

Detroit Lakes, Minnesota
August 11, 2015

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., August 11, 2015; all members of the City Council having been notified of the meeting and the business to be transacted.

Present: Mayor Matt Brenk; City Administrator Robert Louiseau; City Clerk Glori French; Police Chief Tim Eggebraaten; Assistant City Attorney Karen Ramstad Skoyles; City Engineer Jon Pratt; Community Development Director Larry Remmen; Public Utilities General Manger Vernell Roberts; Public Works Director Brad Green; Finance Officer Pamela Slifka; Fire Chief Scott Flynn; Liquor Store Manager, Randy Buhr; Building Official Dave Neisen and Intern Dylan Ramstad Skoyles

Aldermen: Boeke, Imholte, Marks Erickson, Schiller, Schurman
Sukke, Wenner and Zeman

Absent: Waller

Mayor Brenk administered the Oath of Office to Alderman Matthew T. Boeke who was appointed to fill the vacancy in Ward III until the next Municipal Election.

There being no correction to the minutes of the Regular City Council Meeting held July 14, 2015; Special City Council Meetings held on July 30, 2015. Mayor Brenk declared the minutes would stand approved according to copies sent to each member of the Council.

Mayor Brenk introduced Senior Attorney/Lobbyist Elizabeth Wefel with the Coalition of Greater Minnesota Cities. Wefel informed the Council on the 2015 Legislative outcomes. A law was passed requiring Minnesota to perform a cost impact analysis of all new and proposed water quality regulations. No funding increase for Local Government Aid (LGA) due to Legislatures failure to get the tax bill passed. \$1.8 M was approved for a new Employer Driven Job Training Program. \$5.3M was approved for workforce housing. \$10.8 M was approved for the Broadband Infrastructure Grant Program. \$12.5M for small cities (pop under 5,000) for "City Streets" Program and \$4.3M was approved for the Greater Minnesota Business Development Public Infrastructure Grant Program. Wefel announced the proposed 2016 Legislative outcomes will include a tax bill to include LGA and workforce housing tax credits. Legislators will be working on a Bonding bill and a possible transportation funding request. Wefel noted 2016 is a non-budget year and the House and Senate are up for election in November 2016 so no significant policy changes are not likely. Wefel publically thanked Public Utility General Manager Vernell Roberts and Water Waste-

Water Supervisor Scott Gilbertson for sharing their expertise with Elizabeth during the Legislative Session. Alderman Imholte invited City Council and City staff to attend the Coalition of Greater Minnesota Cities Fall Conference which will be held on November 12 and 13 in Alexandria Minnesota.

The 80th Northwest Water Carnival Co-Admirals Nate Woodard and Alm Alaniz appeared before the Council and thanked the Council and City staff for all the work and support given during the event.

Chairman of the Muscatell Ojibwe Forests Rally, Erick Nelson appeared before the Council and gave an update on the Rally that will take place on August 29, 2015. Everything is in place and they are anticipating a record turnout of racers and fans. Chief Tim Eggebraaten advised the Council the past few years, no major problems happened and the City is not anticipating any problems. Nelson and his team have been very cooperative in keeping the City informed and have done a very good job staging the event.

Co-Chair for the Grand Army of the Republic (GAR) Park rededication, Tom Mortenson appeared before the Council and presented Mayor Brenk and the City of Detroit Lakes a Certification of Appreciation Plaque for the help and support given during the rededication of GAR Park held April 15, 2015. Mortenson noted the rededication would not have been such a success without the City of Detroit Lakes and other business's in Detroit Lakes. Mayor Brenk thanked Tom and Pam Mortenson for their work to accomplish the rededication.

Mortenson noted because of the historical significance of GAR Park, he has been working with the Minnesota Department of Transportation for signage directing visitors to GAR Park.

Detroit Lakes Library Director Mary Haney gave a slide show on the sculptor that is being created by acclaimed sculptor Hans Gilsdorf to sit outside the Library. The sculpture is a gift to the community from donors to the Detroit Lakes Public Library Fund with additional funding provided by Minnesota Arts and Cultural Heritage Fund through the Legacy Amendment.

