

Detroit Lakes, Minnesota
May 10, 2016

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., May 10, 2016; all members of the City Council having been notified of the meeting and the business to be transacted.

Present: Mayor Matt Brenk; City Administrator Kelcey Klemm; City Clerk Glori French; Finance Officer Pam Slifka; Police Chief Tim Eggebraaten; City Attorney Charlie Ramstad; City Engineer Jon Pratt; Fire Chief Scott Flynn; Police Chief Tim Eggebraaten; Liquor Store Manager Randy Buhr; Public Works Director Bradley Green; Community Development Director Larry Remmen and Building Official Dave Neisen

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

Absent: none

There being no corrections to the minutes of the Regular City Council Meeting held April 12, 2016. Mayor Brenk declared the minutes would stand approved according to copies sent to each member of the Council. There being no corrections to the minutes of the Special City Council Meeting held April 19, 2016. Mayor Brenk declared the minutes would stand approved according to copies sent to each member of the Council.

Alderman Imholte updated the Council on the Variance Application requests from Dan and Amy Smith, 1348 South Shore Drive; the Smith's were granted a Variance to allow a 45 foot setback from the Ordinary High Water Mark for construction of a 1698 square foot addition to a home on October 14, 2014. The Smiths applied to the City for a Variance on December 18, 2015 and amended that Variance Application on February 17, 2016 and on May 6, 2016. The request is to allow construction of a 62 square foot pervious paver walkway in the Shore Impact Zone; construction of an eight (8) foot wide stairway in the Shore Impact Zone; construction of a 6 x 17 foot roof supported by pillars in the Shore Impact Zone; construction of a 125 square foot landing and stairway serving a patio door on the new addition and a 345 square foot pervious paver patio in the Shore Impact Zone; an increase in the amount for pervious pavers on site by approximately 1775 square feet for a total of approximately 4435 square feet. Alderman Imholte noted the proposal would vary from the requirement in that it would allow the following A) construction of a 62 square foot pervious paver walkway in the Shore Impact Zone; B) construction of an eight (8) foot wide stairway in the Shore Impact Zone; C) construction of a 6 x 17 foot roof supported by pillars in the Shore Impact Zone; D) construction of a 125 square foot landing and stairway serving a patio door on the new addition and a 345 square foot pervious paver patio in the Shore Impact Zone and E) an increase in the amount for pervious pavers on site by approximately 1775 square feet for a total of

approximately 4435 square feet.

Alderman Imholte updated the Council on other actions regarding the Variance Application request; on March 7, 2016, Dan and Amy Smith, 1348 South Shore Drive submitted to the City a Request for Accommodation pursuant to the Federal Americans with Disabilities Act and the Federal Fair Housing Amendments Act of 1988 in support of their application for a Variance and their amended applications. Then on March 17, 2016 Amy Smith submitted verification in the form of a letter from her treating physician Michael Sheldon, MD that she suffers from a disability in the form of a physical impairment that substantially limits her ability to walk and stand safely, and requires paved or hard surfaces for her mobility and for her ability to use and enjoy her home. The requested accommodation in the form of the site plan labelled L1 revision dated 4-25-16 for a Variance is necessary to afford Amy Smith an equal opportunity to enjoy her property. The applicants have shown that, but for the accommodation, Amy Smith would not have the same use and enjoyment of her property as a non-disabled person would. Independent recreation and exercise in the yard are uses and enjoyment that non-disabled persons receive from their dwelling. The requested accommodation ameliorates the effects of her disability such that with the accommodation Amy Smith will be able to use and enjoy the yard of the dwelling for recreation and exercise, provider her with an equal opportunity to use and enjoy her property as a non-disabled person could. The requested accommodation is reasonable because it imposes no fundamental alteration in the nature or administration of the Zoning Ordinance of the City of Detroit Lakes.

Alderman Imholte noted following a public hearing on the application, the Detroit Lakes Planning Commission forwarded the matter to the City Council with a recommendation to grant the accommodation on March 31, 2016. Pervious pavers can only remain pervious if they are properly installed and properly maintained. A Pervious Surface Maintenance Agreement between the landowner and the City to allow the City to inspect installed pervious pavers and to require the landowner to maintain the pervious characteristics of those pavers is necessary for the City to ensure that the pervious pavers do not become impervious over time, and that impervious surfaces on the property do not exceed 25%. The City has an obligation to require the landowner to reduce or eliminate the introduction of surface water runoff and ground water infiltration from the property into the waters of the adjoining Detroit Lake, and berms, infiltration basins and buffer strips are reasonable methods to advance those goals. The City Council of the City of Detroit Lakes reviewed the requested accommodation and Variance at its meeting of April 12, 2016 and again on May 10, 2016.

