

Detroit Lakes, Minnesota

May 10, 2022

The regular meeting of the City Council was called to order in the Council Chambers at 5:00 PM, May 10, 2022; all members of the City Council having been notified of the meeting and the business to be transacted.

Present: Mayor Brenk; City Administrator Kelcey Klemm; City Clerk Glori French; City Finance Officer Heidi Tumberg; City Attorney Charlie Ramstad; City Engineer Jon Pratt; Police Chief Steven Todd; Public Works Director Shawn King; Liquor Store Manager Randy Buhr; and Street Supervisor John Cervantes

Aldermen Present: Bly, Boeke, Dallmann, Josephson, Marks-Erickson, Spry, Sukke, and Wenner

Absent: Alderman Zeman

There being no corrections to the minutes of the Regular City Council Meeting held April 12, 2022, a motion was made by Alderman Sukke, seconded by Alderman Bly, and carried, without a dissenting vote. Mayor Brenk declared the minutes would stand approved.

Northwest Water Carnival Co-Admirals Kasey Fetzer and Drew Lessin appeared before the Council and presented the 87<sup>th</sup> Annual Water Carnival event schedule and requests. A motion was made by Alderman Sukke approving the requests of the 87<sup>th</sup> Annual Northwest Water Carnival Events to be held July 8-17, 2022, and waive all associated fees, any Street Closures would be permitted as long as the detours for summer construction don't conflict with the requested closures. The motion was seconded by Alderman Bly and carried, without a dissenting vote. Mayor Brenk declared the requests approved.

Police Officer Ryan Seeger was sworn in by Mayor Brenk.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Wenner, declaring the position of the part-time Police Officer Ryan Seeger meets all the PERA membership requirements. The motion was seconded by Alderman Sukke. The motion carried without dissenting vote and Mayor Brenk declared resolution 2022-0510A 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 proposed improvements of curb, gutter, concrete approaches, and sidewalks for 2022. Mayor Brenk called the hearing to order at 5:42 PM.

Carol McCarthy, 215 Frazee Street, expressed concern with the assessment, City Staff will look at her property.

There being no further comments or questions, Mayor Brenk closed the Public Hearing at 5:45 PM.

Upon the recommendation of the Public Works, a resolution was introduced by Alderman Sukke, ordering the improvement of curb, gutter, concrete approaches and sidewalks for 2022. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared resolution 2022-0510B approved.

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 Campbell Avenue and Linden Lane Street and Utility Reconstruction Project. Mayor Brenk called the hearing to order at 5:17 PM.

City Engineer Jon Pratt appeared before the Council and presented the Project.

Teryl McDougall, 1140 Campbell Avenue, sent in a letter objecting to the project associated with the assessment.

Alderman Dallmann expressed concern with the proposed assessment for low income or fixed income residents.

Finance Officer Heidi Tumburg informed the Council on the Assessment Deferral process.

There being no further comments or questions, Mayor Brenk closed the Public Hearing at 5:34 PM.

Upon the recommendation of the Public Works, a resolution was introduced by Alderman Sukke, authorizing preparation of plans and specifications for the proposed street and utility improvements to Campbell Avenue and Linden Lane. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared resolution 2022-0510C approved.

Upon the recommendation of the Planning Commission, a resolution was introduced by Alderman Josephson, approving a variance to allow a home with less than a 4/12 roof pitch at 289 Long Lake Lane. The motion was seconded by Alderman Marks Erickson and carried without dissenting vote. Mayor Brenk declared resolution 2022-0510D approved.

Upon the recommendation of the Planning Commission, a motion was made by Alderman Josephson, seconded by Alderman Marks Erickson, and carried without a dissenting vote, authorizing a one year extension to Broadway Welding on a non-

conforming use permit to allow a 35,000 square foot addition to an existing industrial building with a 17 foot side yard setback; a variance from the Airport Zoning requirement to allow a 110,500 square foot building on a 5.56 acre lot in land use safety zone B of the Airport, and a variance to allow paving of 71 parking spaces for a 110,500 square foot manufacturing facility at 1090 Legion Road to May 14, 2023.

Community Development Director Larry Remmen appeared before the Council and presented the Draft of Scope of Services Proposal from RDG Planning & Design for the pavilion, city park and arena area master planning.

Alderman Josephson commented this is like bookends for WLD, we should make sure we think through all possibilities.

Alderman Dallmann expressed concern with the cost of hiring a firm from outside of Detroit Lakes to tell us what Detroit Lake's needs.

Upon the recommendation of the Community Development Committee, a motion was made by Alderman Josephson, seconded by Alderman Boeke, and carried with one dissenting vote (Dallmann) authorizing the Scope of Services with RDG Planning & Design, 1302 Howard Street Omaha, Nebraska in the amount of \$78, 800.

City Engineer Jon Pratt updated the Council on the proposed 270<sup>th</sup> Avenue Project noting there is a large parcel in this area that is pending a land sale.