Mayor Brenk called the continuation of a public hearing to order at 5:33 P.M. to receive public comment on extending the corporate limits of the City of Detroit Lakes to include certain unincorporated unplatted land abutting upon the city limits part of the Northwest Quarter of the Southwest Quarter in Section 36, Township 139 North, Range 41 West of the Fifth Principal Meridian in Becker County approximately 4.64 acres on the East side of Highland Drive. Community Development Director Larry Remmen reported new hearing notices had been sent out to the required property owners and the notice included a statement regarding the request to rezone the property to an "R-3" Multi-Family Residential District.

Bob Spilman owner of the property appeared before the Council and gave a history of the property and why Bob and his wife Joyce are requesting the annexation and rezoning. Spilman referred to the City of Detroit Lakes Housing Study completed in August of 2013 noting there is a need for more housing in Detroit Lakes.

Spilman presented a slideshow showing examples of Planned Unit Developments in Detroit Lakes. Spilman noted in order to build affordable housing the housing will need to be multifamily and attached dwellings.

Brian Andrew 16265 Highland Drive expressed concern since the Spilmans' do not have any definite plans for the property as of yet, the neighbors are concerned of what might be built. Andrew also noted the property is in the Shoreline District.

Jeff Swanson 28234 Lemon Road, requested before a decision is made on the rezoning of the property a definite building plan should be identified and presented to the appropriate Committees and neighbors.

Alderman Imholte commented the City of Detroit Lakes does need more "R-3" units within the City and would like to see the City's Comprehensive Plan address those needs. Alderman Imholte clarified what typically happens during an annexation the property is annexed in as an "R-A" Residential Agriculture and then would go to the Planning Commission to determine the appropriate zoning of the property.

Community Development Director Larry Remmen informed the Council in an "R-2" Multi-Family Residential District conditional use permits are issued to allow Planned Unit Developments but limited to one multi family unit up to eight units per block. If the property is zoned as an "R-2" District what Mr. Spilman is planning will not work.

Remmen clarified an "R-1" District allows Multi-Family Planned Unit Developments without the restriction of the "R-2" District. Remmen clarified an "R-3" District allows Multi-Family Planned Unit Developments without the restrictions of the "R-2" District, but with limitations based on the square footage of the property.

Alderman Marks Erickson inquired will there be any need for infrastructure requirements and who would be responsible for the cost of the requirements. Community Development Director Larry Remmen said yes there will be the need for water and sewer extended. The assessments would go to the benefitted property owners.

Alderman Zeman noted Ward I has the majority of the current "R-3" District and is concerned with the concentration of the "R-3" District in one spot. Alderman Zeman would like the Council to work with the Spilmans to determine what needs to be done, to allow the project to move forward in a timely manner.

City Administrator Bob Louiseau informed the Council that City staff will provide the Council, Planning Commission and property owners with information on how much of

the property is in and out of the Shoreland District and the possibilities of what could be built following the “R-1” District, “R-2” District and “R-3” District zoning requirements.

Dick Alsop with the Lake Detroiters Association is concerned with the lack of parking available for the Golden Bay Shores Planned Unit Development. Dick noted there is not enough room between the street and garage to park a car, so when Planned Unit Developments are being approved enough parking and size of parking spots to allow boats should be a primary consideration when approving a plan. Mr. Remmen noted Golden Bay Shores is a private development and streets were designed and are maintained by the owners. They do not have to meet City standards.

Community Development Director Larry Remmen clarified there are multiple ways an annexation can occur under the State law. The most common way is the property owner petitions the City to be annexed requiring a hearing. Another way is an orderly annexation and the City and Township agree certain areas are going to be annexed under a certain schedule, requires a hearing. Another process and usually takes longer is where a portion of landowners petition for annexation and the petition is sent to the State, and contested between the City and Township.

Alderman Imholte noted if the motion to defer this request passes, this item will be discussed at the Community Development Committee Meeting at 4:30 P.M. on September 3, 2015. Imholte requested City staff to send out a notice of the Community Development Committee meeting to all property owners affected by this annexation.

Bob Spilman is concerned about what makes his request to have his property zoned as an “R-3” District different than the already zoned “R-3” Districts. Alderman Imholte stated all the current “R-3” Districts were identified in the City of Detroit Lakes Comprehensive Plan.

There being no other comments, Mayor Brenk closed the hearing at 6:10 P.M. and reconvened the Regular Council Meeting.