Pursuant to the recommendation of the Planning Commission that was submitted to the City Council and the recommendation of the Community Development Committee. A resolution was introduced by Alderman Imholte, who moved its adoption, adopting the finding of fact and reasons for approval of amending a variance to allow:

- 1) Construction of a 62 square foot pervious paver walkway in the Shore Impact Zone; 2) construction of an 8 foot wide stairway in the Shore Impact Zone; 3) construction of a 6 x 17 foot roof supported by pillars in the Shore Impact Zone;

4) construction of a 125 foot landing and stairway serving a patio door on the new addition, and a 345 square foot pervious paver patio in the Shore Impact Zone; 5) an increase in the amount for pervious pavers on site by approximately 1775 square feet for a total of approximately 4435 square feet.

Subject to the following conditions: 1) that the owners provide the City with a survey upon completion of the projects showing all pervious and impervious areas; 2) that the project not exceed 25% impervious surface coverage; 3) that the owners make application for and obtain a building permit for all pervious and impervious pavers, patios and walkways included in this Variance; 4) that the owners sign the City's standard Pervious Surface Maintenance Agreement within 60 days of approval of this Variance by the City Council; 5) that the owners implement the following mitigation measures:

- a) Construct and maintain a 6 inch high berm across the entire lot between the home and the shoreline as shown on the site plan labelled L1 revision dated 4-25-16; b) direct roof drainage away from the lake and into infiltration basins; c) install and maintain a 5 foot wide natural buffer strip from lot line to lot line, except for an accessibility path, between the home and the 6 inch high berm to be installed. A natural buffer is defined as follows: An unmown, undisturbed natural or enhanced native perennial vegetation area, excluding invasive plants and noxious weeds in a combination of trees, shrubs and ground cover to create a diverse plant community as per the Becker County SWCD Shoreline Planting Program by July 1, 2016.

6) that the project be constructed as shown on the approved site plan.

The motion for the adoption of the resolution was seconded by Alderman Sukke and carried without a dissenting vote. The Mayor declared Resolution 0510F adopted.

Mayor Brenk administered the Oath of Office to Fire Fighter Matthew Ask who completed his probationary membership with the Detroit Lakes Fire Department on May 6, 2016.

Public Works Director Brad Green introduced Eagle Scout William Pihlaja who gave a short presentation on his Eagle Scout Project in the Veterans Memorial Park.

Pursuant to notice having been published in the official newspaper and mail notice sent to area liquor establishments, that a hearing would be held to hear public comment and give consideration to granting a Temporary Expansion Liquor Permit for a Sidewalk Café to LaBarista, LLC., the Mayor called the hearing to order at 5:15 P.M. There being no comments, Mayor Brenk closed the hearing at 5:16 P.M. and reconvened the Regular Council Meeting.

Upon the recommendation of the Liquor and Gambling Control Committee, a motion was

made by Alderman Sukke, seconded by Alderman Waller and carried, without a dissenting vote authorizing the issuance of a Temporary Liquor Expansion Permit for a Sidewalk Cafe to LaBarista, LLC., 808 Washington Avenue effective May 11, 2016 through October 31, 2016.

Pursuant to notice having been published in the official newspaper that the Council, at this present meeting will conduct a hearing to receive public comment on the matter of the issuance of a Non-Profit Facilities Revenue Note for the Lakes Home Project, the Mayor called the hearing to order at 5:17 P.M. Finance Officer Pam Slifka noted the maximum aggregate principal of the Note will not exceed \$2,900,000 and no charge, lien or encumbrance will be made upon any property of the City of Detroit Lakes and such obligations will not be charge against the general credit or taxing powers of the City. Bond Consultant Steve Fenlon with Lakes Home and Development appeared before the Council and gave an update on the status of the revenue note. There being no other comments or questions, Mayor Brenk closed the hearing at 5:20 P.M. and reconvened the Regular Council Meeting.

Upon the recommendations of the Finance Committee a resolution was introduced by Alderman Zeman, who moved its adoption, authorizing the issuance and sale of a Non-Profit Facilities Revenue Note for the Lakes Home Project, series 2016, in the approximate principal amount of \$2,715,000; approving the form of and authorizing the execution and delivery of the note and certain related documents thereto; and providing for the security, rights, and remedies with respect to the note. The motion for the adoption of the resolution was seconded by Alderman Waller and carried, without a dissenting vote. Mayor Brenk declared Resolution 0510 adopted.

Pursuant to notice having been published in the official newspaper that the Council, at this present meeting will conduct a hearing to receive public comment on the matter of vacating a portion of right of way of East Shore Drive, the Mayor called the hearing to order at 5:21 P.M. Community Development Director Larry Remmen updated the Council on the request and noted the City will be retaining the Utility Easement. Mike Gunderson, 1300 East Shore Drive, appeared before the Council and is in favor of the vacation request. There being no other comments or questions, Mayor Brenk closed the hearing at 5:23 P.M. and reconvened the Regular Council Meeting.

