Schmitty's Plumbing, Heating and Sheet Metal, Inc., pursuant to his application, compliance bond and \$25.00 fee.

A motion was made by Alderman Hannon, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of cigarette licenses, for one year, for the Holiday Inn, 1155 Highway 10 East and Detroit Lakes Tobacco, 611 Washington Avenue, pursuant to their application and \$100.00 fee.

A motion was made by Alderman Heltemes, 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 \$3,058,911.14 as of May 31, 2007, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Heltemes, who moved its adoption, approving the payment of claims paid by proper authorization covering the period May 9, 2007, through June 12, 2007, in the amount of \$3,276,667.81. 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 Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, that the Animal Control Report, County Court Report

for April, 2007, Chief of Police Reports, Fire Chief's Report, Liquor Store Manager's Report and parking violations report be approved and placed on file.

A motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote, accepting the work and authorizing final payment, in the amount of \$14,367,56, to Feldt Plumbing LP for the 2005 street and utility improvements on Wenner Road – Phase I.

A motion was made by Alderman Heltemes, seconded by Alderman Aune and carried, without a dissenting vote to approving permits to consume alcoholic beverages at the Pavilion for the Cristina Saavedra Wedding Reception on June 17, 2007, and Chelsea Dahl Wedding Reception on June 8, 2007.

There being no further business to conduct, by general consent, the Mayor adjourned the meeting (6:25 P.M.)

Respectfully submitted,

Lynne Krieger
Asst. City Administrator