

Detroit Lakes, Minnesota
May 8, 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, May 8, 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; Liquor Store Manager and Building Official Calvin Mayfield.

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

Absent: Alderman Tucker, Public Utilities Superintendent Curt Punt and Fire Chief Jeffrey Swanson.

There being no correction or additions to the minute of the regular Council Meeting held May 8, 2007, the Mayor declared that they would stand approved according to copies of same sent to each member of the Council.

Mayor Buboltz welcomed the following foreign exchange students that were present at the City Council Meeting:

Hasan Bayuraktar, Iznik Turkey	Ida Sandholt Bo, Nesoddtangen, Norway
Julia Borke, BadEssen, Germany	Friederke Hueckelheim, Telgte, Germany
Daniel Larson, Sollentuna, Sweden	Janne Van Aswegen, Boostedt, Germany
Mollie Kuether (Detroit Lakes student who is going to Africa)	

The Mayor called to order a continued hearing from the April 10, 2007, City Council Meeting at 5:00 P.M. to consider the matter of a reported nuisance at 715 Bowling Avenue created by an accumulation of debris, i.e., six vehicles, trailer, snowmobile, vehicle parts and appliances. Upon Mayor Buboltz's request, Building Official Calvin Mayfield advised the Council that there are four vehicles left and passed around pictures to the Council. There being no further comments, the Mayor closed the hearing at 5:14 P.M. and reconvened the regular meeting.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Tollefson and carried, without a dissenting vote, that the City Council finds that a nuisance exists in violation of City Code Chapter 901 at 715 Bowling Avenue due to accumulation of debris and orders the abatement of this nuisance.

The Mayor called to order a hearing at 5:14 P.M. to consider the matter of a nuisance created by the accumulation of debris, i.e., ladders, chairs, windows, appliances, lawnmowers, trailers, boxes, lumber, tents, plastic tubs, washer, dryer, tires, pallets, clothes, bed frames, garbage cans, shelving, tools, carpet, piles of cardboard boxes at 400 Rossman Avenue pursuant to City Code Section 901.07, Subd. 1. Building Official Calvin Mayfield advised the Council that 80 percent of the debris has been removed. Glen Crow, 400 Rossman Avenue, appeared before the Council and asked for an extension of time to clean up his property. There being no further comments, Mayor Buboltz closed the hearing at 5:20 P.M. and reconvened the regular Council Meeting.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Aune and carried, without a dissenting vote, to allow Mr. Crow a two week extension to clean up his property and if the Building Official finds it still a nuisance, it can be abated.

The Mayor called to order a hearing at 5:20 P.M. to consider the matter of a nuisance created by the accumulation of debris, i.e. a mattress and cabinet at 407 Rossman Avenue, pursuant to City Code Section 901.07, Subd. 1. Building Official Calvin Mayfield advised the Council that the property has not been cleaned up. There being no further comments, Mayor Buboltz closed the hearing at 5:21 P.M. and reconvened the regular Council Meeting.

Pursuant to the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Heltemes and carried, without a dissenting vote, that the City Council finds that a nuisance exists in violation of City Code Chapter 901 at 407 Rossman Avenue due to accumulation of debris and orders the abatement of this nuisance.

The Mayor called to order a hearing at 5:21 P.M. to consider the matter of a nuisance created by the accumulation of debris, i.e., eight vehicles, trailer with topper, pallet materials, unknown items under tarps, boxes, gas cans, ladders, gas grill, charcoal grill, tables, plastic folding chairs, mud flap for truck, microwave oven, lawn mowers, lumber, vehicle on trailer, delivery truck, storm door, orange snow fence and white gallon jugs at 404, 412 and 415 Rossman Avenue. Building Official Calvin Mayfield reported to the Council that other than five vehicles being removed the properties are not cleaned up and recommended that after 5/8/07, the property should be abated. Mayor Buboltz then closed the hearing at 5:23 P.M.

Pursuant to the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Heltemes and carried, without a dissenting vote, that the City Council finds that a nuisance exists in violation of City Code Chapter 901, 404, 412 and 415 Rossman Avenue due to the accumulation of debris and order the abatement of this nuisance after 5/8/07.

Pursuant to notice having been published twice in the official newspaper, that the City Council, this date, would hear public comment and give consideration to proposed

vacation of dedicated public utility easements on Lot 18 and 19, Block One of Ridgewood Estates Addition to Detroit Lakes, the Mayor called the hearing to order at 5:24 P.M. Community Development Director Larry Remmen advised the Council that the property owners requested this vacation and the utility easements, as they now exist, are not needed for public purposes and new easements will be provided in the plat of Ridgewood North. There being no oral or written comments, Mayor Buboltz closed the hearing at 5:25 P.M. and reconvened the regular Council Meeting.