Upon the recommendations of the Community Development Committee a resolution was introduced by Alderman Imholte, who moved its adoption, authorizing the vacation of a portion of right of way of East Shore Drive (Pokegma Beach Plat). The motion for the adoption of the resolution was seconded by Alderman Marks Erickson and carried, without a dissenting vote. Mayor Brenk declared Resolution 0510B adopted.

Pursuant to notice having been published in the official newspaper that the Council, at this present meeting will conduct a hearing to receive public comment on the matter of vacating a utility easement along the lot line between Lot 10 and Lot 11, Block 2 of Pelican River Heights, the Mayor called the hearing to order at 5:24 P.M. Mayor Brenk called for questions or comments, hearing none, Mayor Brenk closed the hearing

at 5:25 P.M. and reconvened the Regular Council Meeting.

Pursuant to the recommendations of the Community Development Committee a resolution was introduced by Alderman Imholte, who moved its adoption, authorizing the vacation of a utility easement along the lot line between Lot 10 and Lot 11 of Block 2 of Pelican River Heights. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried, without a dissenting vote. Mayor Brenk declared Resolution 0510C adopted.

Pursuant to notice having been published in the official newspaper and mail notice sent to property owners, that a hearing would be held to hear public comment on the matter of the 2016 Street Rehabilitation Project, the Mayor called the hearing to order at 5:26 P.M. City Engineer Jon Pratt presented a presentation on the Project. Pratt noted the purpose of the hearing is to provide information and gain input and a hearing is a requirement of State Statute 429. At the March 8, 2016 City Council Meeting, the Council authorized a Study to evaluate pavement conditions throughout the City with the intent to capitalize on potential savings to the City and property owners due to reduction in the price of bituminous. Pratt shared the difference between a "mill and overlay" and a "full depth reclamation" (FDR) noting the process and price is different. The Study evaluated most streets within the City to identify the streets that would benefit and rule out streets that would not be benefited by the project because of extremely poor condition of utilities or the surface was too deteriorated for a mill and overlay and not bad enough for a FDR. Pratt noted some related improvements to the project would be to adjust all manholes and gate valves, pavement markings and some geometric realignment of curb and street at the north end of East Shore Drive and some more extensive correction at deteriorated segments of East and South Shore Drive. City Engineer Jon Pratt shared the financing for the Project will be in accordance with the City's adopted Special Assessment Policy. The estimated total project cost is \$1,867,000, City share \$760,000 and assessable share of \$1,107,000. Pratt shared the proposed schedule of the Project with construction to start sometime in late August or September.

Mayor Brenk opened the hearing up for questions. Fred Nicks, 216 Grant Street East, appeared before the Council and asked for clarification of how a lot is measured. City Engineer Jon Pratt noted is measured by the width of the lot.

Dick Alsop, 1162 South Shore Drive, noted he would like to see the road improved but has concern with the speed of trucks and traffic on South Shore Drive. Mr. Alsop would like to see a sign placed on South Shore Drive showing the speed a vehicle is traveling. Alderman Imholte, 720 South Shore Drive, also expressed concern of heavy truck traffic and excessive speed along South Shore Drive. Mayor Brenk asked City staff to look into the concerns of vehicles traveling above the posted speed limits on various streets and what type of vehicles for load limits are using City streets and bring recommendations to the Public Safety Committee at a future meeting.

Washington Square Mall Manager Dawn Olson, 808 Washington Avenue, appeared before the Council and requested the mall parking lot be included in the Project with the

same design and aesthetics as the completed downtown Washington Avenue Project. City Engineer Jon Pratt had the opportunity to take a look at the parking lot prior to the meeting, stating the parking lot is approximately 30 years old and has only had minor repairs over the years and could be a candidate for the Project. Pratt noted an estimate of a mill and overlay to the parking lot approximately is between \$150,000 and \$175,000. Community Development Director Larry Remmen clarified the mall parking lot is part of the Downtown Parking District and improvements to the parking lot would be assessed according the Parking Assessment Policy to everyone in the Downtown Parking District. City Attorney Charlie Ramstad informed the Council if the Council wishes to include the mall parking lot in the 2016 Street Rehabilitation Project a hearing would be needed, with proper notification to the property owners in the Downtown Parking District of the project.

Don Hanson, 1324 Long Avenue, appeared before the Council with a question of the where the project will start and stop on Jackson Avenue. City Engineer clarified the location of the Project for Mr. Hanson. Mr. Hanson was concerned with the speed of the traffic, type of vehicles traveling and parking on the streets by Long Avenue. Mr. Hanson shared with the Council it is a good time to do the repairs and take advantage of decreased costs of bituminous and low interest rates.

Cary Hernandez, 1506 Gary Avenue, appeared before the Council and asked based on the presentation are the projected costs set in stone. Engineer Pratt noted they are an estimate, and are not guaranteed, the cost will depend on the bids that are received.

Geffrey Bares, 1149 South Shore Drive, appeared before the Council with a concern why only property owners on South Shore Drive will be assessed and not properties that use South Shore Drive as an access to their properties not assessed. City Engineer Jon Pratt clarified the City does assume some of the costs associated with projects and all roads typically will be used by all residents at some point.