After discussion and the recommendation of the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Bly and carried without a dissenting vote to postpone the overlay on 270<sup>th</sup> Avenue until after the results of a pending land sale in that area.

City Engineer Jon Pratt appeared before the Council and reviewed the bids for the West Lake Drive Phase 2 Street and Utility Project, noting the low bid was from Hough, Inc, of Detroit Lakes in the amount of \$3,393,286.51.

After discussion and recommendation of the Public Works Committee, a resolution was introduced by Alderman Sukke authorizing ordering the preparation of the assessment roll and setting a public hearing on the proposed assessments for the West Lake Drive Phase 2, stormwater, sanitary sewer and watermain improvements. The motion was seconded by Alderman Marks Erickson and was carried without dissenting vote. Mayor Brenk declared resolution 2022-0510E adopted.

After discussion the consideration to a Cooperative Agreement for Reconstruction of County State Aid Highway No 22 Becker County was put on hold until after the West Lake Drive Phase 2 assessment Hearing scheduled for June 7, 2022.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Sukke approving plans and specifications and ordering advertisement for bids for the Long Pine Estates Phase 3 Street and Utility Improvement Project. The motion was seconded by Alderman Marks Erickson and was carried without dissenting vote. Mayor Brenk declared resolution 2022-0510F adopted.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Sukke authorizing a Master Partnership Contract with the Minnesota Department of Transportation. The resolution was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared resolution 2022-0510G adopted.

Alderman Sukke informed the Council Chris Hemmah owner of The Ice Cream Truck requested the Council to make an exemption to the current Transient Merchants Ordinance to allow him to operate on City Streets. After discussion City Attorney Ramstad was requested to rewrite the Ordinance.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke, approving the first reading of Ordinance 491, amending City Code 604 transient merchants, peddlers, hawkers, solicitors to allow issuance of a transient merchants license to the Ice Cream Truck and similar vendors to operate on City right-of-ways. The motion was seconded by Alderman Bly. The motion carried without dissenting vote and Mayor Brenk declared the first reading of Ordinance 491 approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke approving the summary of Ordinance 489, amending City Code Section 204 Administration and Section 802 Parking Regulations for publication purposes only. The motion was seconded by Alderman Bly and was carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Sukke designating limited parking zones on public street and parking permit criteria pursuant to Detroit Lakes City Code 802.06.

After lengthy discussion the motion was seconded by Alderman Marks Erickson and carried with two dissenting votes (Boeke and Josephson). Mayor Brenk declared resolution 2022-510H adopted.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke authorizing the approval of the DLYHA Summer Ice Contract. The motion was seconded by Alderman Marks Erickson and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke authorizing installation of a fuel tank in the amount of \$15,032.19.

The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke authorizing the purchase of a Landa VHG4-30 pressure washer from American Pressure in the amount of \$8442.00. The motion was seconded by Alderman Boeke and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Sukke, seconded by Alderman Bly and carried without dissenting vote accepting the City Engineer's Monthly Project Status Report. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke accepting quotes for the 2022-2023 Diseased Tree Removal according to the specifications as laid out by the City and awarding the contract to Carr's Tree Service. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke approving the purchase of a Toro Groundmaster Mower for \$81,921.00. (budgeted item). The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the Detroit Lakes Shrine Club & Color Guard for their Membership Fish Fry on Friday May 13, 2022, in the alley behind 515 Washington Ave. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the Detroit Lakes Breakfast Rotary for "The Great Race" on Saturday, June 25, 2022, in Peoples Park. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the Lakes Area Farmers Market Assoc. for the Farmers Market on Thursday's and Saturdays in Peoples Park starting May 21 through October 29, 2022. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the Detroit Lakes Noon Rotary for the Thursday Trucks & Tunes on June 16 and 30, July 14 and 28, August 18,

and September 1, 2022, in the City Park. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the Detroit Lakes Noon Rotary for the Food Truck Fridays on Fridays from May 27 through September 2, 2022, in the City Park. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the DLCCC for the Intrepid Film Festival on Friday July 29, 2022, in the Pavilion/City Beach. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the Special Event Application for the Historic Holmes Theatre for the Tuesdays in the Park on Tuesdays from June 7 through August 30, 2022, at the Bandshell/City Park. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the issuance of a transient merchant's license for Kountry Korral, allowing them to merchandise July 1-4, 2022, pursuant to their application, surety bond and fees. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the issuance of a transient merchant's license for LaBarista DBA Epic Taco, allowing them to sell food products from a mobile food truck, pursuant to their application, surety bond and fees. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the issuance of a transient merchant's license for LaBarista DBA Fork on the Road, allowing them to sell food products from a mobile food truck, pursuant to their application, surety bond and fees. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Boeke to approve the issuance of a transient merchant's license for Wood Fire Foods, allowing them to sell food products from a mobile food truck from April 28, 2022 through October 28, 2022, pursuant to their application, surety bond and fees. The

motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Finance Officer Heidi Tumberg appeared before the Council and reviewed the proposed revisions for the deferment of payment for Special Assessments for senior citizens and retired disabled homeowners, proposal is to use the HUD Guidelines.