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Brenk, who moved its adoption, approving the vacation of dedicated public utility easements on Lot 18 and 19, Block One of Ridgewood Estates Addition. 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 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 issuance of a variance to Carl Fingalson allowing a 15' rear yard setback for construction of a home with an attached garage at 1709 East Shore Drive.

Pursuant to the recommendations of the Planning Commission which were submitted to the Council and upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Anderson to approve the preliminary plat of North Tower Road Industrial Park at North Tower Road and Stony Road subject to the following conditions:

- 1) Lots 1 and 3 of Block One and Lots 1 and 3 of Block Two shall not have driveway access to Tower Road;
- 2) That a 30 foot wide landscape easement be provided on the north and west side of the property;
- 3) That deed restrictions be put in place limiting building height on the northerly lots in Block One and Two;
- 4) That the owner applies for "I-1" Light Industrial Zoning for the property; and
- 5) That all required utility easement be provided.

Chuck Fritz, 182440 Park Drive, Tom Mack 26430 North Tower Road, Deb Haverkamp, 18505 Willow Springs Road, Ardis Hanson, 1760 East Shore Drive, Al Clark, 1950 Richwood Drive, Paul Bellefeuille, 19251 County Road 131, spoke in opposition of the preliminary plat of North Tower Road Industrial Park. Alderman Zeman, Heltemes and Hannon also spoke in opposition of the preliminary plat. Aldermen Anderson, Imholte spoke in favor or approving the preliminary plat. After further discussion, a motion was made by Alderman Zeman, seconded by Alderman Heltemes to amend condition #2 changing the landscape easement to 50 feet on the north, west and south sides. Mayor

Buboltz then called the question on the amendment and the following vote was recorded: Ayes: Aldermen Heltemes, Brenk, Aune, Zeman and Hannon. Naves: Imholte, Tollefson and Anderson. The Mayor declared the motion carried and the motion was amended. Mayor Buboltz then called the question on the amended motion and the following vote was recorded: Ayes: Aldermen Brenk, Anderson, Tollefson and Imholte. Naves: Aldermen Aune, Heltemes, Zeman and Hannon. Mayor Buboltz declared a tie and according to Section 2.07 of the City Code, the Mayor broke the tie by voting for the preliminary plat.

Pursuant to the request of the Boys and Girls Club and upon the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Hannon and carried, without a dissenting vote, establishing no parking in front of the Boys and Girls Club Building at 908 Washington Avenue from 8:30 A.M. to 11:30 A.M. Monday through Saturday until the alley behind their building is opened.

Pursuant to the recommendations of the Planning Commission which were submitted to the City Council and upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Zeman and carried, without a dissenting vote, to approve the issuance of a conditional use permit and a parking lot variance to St. Mary's Regional Health Center allowing construction of an addition to St. Mary's Nursing Center at 1110, 1112, 1116 and 1120 Lincoln Avenue, subject to the following conditions:

- 1) That the parking lot be adequately screened from the adjacent residential use to the south;
- 2) That a permit be obtained from the Pelican River Watershed District;
- 3) That all garbage dumpsters be fully enclosed;
- 4) That the addition be constructed as shown on the approved site plan; and
- 5) That 62 on-site parking spaces be provided instead of the required 70 spaces.

Pursuant to the recommendations of the Planning Commission which were submitted to the City Council and upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a front and side yard variance to Mike Olson allowing construction of a garage at 611 Curry Avenue.

Upon the recommendation of the Community Development Committee, a joint resolution with Detroit Township was introduced by Alderman Brenk, who moved its adoption, providing for an orderly annexation by and between Detroit Township and the City of Detroit Lakes of 228.04 acres in the Richwood Road/Tower Road Area. 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 resolution was introduced by Alderman Brenk, who moves its adoption, introducing a resolution providing for the annexation of 228.04 acres in the Richwood Road/Tower Road Area. The motion for the adoption of the resolution was seconded by Alderman Anderson and carried without a dissenting vote. Mayor Buboltz declared the resolution adopted.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Brenk, seconded by Alderman Heltemes and carried, without a dissenting vote, authorizing the City to enter into an agreement with SRF Consulting Group, Inc., Minneapolis, Minnesota, for professional services to provide exit gate time for 4-Quadrant Gates in the amount of \$1,500.00 and assistance in establishing a Quiet Zone with Burlington Northern/Santa Fe in the amount of \$2,000.00.