Bruce Langness, 528 South Shore Drive, appeared before the Council with a concern why only property owners on South Shore Drive will be assessed and not all properties within the City. City Engineer Jon Pratt noted the City does assume some of the costs associated with projects. Engineer Pratt clarified the City follows the adopted City Assessment Policy and property owners are only charged the appropriate assessment costs based on the road requirements and the City assumes any additional costs.

Dan Labat, 1818 Ceilia Street, appeared before the Council with a question on the procedure of how and when a property owner will received their assessment amount. Pratt clarified once the Project is completed and the costs are finalized you will be mailed an Assessment Hearing Notice, which includes the date and time of the hearing and an Assessment Worksheet detailing your cost of the assessment that will placed on your property tax role for a specified rate and period of time, unless paid in full. Finance Officer Pam Slifka informed the Council for street projects the timeframe has been five years with a 1.5% to 2% above the borrowed rate. Slifka noted with projects like this, the City sells General Obligation Bonds following the process required by Minnesota

Law. City Clerk Glori French will verify and make sure all appropriate residents are notified according to our required hearing requirements.

Alderman Imholte asked for clarification for the improvements planned on East Shore Drive and in the Sucker Creek Area. Engineer Pratt informed the Council there is an area by Sucker Creek that is broken up and likely will be a little more substantial improvement in that area. Pratt noted discussion has taken place about installing curb and gutter or other mitigations where possible to eliminate water from running directly into the lake.

Alderman Schurman reminded the Council and residents the man holes and gate valves on East Shore Drive, South Shore Drive and other streets will be looked and fixed as part of the project.

Darin Halvorson, 1728 East Shore Drive, expressed concern of the condition of curbs and gutters on East Shore Drive. City Engineer Jon Pratt informed the Council unless the curb and gutter is in really bad shape, the focus of the Project is rehabilitation and not total reconstruction of the streets.

Robert Toring, 1108 South Shore Drive, appeared before the Council and expressed concern of the heavy trucks and volume of traffic on South Shore Drive. Mr. Toring asked the Council to consider decreasing load limits on roads that are being used as pass through roads when considering reconstruction projects and enforcing the limits. Mayor Brenk asked the Public Works Department to research restricting traffic and load limits and bring recommendations to the Public Works Committee.

There being no further comments or questions, Mayor Brenk closed the public hearing at 6:10 P.M. and reconvened the Regular Council Meeting. City Engineer Jon Pratt shared the estimated cost of a mill and overlay to the entire parking lot at the mall would approximately be \$150,000 to \$175,000, upper portion only approximately \$100,000. A full depth reclamation would be approximately \$250,000. Alderman Imholte noted if the Council decides to authorize moving forward with the parking lot rehabilitation it should be done with the same look and feel as the Downtown Washington Avenue Project with the required interior landscaping and trees. Alderman Imholte also noted the storm water issues should be taken into consideration as well. Mayor Brenk asked City staff to look into if funds from the Food and Beverage Tax could be used for the mall parking lot rehabilitation.

Alderman Zeman expressed concern if the Council is considering rehabilitation on the City owned mall parking lot, the Council should also consider paving the City owned parking lot by the Detroit Lakes Community and Cultural Center.

Alderman Boeke asked City Engineer Jon Pratt if he has access to any traffic counts to determine what type of vehicles are utilizing South Shore Drive. Pratt noted counts are available but it would only be trip generated not type of vehicle using the road.

After a lengthy discussion a resolution was introduced by Alderman Zeman, who moved for its adoption authorizing the 2016 Street Rehabilitation Improvements and Preparation of Plans and Specifications for the Mill & Overlay Improvements on portions of East Shore Drive, South Shore Drive, Madison Avenue, Chesterfield Subdivision, Grant Street, 8th Street, June Avenue, Gary Avenue and Long Avenue. And the Full Depth Reclamation on portions of Cheryl Avenue, Lake Avenue, 11th Street and 13th Avenue. The motion for the adoption of the resolution was seconded by Alderman Wenner and carried, without a dissenting vote. Mayor Brenk declared Resolution 0510A adopted.

A resolution was introduced by Alderman Zeman, who moved for its adoption amending the Preliminary Engineering Report for the 2016 Street Rehabilitation Projects to include the Washington Square Mall Parking Lot and setting a hearing for the requested improvements to the parking lot at Washington Square Mall. The motion for the adoption of the resolution was seconded by Alderman Wenner and carried, without a dissenting vote. Mayor Brenk declared Resolution 0510I adopted.

Mayor Brenk requested Public Works Director Brad Green to do a study at the intersection of West Avenue and Holmes Street to determine if a four way stop sign would be appropriate and bring recommendations back to the Council through the Public Works Committee.