A motion was made by Alderman Imholte, seconded by Alderman Sukke and carried without a dissenting vote to defer action on the first reading of an ordinance 392 extending the corporate limits and rezoning request made by Robert and Joyce Spilman.

Pursuant to the recommendations of the Planning Commission that were submitted to the City Council and the recommendations of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the finding of fact and reasons for denying the Variance to allow a 10 foot yard setback and a 37.5 foot setback from the Ordinary High Water Mark for construction of a garage, and approves a Variance to allow a 39 foot 9 inch setback from the Ordinary High Water Mark to allow construction of a 10 x 50 foot main story deck and an 8 x 16 foot second story deck at 1153 West Lake Drive subject to the following conditions:

- 1) The project not exceed the 25% impervious surface requirement;
- 2) The project be constructed as shown on the approved site plan;

- 3) The owner construct and maintain a 12 inch high berm along the shoreline to prevent stormwater run-off from entering the lake. This should be completed prior to issuance of a building permit for the deck;
- 4) The owner provide the City with a survey to show setbacks and impervious coverage after construction is completed;
- 5) That an 8 x 16 foot second story deck and a 10 x 50 foot main floor deck be allowed as now completed;
- 6) No sidewalks of either pervious or impervious materials are allowed in the Shore Impact Zone;
- 7) Owner obtain a Pelican River Watershed District Permit for stormwater mitigation prior to issuance of a building permit for the deck;
- 8) One 8 x 8 storage shed is allowed provided the project does not exceed 25% impervious surface and the shed is located on the east side of the proposed parking area;
- 9) Other than the construction approved by this Variance and shown on the approved site plan, the remainder of the property shall remain free of any additional outside improvements including a garage in perpetuity.

Community Development Director Larry Remmen advised the Council, the changes that were made to this resolution have been reviewed by the City Attorney Charlie Ramstad, Ramstad is concerned with the change adding perpetuity as that is a very long time and things do change.

The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811E adopted.

Pursuant to the recommendations of the Planning Commission that were submitted to the City Council and the recommendations of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the finding of fact and reasons for amending a Variance to allow the date for 22 additional parking spaces to be provided by Sanford Health at 1219 Washington Avenue to be changed to on or before November 1, 2017. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811A adopted.

Pursuant to the recommendations of the Planning Commission that were submitted to the City Council and the recommendations of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the Final Plat of Schurman Corner at 601 Willow Street West. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote (Alderman Schurman abstained from the discussion and vote). Mayor Brenk declared the Resolution 0811B adopted.

Upon the recommendations of the Planning Commission that were submitted to the City Council and the recommendations of the Community Development Committee, a

resolution was introduced by Alderman Imholte, who moved its adoption, approving the Final Plat of Lake Forest Sixth Addition subject to the following conditions:

- 1) Owner sign an easement in favor of the City for the trail between Lake Forest First and Second Addition;
- 2) That a separate sanitary sewer and water hookup be provided for Lots 1 & 2, Block 2 and that the water and sewer hookup for the home at 787 South Shore Drive be provided on its own lot. This must be done prior to the issuance of any building permits for Lots 1 & 2, Block 2. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811C adopted.

Pursuant to the recommendations of the Planning Commission that were submitted to the City Council and the recommendations of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the Final Plat of T.W. Properties at Village Lane and Long Lake Road subject to the following condition: Owner pay a \$12,000 park dedication fee. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811D adopted.

Pursuant to the recommendations of the Planning Commission that were submitted to the City Council and the recommendations of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption approving the annexation of an area designated for orderly annexation Long Lake Area IV Detroit Township. That upon the annexation, the territory annexed will be zoned as follows: Parcels 08-0543-000 will be zoned "RLB" Residential Lakefront Business District and the rest of the annexed area will be zoned "R-2", One and Two Family Residential. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811F adopted.

Upon the recommendations of the Planning Commission and Community Development Committee a motion was made by Alderman Imholte, seconded by Alderman Zeman and carried, without a dissenting vote introducing for its second reading and adoption of Ordinance 391 amending Section 4 of Ordinance No. 500.51 rezoning Lake Forest 6th Addition from "R-A" Residential Agriculture to "R-2" One and Two Family Residential District.