Pursuant to the recommendation of the Community Development Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon, and carried, without a dissenting vote, that building permits for the month of April, 2007, in the estimated construction value of \$1,887,906.00, 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 letter of the Pelican River Watershed District concerning reconstruction of Curry Avenue and the north drainage area and upon the recommendation of the Street and Park Committee, a motion was made by Alderman Imholte, seconded by Alderman Heltemes and carried, without a dissenting vote, to authorize the City Engineer to prepare a stormwater report on the north drainage area of the City.

Pursuant to advertising for bids for utility and street improvements on Curry Avenue, Lori Avenue, Pembina Trail, North Washington Avenue and Cormorant Avenue, the following bids were received and opened on May 1, 2007, at 2:00 P.M.:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Feldt Plumbing 298442 State Highway 34 Detroit Lakes, MN 56501	\$ 925,411.17
Spruce Valley Construction 39469 130 th Avenue NE Middle River, MN 57637	962,718.65
Lakes Paving, Inc. P.O. Box 515 Detroit Lakes, MN 56502	1,013,256.96

Sellin Bros, Inc. 1,047,115.60
P.O. Box 159
Hawley, MN 56549

Central Specialties 1,083,008.14
6325 County Road 87 S.W.
Alexandria, MN 56308

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Imholte, seconded by Alderman Brenk and carried, without a dissenting vote, accepting the bid of Feldt Plumbing, Detroit Lakes, Minnesota, in the amount of \$925,411.17, for reconstruction and storm sewer improvements to Curry Avenue, Lori Avenue, Pembina Trail, North Washington Avenue and Cormorant Avenue. Mayor Buboltz declared the resolution adopted.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Imholte, seconded by Alderman Heltemes and carried, without a dissenting vote, introducing for its second reading and adoption, Ordinance No. 310, amending Chapter 204 of the Administrative Code, changing the position of Street Commissioner to Public Works Director and the Street Department to the Public Works Department.

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, giving preliminary approval to vacating the old portion of Jackson Avenue which is in fee ownership by Hedahl's.

Pursuant to the recommendation of the Public Works Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, accepting a report and setting a public hearing for June 12, 2007, at 5:00 P.M. on proposed street improvements to Memory Lane, from Shady Lane to the end. The motion for the adoption of the resolution was seconded by Alderman Brenk 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 Brenk introducing for its first reading and adoption an ordinance amending Section 1001A.12, Subd. 2(A) of the City Code establishing the maximum length of a private dock to 32 feet. Alderman Heltemes spoke in opposition of this change. Mayor Buboltz then called the question and the motion carried.

Pursuant to the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Brenk and carried, without a dissenting vote, authorizing the purchase of a tandem snowplow truck in the amount of \$152,998.00, from the State Contract.

Pursuant to the request of the Lakes Area Farmers Market and the recommendation of the Public Works Committee, a motion was made by Alderman Zeman, seconded by Alderman Imholte and carried, without a dissenting vote, approving their request for use of the City Park for the 2007 Lakes Area Farmers' Market from May to October, 2007.

Pursuant to the request of Donna Nester and upon the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Heltemes and carried, without a dissenting vote, to deny the request to allow two of her renters permits to park in the City Parking Lot behind The Marquee.

Pursuant to the recommendation of the Public Works Committee, a resolution was introduced by Alderman Hannon, who moved its adoption, accepting the sidewalk repair/replacement survey, as presented, and setting a hearing for June 12, 2007, 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 Imholte and carried without a dissenting vote. The Mayor declared the resolution adopted.

Pursuant to the request of Lakeshirts and upon the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Zeman and carried, without a dissenting vote, approving their request for use of the City Beach on June 2, 2007, for their 2007 Resort Sales Conference and a permit to consume alcoholic beverages in the Pavilion and a tented area on the beach with the condition that the City beach is cleaned up no later than noon on June 3, 2007.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Hannon, seconded by Alderman Imholte and carried, without a dissenting vote, authorizing the Budweiser Clydedales to use the parking lot north of the Pavilion and various City streets to parade the horses on June 17, 2007.

Pursuant to the request of the "Family Jam" Advisory Committee and upon the recommendation of the Street and Park Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving their request to use the City Park for "Family Jam" on July 8, 2007, in conjunction with the Water Carnival.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a semi-commercial dock license to D & J Investments of Detroit Lakes dba Pine to Palm Motel, 702 West Lake Drive, pursuant to their application and fee.

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, approving the issuance of fertilizer licenses to Valley Green of Detroit Lakes and R-U Ready Lawn Care, pursuant to their applications and fees.