Pursuant to the recommendation of the Planning Commission that were submitted to the City Council and the recommendation of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the finding of fact and reasons for approval of a Conditional Use Permit to allow a car wash at Frazee Street and McKinley Avenue, 303 Frazee Street, subject to the following conditions:

- 1) The architectural appearance and functional plan of the building and site shall not be dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- 2) Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer;
- 3) At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 3, Subd. 2G, of this ordinance;
- 4) Each light standard island and all islands in the parking lot landscaped or covered;
- 5) Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 3, Subd. 2G, or this ordinance;

- 6) The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer;
- 7) The entire area shall have a drainage system which is subject to the approval of the City Engineer;
- 8) All lighting shall be hooded and so directed that the light source is not visible from the public right- of-way or from an abutting residence and shall be in compliance with Section 3, Subd. 2H, of this ordinance;
- 9) Vehicular access points shall be limited, shall create a minimum conflict with through traffic movement and shall be subject to the approval of the City Engineer;
- 10) All signing and informational or visual communication devices shall be in compliance with the sign ordinance;
- 11) Provisions are made to control and reduce noise;
- 12) The project be constructed as shown on the approved site plan;
- 13) That there be no lighted sign face to the south facing the residential district;
- 14) That there be no driveway entrance or exit allowed on Park Street

Mayor Brenk called for questions.

Dave Hoeschen Vice President of Real Estate Holiday Station Stores appeared before the Council and was in agreement with all of the conditions except condition number 14 that stated there be no driveway entrance or exit allowed on Park Street. Mr. Hoeschen noted the Holiday Station Stores Site Plan shows a “vent only access/escape lane” to Park Street, the “vent only access/escape lane” to Park Street is a planned exit only for the car wash and will only be used if someone is leaving the car wash line. Community Development Director Larry Remmen noted the Planning Commission Members did eliminate the access driveway onto Park Street moving that over to McKinley Avenue, the Site Plan did also show a “vent only access/escape lane” from the car wash to Park Street and the Planning Committee did not have any concerns at that time. At the Community Development Committee Meeting is where the “vent only access/escape lane” exit to Park Street became a concern. Alderman Sukke expressed apprehension and feels the Planning Commission Members did not realize there would be any exit access onto Park Street. Alderman Sukke said it was the intent of the Planning Commission Members to eliminate all access to and from Park Street.

Alderman Marks Erickson also expressed concern about allowing access to and from Park Street.

A motion was made by Alderman Zeman, seconded by Alderman Waller and carried, with two dissenting votes (Aldermen Marks Erickson and Sukke) amending the motion made by Alderman Imholte to approve a Conditional Use Permit to allow a car wash at Frazee Street and McKinley Avenue, 303 Frazee Street subject to removing condition number 14; that here be no driveway entrance or exit allowed on Park Street.

The motion for the adoption of the amended resolution approving a Conditional Use Permit to allow a car wash was seconded by Alderman Sukke and carried, without a dissenting vote subject the following conditions:

- 1) The architectural appearance and functional plan of the building and site shall not be dissimilar to the existing buildings or area as to cause impairment in property values or constitute a blighting influence within a reasonable distance of the lot.
- 2) Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the City Engineer;
- 3) At the boundaries of a residential district, a strip of not less than five (5) feet shall be landscaped and screened in compliance with Section 3, Subd. 2G, of this ordinance;
- 4) Each light standard island and all islands in the parking lot landscaped or covered;
- 5) Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with Section 3, Subd. 2G, or this ordinance;
- 6) The entire area other than occupied by the building or plantings shall be surfaced with material which will control dust and drainage which is subject to the approval of the City Engineer;
- 7) The entire area shall have a drainage system which is subject to the approval of the City Engineer;
- 8) All lighting shall be hooded and so directed that the light source is not visible from the public right- of-way or from an abutting residence and shall be in compliance with Section 3, Subd. 2H, of this ordinance;
- 9) Vehicular access points shall be limited, shall create a minimum conflict with through traffic movement and shall be subject to the approval of the City Engineer;
- 10) All signing and informational or visual communication devices shall be in compliance with the sign ordinance;
- 11) Provisions are made to control and reduce noise;
- 12) The project be constructed as shown on the approved site plan;

- 13) That there be no lighted sign face to the south facing the residential district;
- 14) That an exit from the car wash lane is allowed onto Park Street provided that the entrance is signed "Car Wash Entrance" and there is a "Do Not Enter Sign" on Park Street.

Mayor Brenk declared Resolution 0510E adopted.

Pursuant to the recommendation of the Planning Commission that were submitted to the City Council and recommendation of the Community Development Committee, a resolution was introduced by Alderman Imholte, who moved its adoption, approving the finding of fact and reasons for approval of a variance application and issuance of the Variance to allow a 52 foot setback from the Ordinary High Water Mark for construction of a pervious deck at 248 Shorewood Drive with no conditions. The motion for the adoption of the resolution was seconded by Alderman Sukke and carried, without a dissenting vote. Mayor Brenk declared the Resolution 0810D adopted.