Upon the recommendations of the Planning Commission and Community Development Committee a motion was made by Alderman Imholte, seconded by Alderman Sukke and carried, without a dissenting vote accepting transfer of ownership of parcel 49-2471-360, Outlot A in Pleasant Acres Two, approximately five (5) acres in size for stormwater purposes.

Alderman Imholte informed the Council that at the Community Development Committee Meeting on August 6, 2015, Pelican River Watershed District Administrator Tera Guetter and Becker County Planning and Zoning Director Gary Evenson attended

the meeting and had discussions on trying to coordinate and cooperate on various requests that affect different organizations in Detroit Lakes.

Pursuant to the recommendation of the Community Development Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, that the building permits for the month of July, 2015, in the estimated construction value of \$4,168,941.00 to be issued pursuant to their applications accompanied by the required City fees and State surcharges, the issuance of such permits having been recommend by the Building Official and approved by the Community Development Committee.

Alderman Zeman informed the Council that a meeting is being planned with the Becker County Highway Committee and the Public Works Committee to have discussion on the reconstruction of West Lake Drive (Legion Road to CSAH 6) and other transportation improvements.

Pursuant to the recommendations of the Public Works Committee, a resolution was introduced by Alderman Zeman, who moved its adoption accepting a bid for the Tower Road, Peter Street and Dan Street Improvements Project from the lowest bidder Hough, Inc. of Detroit Lakes in the amount of \$580,909.65. The motion for the adoption of the resolution was seconded by Alderman Schurman and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811 adopted.

Pursuant to the request for the purchase of a vactor jet truck from the Public Works Department a motion was made by Alderman Zeman, seconded by Alderman Imholte and carried without a dissenting vote authorizing the purchase of a new vactor jet truck from MacQueen Equipment Inc., based on the Minnesota State Contract pricing in the amount of \$403,332. This is a budgeted item between the Sanitary and Stormwater Departments. The T440 Tandem will be purchased and delivered Fall 2015 and the vactor 2100 chassis will be purchased and delivered early Spring 2016.

Discussions took place regarding the request from J&K Marine to hold a Labor Day Sale on the City Public Beach. Alderman Zeman informed the Council the request is the sale of new and used boats as well as demo a boat/pontoon, approximately 25-30 boats would be placed on the sand between the Sailboat sculptor just East of the Marina and to the public access to the West.

Alderman Marks Erickson advised the Council the City issued Commercial Dock License does not allow J&K Marine to sell boats on the beach. City Administrator Bob Louiseau confirmed the Commercial Dock License allows J&K to operate the Marina, historically boats sales have not been a part of the Marina. Louiseau noted boat/pontoon sales are not permitted in this zoning district and the City owns the beach including the part in front of the Marina. J&K Marine has a permit and has retained a right to operate the Marina.

Alderman Marks Erickson is asking the Council to not allow sales on the beach, based upon our Ordinances. If you allow one business then you should open it up to other businesses.

Upon the recommendations of the Public Works Committee a motion was made by Alderman Zeman, seconded by Alderman Imholte and carried, with two dissenting votes (Marks Erickson/Schiller) approving the Event Application submitted by J&K Marine to allow 15 boats/pontoons to be parked on the sand from the J&K building west to the public access starting on Friday September 5, 6, 7, 8 for the Labor Day Sale, boats to be used for demos and sold.

Mayor Brenk asked Public Works Director Brad Green and City staff to look at Ordinances regarding Commercial Sales on the City Beach and in City Parks and bring back recommendations to a future Council Meeting.

City Engineer Jon Pratt updated the Council on several City Projects throughout the City. Downtown Washington Avenue Reconstruction Project is complete and open, Section B (Willow to Frazee is substantially complete and open to traffic. TH 10/59 Frontage Road Improvements the existing 10 frontage road has been reconstructed and is open to traffic. Marrow Avenue reconstruction (including underground utilities) is substantially complete. West half of the bridge is complete. Crews are currently working on the east half of the bridge, Holmes Street extension, Highway 10 concrete pavement and other items. Airport Watermain Loop the final work on Section C (Grant Street Lift Station) and section B Highway 10 & K-Mart Lift Station) is complete. Watermain will go on line this week. Crews are working on rebuilding the park access road, turf, restoration and fencing. Upon the recommendations of the Public Works Committee a motion was made by Alderman Sukke, seconded by Alderman Waller and carried, without a dissenting vote approving the Engineer Project Status Report.