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 the preliminary report and authorizing calling for bids for sealcoating of Runway 13/31 at the Detroit Lakes Airport, such bid opening date to be May 14, 2007, at 3:00 P.M.

Alderman Anderson advised that the Finance Committee has requested that City staff meet with the Becker County Assessor and establish a value for the Airport property and this will be reviewed at the regular June Finance Committee Meeting and then will be reviewed with the Detroit Lakes/Becker County Airport Commission.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Anderson, who moved its adoption, to not purchase excess liability "umbrella" insurance coverage in the amount of \$26,190.00. The motion for the adoption of the resolution was seconded by Alderman Aune and carried without a dissenting vote. Mayor Buboltz declared the resolution adopted.

The Finance Committee instructed City staff to obtain bids for broadcasting the Council Meetings from various sources and place this item on the regular June City Council Meeting.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a permit to Voyageur Lanes/Islands to exceed noise limits in the City on various dates for 2007.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a parade permit to the American Legion to conduct the Memorial Day Parade on May 28, 2007.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Hannon, seconded by Alderman Aune and carried, without a dissenting vote, approving the issuance of permits for Mike Checkalski/Night Storm and the Fraternal Order of the Eagles Aerie #2342 allowing dances on July 3 and 4, 2007, at the Pavilion and June 2, 2007, on Holmes Street in conjunction with the Street Faire, such dance permits having been recommended by the Police Chief.

Pursuant to the recommendation of the Public Safety Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of fireworks permits to Menard's #3213, Pamida #4122, WalMart#2957 and Randall Herman (WalMart Parking Lot), allowing them to sell fireworks.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Hannon and carried, without a dissenting vote, approving a donation, in the amount of \$200.00 for the Detroit Lakes Youth Baseball Association, such funds to be disbursed from the Liquor Fund.

Pursuant to 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 a \$100.00 donation to the Detroit Lakes Police Department for their child safety and drug education program for children and their parents, such funds to be disbursed from the Liquor Fund.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Heltemes, seconded by Alderman Anderson and carried, without a dissenting vote, approving the issuance of temporary on-sale intoxicating liquor licenses for the Holiday Inn Lakeside for the following dates and locations:

- 1) May 26, 2007 at the Detroit Lakes Community and Cultural Center for a wedding;
- 2) June 2, 2007, at the Detroit Lakes Community and Cultural Center for a wedding; and
- 3 June 16, 2007, at the Detroit Lakes Community and Cultural Center for a wedding.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a temporary on-sale intoxicating liquor license to the Fraternal Order of Eagles Aerie #2342 on June-2-3, 2007.

Pursuant to the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a permit to consume at the Pavilion for the Natasha Wiedeman Wedding Party on June 16, 2007.

Upon the recommendation of the Liquor/Gambling Control Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, approving the Becker County Sheriff Posse's gambling application allowing them to hold a raffle at the Becker County Fairgrounds on August 18, 2007.

Upon the recommendation of Mayor Buboltz and Police Chief Kelvin Keena, a motion was made by Alderman Anderson, seconded by Alderman Brenk and carried, without a dissenting vote, to approve the permanent appointment of Police Officer Matt Brun effective June 21, 2007.

A motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, authorizing two people from the City Attorney's Office

to attend the 2007 City Attorney's Legislative Update on June 21, 2007, in Brooklyn Center.

A motion was made by Alderman Aune, seconded by Alderman Hannon and carried, with out a dissenting vote, approving the issuance of plumbing licenses for 2007 to Bryan Thoreson dba Thoreson Plumbing, Inc., Moorhead, and Michael Dryke dba The Jamar Company, Duluth, pursuant to their application, compliance bond and \$25.00 fee.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Aune, seconded by Alderman Hannon 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 \$2,551,463.90 as of April 30, 2007, be accepted, approved and placed on file.

Pursuant to the recommendation of the Finance Committee, a resolution was introduced by Alderman Aune who moved its adoption, approving the payment of claims paid by proper authorization covering the period April 11, 2007, through May 8, 2007, in the amount of \$1,905,021.22. 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.

The motion was made by Alderman Aune, seconded by Alderman Hannon and carried, without a dissenting vote, that the County Court Report for March, 2007, Chief of Police Reports, Fire Chief's Report, Liquor Store Manager's Report Animal Control Report and parking violations report be approved and placed on file.

A motion was made by Alderman Brenk, seconded by Alderman Hannon and carried, without a dissenting vote, approving the issuance of a cigarette license for one year to County 22 General Store.

There being no further business to conduct, Mayor Buboltz, by general consent, adjourned the meeting.

Respectfully submitted,

Lynne Krieger
Asst. City Administrator