Pursuant to the recommendation of the Planning Commission that were submitted to the City Council and the recommendation of the Community Development Committee a motion was made by Alderman Imholte, seconded by Alderman Waller and carried, without a dissenting vote, introducing for its second reading and adoption of Ordinance 398 for rezoning of Block 9 Original Townsite and the northerly half of the vacated Front Street from "B-2" General Business District to "B-1" Central Business District at Summit Avenue and State Street.

Alderman Imholte gave an update to the Council on the progress of the changes to the Shoreland Ordinances. Imholte noted a lot of work has been done by City staff and a working group is being established to continue the progress.

Upon the recommendations of the Community Development Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried, without a dissenting vote, that the building permits for the month of April, 2016 in the estimated construction value of \$1,403,883.00 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.

Community Development Director Larry Remmen informed the Council a discussion took place regarding the request to amend the City's Assessment Policy, at this time no changes are recommended.

Alderman Zeman informed the Council the request from the Marshmallow Foundation to operate the City Pound was deferred until more information can be obtained.

Upon the recommendations from the Public Works Committee, a resolution was introduced by Alderman Zeman, who moved its adoption, to approve the plans and specifications and authorizing advertisement for bids for the Long Bridge Heights Phase 3 Street & Utility improvements, subject to MMCDC paying the appropriate fees. The motion for the adoption of the resolution was seconded by Alderman Imholte and carried, without a dissenting vote, Alderman Marks Erickson abstained from the vote. Mayor Brenk declared Resolution 0510G adopted.

Upon the recommendations from the Public Works Committee, a resolution was introduced by Alderman Zeman, who moved its adoption, authorizing the preparation of a Preliminary Engineering Report for Highway 59/Stony Road area. The motion for the adoption of the resolution was seconded by Alderman Schurman and carried, without a dissenting vote. Mayor Brenk declared Resolution 0510H adopted.

Public Works Director Brad Green briefed the Council regarding Sheriff Glander's request that the City to be responsible for the purchase and placement of Detroit Lakes beach and channel buoys. Green indicated that he and City Attorney Charlie Ramstad would be meeting with Sheriff Glander next week and would have more details next month. A motion was made by Alderman Zeman, seconded by Alderman Schurman to have the Public Works Department complete a study regarding the buoys and determine what prior costs for the buoys have been paid by the City.

City Engineer Jon Pratt reported to the Council that he discussed restricting left hand turns off of eastbound Willow Street into the gas island at M&H to avoid locking the intersection of Washington Avenue/Willow Street with the management of M&H. M&H Management indicated they are not in favor of the restriction as it will have an effect on their business, but acknowledges there are traffic issues. Pratt noted the left turn restriction off Willow Street will not limit access to M&H from Willow, but will move it further east on Willow Street. A motion was made by Alderman Zeman, seconded by Alderman Imholte and carried, without a dissenting vote to implement the necessary measures as soon as possible to restrict left hand turns from eastbound Willow Street into M&H.

Alderman Zeman led discussion regarding the development of a comprehensive plan for multi-family housing to be equally distributed throughout the City. City Administrator Klemm informed Council Members that the most recent study was done in early 2000. The cost of doing a full comprehensive study is expensive. City staff will look at the content of the current comprehensive plan and determine if an abbreviated update would be feasible to save time and money. City Administrator Klemm will have a recommendation after City staff makes a determination.

City Engineer Jon Pratt gave a status update of City projects. 1) Washington Avenue Reconstruction, substantially complete; 2) TH 10/59 Frontage Road Improvements are almost completed, MnDOT is looking at the progress of the settlement on the surcharge; 3) The street improvements to Dan Street, Peter Street and Tower Road are substantially complete, final clean-up and punchlist to be completed this month; 4)

The PER for the West Lake Drive Reconstruction and Multi-Use Trail (Legion Rd to CSAH 6) is 95% complete. TAP funding application was submitted in January but we were not successful. The City will re-apply in 2017. Working with PRWD on other potential funding sources; 5) Long Lake Annexation – Phase 3: the next step is to develop the master planning document and then the PER, construction is tentatively set for 2017 or 2018; 6) Longview Lane Drainage Improvements – Holmes Property: Preliminary design has been approved by the plaintiff's engineer. Currently working on required land/easement acquisition; design is finalized and construction will be completed in Summer 2016; 7) Long Bridge Heights – Phase 3: Developer is considering construction in Summer 2016 once the City Council approves plans and authorizes bidding the project; 8) TH 34 Improvements & Multi-Use Trail: MnDOT has received the bids, award is pending, construction to begin Summer 2016. This project is being lead/administered by MnDOT with minor involvement and cost participation from the City. The project includes surface improvements and lane modification to TH 34 and a multi-use trail from Riverside Drive to Curry Avenue; 9) Traffic Signal Study – TH 10/East Shore Dr/CSAH 54 & TH 10/Kris St/Randolph Rd: The engineering study was initiated in January 2016 and will last several months; 10) 2016 Street Rehabilitation: Evaluating options for mill and overlay projects in response to reduced bituminous prices; 11) Street & Utility Improvements – Briard Development: Project is on hold.