Upon the recommendations of the Public Works Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote approving the request submitted by Zorbaz and Run Around Events to close Peoples Street and Phinney Avenue on September 5, 2015 for the 3rd Annual Zorbaz Beer Run.

Upon the recommendations of the Public Works Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote approving the request submitted by Darvin Jahnke to use the City Park for the Sleds in the Park Event on September 26, 2015.

Upon the recommendations of the Public Works Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote approving the request submitted by the Jaycee's amending the Jaycees Rib Fest Event location from the City Park to the Lakeside Tavern/Tavern Brewery parking lot on August 29, 2015.

Upon the recommendations of the Public Works Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote approving the request submitted by Katy Ness/Erik Ness to fence off an area on the north side of the Pavilion for her wedding reception on Saturday September 5, 2015.

Upon the recommendations of the Public Works Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote approving the issuance of a transient merchant's license to Michael Dorst, Dent Bangers , to open a paintless dent repair business at 601 US Highway 10 East from August 12 to October 31, 2015.

A motion was made by Alderman Imholte, seconded by Alderman Schurman and carried without a dissenting vote that the trial balance, submitted by Finance Officer Pamela Slifka, showing a balance in the City treasury to be in the amount of \$11,639,836.14 as of July 31, 2015, be accepted, approved and placed on file.

Pursuant to the recommendations of the Finance Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the payment of claims paid by proper authorization covering the period July 15, 2015 through August 11, 2015 in the amount of \$4,341,650.66 the motion for the adoption of the resolution was seconded by Alderman Schurman and carried without a dissenting vote. The Mayor declared Resolution 0811G adopted.

Pursuant to the recommendation of the Finance Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, authorizing Finance Office Pamela Slifka to attend the Minnesota Government Finance Officers Association 2015 Annual conference on September 23-25, 2015, in Alexandria, Minnesota.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, to approve the issuance of a dance permit for the Lions Club to conduct a public dance at the Pavilion for the Annual Harvest Moon Dance on October 10, 2015.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, to approve the issuance of a dance permit for the Detroit Lakes Fire Department to conduct a public dance at the Pavilion for the Annual Volunteer Fireman's Dance on August 21, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the issuance of Special On-Sale Intoxicating Liquor License to Bleachers Bar & Grill to sell and serve intoxicating liquor at the Pavilion for the Becker County Museum Event on September 10, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the issuance of Special On-Sale Intoxicating Liquor License to Brew Ales and Eats to sell and serve intoxicating liquor at the Kent Freeman Arena for the Lakes Crisis & Resource Center Charity Auction on August 13 2015.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the issuance of Special On-Sale Intoxicating Liquor License to Bleachers Bar & Grill to sell and serve intoxicating liquor at the DLCCC for the Gravelle/Anderson wedding reception on October 10, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the issuance of Special On-Sale Intoxicating Liquor License to Bleachers Bar & Grill to sell and serve intoxicating liquor at the DLCCC for the McLeod/Beichling wedding reception on September 19, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by Holy Rosary Church to conduct raffle at 1043 Lake Avenue on August 16, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by Holy Rosary Church to conduct raffle at 1043 Lake Avenue on August 23, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by Lakes Area Imagination Library to conduct raffle at Detroit Rock City on August 17, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by Lakes Area Imagination Library to conduct raffle at Shorewood Pub on October 9, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by Rotary Club Detroit Lakes Breakfast to conduct raffle at the Holiday Inn on February 6, 2016.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried,

without a dissenting vote, approving the gambling application submitted by Duck Unlimited to conduct raffle at the Pavilion on September 17, 2015.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by United Lakes and Trail Riders Association (ULTRA) to conduct raffle at Shorewood Pub on February 21, 2016.

Upon the recommendations of the Liquor/Gambling Control Committee, a motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, approving the gambling application submitted by Essentia Health St. Mary's to conduct raffle at the Fireside on September 25, 2015.

Upon the recommendations of the Public Utilities Commission, a motion was made by Alderman Imholte, seconded by Alderman Zeman and carried, without a dissenting vote, authorizing entering into an Engineering Services Agreement with Short Elliot Hendrickson (S.E.H.) for design, bid and construction management services for the Waste Water Treatment Plant Upgrades. Proposed fees for each segment of the anticipated work are as follows: Design and Bid \$1,384,990 and the Construction Phase \$1,332,970 for a total of \$2,717,960.