Upon the recommendations from the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote approving the application submitted by Ann Shepard to have more than two animals at 1340 Pelican Lane, effective May 10, 2016 through December 31, 2016. No complaints have been received, requests two cats and one dog.

Upon the recommendations from the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote approving the parade permit submitted by Holy Rosary for the 100th Year Celebration Parade on June 11, 2016 from 1:15 P.M. to 2:30 P.M. (Front Street to Washington to Willow to Lake Ave and end at the Holy Rosary parking lot).

The request from the Detroit Lakes Workforce Partnership to waive the Pavilion Rental fee for the "Welcome to DL" event on Thursday, June 16, 2016 was deferred. Alderman Imholte will look into other options to get the fee paid.

Upon the recommendations from the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote approving the Display Fireworks Application submitted by the Detroit Lakes Regional Chamber of Commerce for the 4th of July Fireworks Display at the City Beach.

Upon the recommendations from the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote approving the Event Application submitted by DL Kiwanis to hold the Kiwanis Illuminight 5K on June 25, 2016 from 9:30 P.M. to 11:00 P.M.

Upon the recommendations from the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote approving the Event Application submitted by Lakes Area Young Life for a Special Event Permit to hold the Young Life Triathlon, 5K and Kid's Fun Run on from 8:00 A.M. August 19, 2016 to 1:00 P.M. August 20, 2016.

Upon the recommendations from the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote authorizing Jonny's, LLC to serve as the preferred food vendor at the Kent Freeman Arena for Minnesota State Fire Conference Jun 8-11, 2016.

City Attorney Charlie Ramstad explained the Concession Lease permitting the Detroit Country Club to operate a bar and restaurant at the Detroit Country Club. This lease is a follow-up in conjunction with the Management Agreement. In order for the DCC to hold a liquor license they need a location and this lease provides that. It is very similar to the lease with DMRA allowing them to have the bar in the chalet at Detroit Mountain Area. There is no rental fee paid to the city but any revenues generated from the bar/restaurant is required to be re-invested into the DCC which is consistent with the Management Agreement. The term is less than a year and there is no automatic renewal.

Upon the recommendations of the Finance Committee, a motion was made by Alderman Marks Erickson, seconded by Alderman Schurman and carried without a dissenting vote to approve the Concession Lease with the Detroit Country Club to operate a bar/restaurant at the Detroit Country Club.

Chief Tim Eggebraaten explained the Federal COPS Grant is a nationwide grant program that allows Police Departments to increase their policing capacity and crime prevention efforts. The grant would provide 75% funding of approved entry level salary and fringe benefits up to \$125,000/position. Deadline for the grant is June 23, 2016 and would be awarded by September 30, 2016.

Upon the recommendations of the Finance Committee, a motion was made by Alderman Marks Erickson, seconded by Alderman Sukke and carried without a dissenting vote to approve the Police Department to apply for the Federal COPS Grant.

A motion was made by Alderman Sukke, seconded by Alderman Zeman 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 \$12,184,520.34 as of April 30, 2016, be accepted, approved and placed on file.

Upon the recommendations of the Finance Committee, a resolution was introduced by Alderman Sukke, who moved its adoption, approving the payment of claims paid by proper authorization covering the period April 13, 2016, through May 10, 2016, in the amount of \$2,275,977.95 the motion for the adoption of the resolution was seconded by

Alderman Zeman and carried without a dissenting vote. The Mayor declared Resolution 0510J adopted.

Upon the recommendations of the Public Safety Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried, without a dissenting vote approving to pay the registration fees for up to four (4) firefighters to attend the MSFDA Conference in Detroit Lakes June 8-11, 2016. Registration fee is \$175 per firefighter.

Upon the recommendations of the Public Safety Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried, without a dissenting vote approving the issuance of a fireworks permit allowing TNT Fireworks to sell fireworks inside the Walmart Store, 1583 Highway 10 West.

Upon the recommendations of the Public Safety Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried, without a dissenting vote approving the issuance of a fireworks permit allowing TNT Fireworks to sell fireworks inside the Dollar Tree Store, 1651 Highway 10 West.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Wenner, seconded by Alderman Waller and carried without a dissenting vote, approving the request from the Detroit Lakes Fire Department for a cash donation for the 9/11 Mobil Exhibit. \$500 was approved with funds to be used from the Liquor Fund.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, authorizing the issuance of a license to DLCCC to sell on-sale 3.2 malt liquor at the Snappy Park Complex Concession Stand, from May 14, 2016 to October 15, 2016, pursuant to their application and fee.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, authorizing the issuance of a temporary on-sale intoxicating liquor license for the Sandbar II to sell and serve on-sale intoxicating liquor at the Kent Freeman Arena, 1310 Rossman Ave for the MSFDA Conference on June 9, 2016, pursuant to their application and fee.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, authorizing the issuance of a temporary on-sale intoxicating liquor license for Bleachers Bar & Grill to sell and serve on-sale intoxicating liquor at the DLCCC, 826 Summit Ave for the "What a Wonderful World" event on June 9, 2016, pursuant to their application and fee.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a

dissenting vote, authorizing the issuance of a temporary on-sale intoxicating liquor license for the Speak Easy to sell and serve on-sale intoxicating liquor at the Pavilion, 1321 Washington Ave for the Nijjii Radio 4th of July Music event on July 2-3, 2016, pursuant to their application and fee.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, approving the gambling application submitted by Detroit Lakes Fire Department Relief Association to hold a raffle at the Pavilion at 1361 Washington Ave on June 11, 2016.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, approving the gambling application submitted by the Becker County Agriculture Society to hold a raffle and play bingo at the Becker County Fair Grounds, 1310 Rossman Avenue on July 27-30, 2016.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, approving the gambling application submitted by the Lakes Crisis & Resource Center to hold a raffle at the Kent Freeman Arena at 1310 Rossman Avenue on August 11, 2016.

Upon the recommendations of the Liquor/Gambling Control Committee a motion was made by Alderman Sukke, seconded by Alderman Zeman and carried without a dissenting vote, approving the gambling application submitted by the Detroit Lakes Youth Hockey Association to hold a raffle at the Kent Freeman Arena at 1310 Rossman Avenue on August 28, 2016.

At the request of the Public Works Committee, the Liquor/Gambling Control Committee recommends to cover the costs of the pavilion and arena rental fees at the non-profit rate of \$600 for the MSFDA Conference hosted by the DLFD. A motion was made by Alderman Wenner, seconded by Alderman Waller and carried without a dissenting vote, approving the transfer of \$600 from the Liquor/Gambling fund to Public Works fund to cover the costs of the rental fees.

A motion was made by Alderman Sukke, seconded by Alderman Zeman and carried, without a dissenting vote, that the March 2016 Becker County Court Report of \$12,906.14, Chief of Police Monthly Report, Fire Chief Monthly Report, Animal Control Report, Liquor Store Manager's Monthly Report, Nuisance Monthly Report, Parking Violations Monthly Report \$150, and the Variance/Conditional Use Permit Status Report be approved and placed on file.

A motion was made by Alderman Sukke, seconded by Alderman Zeman and carried, without a dissenting vote, approving the following license for 2016:

Fertilizer Licenses:

4 Ever Green Spraying, LLC

Plumbing Licenses:

Hanson's Plumbing & Heating, Inc.

Maloney's Plumbing

Mayor Brenk accepted the resignation of Police Chief Tim Eggebraaten who will be retiring November 25, 2016.

Mayor Brenk declared the month of May 2016 as Poppy Month. Mayor Brenk read the Proclamation for the Poppy Month.

Mayor Brenk declared May 5, 2016 as a Day of Prayer. Mayor Brenk read the Proclamation for the Day of Prayer in Detroit Lakes.

Mayor Brenk announced that May 17, 2016 is the Election Day for the Detroit Lakes School Bond Referendum. Absentee Voting is currently available at the Becker County Courthouse, Monday – Friday (8:00 AM – 4:30 PM) and Saturday, May 14, 2016 (10:00 AM – 3:00 PM and Monday, May 16, 2016 (8:00 AM – 5:00 PM)

Mayor Brenk announced the 2016 League of Minnesota Cities and Alliance for Innovation Annual Conference is June 14-17 in St. Paul. A motion was made by Alderman Imholte, seconded by Alderman Sukke and carried, without a dissenting vote, to authorize up to three (3) staff and/or council member to attend this conference.

Mayor Brenk announced the 2016 CGMC Summer Conference is July 20-22 in Austin, MN. A motion was made by Alderman Imholte, seconded by Alderman Sukke and carried, without a dissenting vote, to authorize up to three (3) staff and/or council member to attend this conference.

Mayor Brenk announced the next Joint Governance meeting will be July 5, 2016 at the Detroit Lakes School.

Mayor Brenk announced several Council positions will be up for election at the November 8, 2016 General Election. The Candidate filing period is August 2-16, 2016

- 1) Mayor Brenk- (term four years)
- 2) Alderman Zeman (WARD 1)- (term four years)
- 3) Alderman Marks Erickson (WARD 2)- (term four years)
- 4) Alderman Schurman (WARD 2)- completion of the term (two years)
- 5) Alderman Boeke (WARD 3)- completion of the term (two years)
- 6) Alderman Waller (WARD 3)- (term four years)
- 7) Alderman Imholte (AT LARGE)- (term four years)

There being no further business to conduct, by general consent, Mayor
Brenk adjourned the meeting at 7:15 P.M.

Respectfully submitted,

Glori French, City Clerk