Alderman Imholte read a letter of appreciation from the City of Staples to the City of Detroit Lakes thanking the City for sending Tree Trimer Mike Frentress and Tree Trimer Jayson Ritari to help after the July 12, 2015 storm that damaged the City of Staples.

Pursuant to the recommendations of the Airport Commission, a resolution was introduced by Alderman Marks Erickson, who moved its adoption approving the AIP Grant to update the Airport Master Plan in the amount of \$295,954. The motion for the adoption of the resolution was seconded by Alderman Zeman and carried without a dissenting vote. Mayor Brenk declared the Resolution 0811H adopted.

A motion was made by Alderman Sukke, seconded by Alderman Waller and carried, without a dissenting vote, approving the following licenses for 2015:

Tobacco Licenses:

Wal-Mart #2957, 1583 Highway 10 West

Grand Central Inc., DBA: Central Market, 310 Frazee Street East

A motion was made by Alderman Imholte, seconded by Alderman Schurman and carried, without a dissenting vote, that the July Becker County Court Report of \$6,150.00, Chief of Police Monthly Report, Animal Control Monthly Report, Liquor Store Manager's Monthly Report, Nuisance Monthly Report, July Parking Violations Monthly Report (\$460.00) and City Engineer Report be approved and placed on file.

Mayor Brenk announced a Special City Council Meeting will be held on August 25, 2015, at 5:00 P.M. in the Council Chambers at 1025 Roosevelt Avenue.

Mayor Brenk announced the 2016 Budget Committee Meetings are scheduled for August 12, 17, 18, 25, 27 and September 1 (if required) at 7:00 A.M. in the conference room at 1025 Roosevelt Avenue.

Mayor Brenk requested a motion to close the meeting and remove to the committee room on the basis of the attorney-client privilege as set forth in Minn. Stat 13D.05 Subd.3 (b) and Minn. Stat. 595.02 (b) in order for the Council to meet with its attorney Jason Kuboushek by phone conference and with Assistant City Attorney Karen Skoyles in a closed session for a status update and to discuss strategy regarding the City's position in the pending litigation by Gregory Holmes and Janet Holmes against the City.

Mayor Brenk stated on the record the case went to mediation on July 21, 2015 and that the Council should be advised of the strengths and weaknesses of the various choices available to the City in the litigation and that in order to implement strategy the City and its attorney need absolute confidentiality with regard to those choices, making it necessary to close the meeting.

A motion was made by Alderman Sukke, to close the City Council Meeting and move to the conference room on the basis of the attorney-client privilege as set forth in Minn. Stat 13D.05 Subd. 3 (b) and Minn. Stat. 595.02 (b) in order for the Council to do a phone conversation with Jason Kuboushek, the attorney representing the City and with Assistant City Attorney Karen Skoyles for a status update and to discuss the strategy and that the Council should be advised of the strengths and weaknesses of the various choices available to the City in the litigation and that in order to implement strategy the City and its attorney need absolute confidentiality with regard to those choices, making it necessary to close the meeting regarding the position in the pending litigation by Gregory and Janet Holmes against the City.

The motion was seconded by Alderman Zeman and carried, without a dissenting vote.

Mayor Brenk clarified the Regular City Council Meeting is not adjourned and will return to open session on the conclusion of the closed meeting. The Mayor, Council, Assistant City Attorney, City Administrator and City Clerk moved to the conference room.

The Mayor, Council, City Attorney, City Administrator and City Clerk returned to the Council Chambers Mayor Brenk re-opened the Regular City Council Meeting.

A motion was made by Alderman Zeman, seconded by Alderman Sukke and carried, without a dissenting vote approving the Mediated Settlement Agreement between the City of Detroit Lakes and Gregory Holmes and Janet Holmes. Mayor Brenk advised the Council a portion of the settlement will be paid by the League of Minnesota Insurance Trust and the remainder from the City.

There being no further business to conduct, by general consent, the Mayor adjourned the meeting at 7:20 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Glori French". The signature is written in black ink and is positioned below the phrase "Respectfully submitted,".

Glori French,
City Clerk