Alderman Boeke clarified until assessments are paid by property owners the City holds the cost of those assessments.

Alderman Dallmann commented he does not want to see any resident taxed out of their home.

After discussion and upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Bly revising the program to defer payment of Special Assessments for senior citizens and retired disabled homeowners. The resolution was seconded by Alderman Josephson and carried without dissenting vote. Mayor Brenk declared resolution 2022-0510I adopted.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Bly, authorizing a \$250,000 payment to the Becker County Food Pantry Building Project. The motion was seconded by Alderman Josephson and carried without a dissenting vote. Mayor Brenk declared the motion approved.

After reviewing the Detroit Mountain Recreation Area 2022-2023 budget and proposed 2022-2023 summer and winter rates and with the recommendation of the Finance Committee, a motion was made by Alderman Bly, seconded by Alderman Sukke and carried without a dissenting vote approving the budget and rates as presented. Mayor Brenk declared the motion approved.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Bly, who moved its adoption, authorizing the accepting the offer of the Minnesota Public Facilities Authority to purchase a general obligation water revenue note, Series 2022B, in the original aggregate principal amount of \$2,021,184; providing for its issuance; and authorizing the execution of a bond purchase and project loan agreement. The motion for the adoption of the resolution was seconded by Alderman Spry and carried without dissenting vote. Mayor Brenk declared Resolution 2022-0510J adopted.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Bly, who moved its adoption, accepting the offer of the Minnesota Public Facilities Authority to purchase a general obligation sewer revenue note, Series 2022A, in the original aggregate principal amount of \$1,896,785; providing for its issuance; and authorizing the execution of a bond purchase and project loan agreement. The motion for the adoption of the resolution was seconded by Alderman Josephson and carried without dissenting vote. Mayor Brenk declared Resolution 2022-0510K adopted.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Bly, who moved its adoption, supporting an LGA formula update and a \$90M appropriation increase. The motion for the adoption of the resolution was seconded by Alderman Josephson and carried without dissenting vote. Mayor Brenk declared Resolution 2022-0510L adopted.

Upon the recommendation of the Finance Committee, a motion was made by Alderman Boeke, and seconded by Alderman Bly, that the trial balance and monthly financial reports, submitted by Finance Officer Heidi Tumberg, showing a balance in the City treasury to be in the amount of \$18,420,755.15 as of April 30, 2022, be accepted, approved, and placed on file. Mayor Brenk declared the financial reports approved.

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Boeke, who moved its adoption, approving the payment of claims paid by proper authorization covering the period of April 1, 2022, through April 30, 2022, in the amount of \$4,933,547.31. The motion for the adoption of the resolution was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared Resolution 2022-0510M adopted.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Wenner authorizing the purchase of a 2011 Ford F350 from the MN DNR to be used by the fire department. The motion was seconded by Alderman Sukke and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Boeke to approve the Parade Permit for the Detroit Lakes Shriners on May 14, 2022. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Boeke to approve the Parade Permit for the Memorial Day Parade on May 30, 2022. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Safety Committee, a motion was made by Alderman Boeke to approve the Parade Permit for the Becker County Fair Tractor Parade on July 30, 2022. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Liquor and Gambling Committee a motion was made by Alderman Boeke, to approve the temporary expansion permit for Hub 41 from May 15, 2022 to September 30, 2022, pursuant to their application. The motion was seconded by Alderman Spry and carried without dissenting vote. Mayor Brenk declared the motion approved.



Upon the recommendation of the Liquor and Gambling Committee a motion was made by Alderman Boeke, authorizing a \$500 sponsorship to the Detroit Lakes Breakfast Rotary Club for the Great Race Event. The motion was seconded by Alderman Dallmann and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Liquor and Gambling Committee a motion was made by Alderman Boeke, to approve the issuance of a Temporary On-Sale Intoxicating License for the Eagles Club at the Street Faire on June 3 and 4, 2022, pursuant to their application and fees. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Liquor and Gambling Committee a motion was made by Alderman Boeke, to approve the issuance of a Temporary 3.2 On-sale License to Detroit Lakes Breakfast Rotary at People's Park on June 25th for the Great Race, pursuant to their application and fees. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the Public Utilities Commission a motion was made by Alderman Sukke authorizing the approval of the updated Schedule A of the Power Sale Agreement to MRES. The motion was seconded by Alderman Boeke and carried without dissenting vote. Mayor Brenk declared the motion approved.

Upon the recommendation of the City Administrator, a motion was made by Alderman Boeke and seconded by Alderman Bly to approve approving the following licenses

1) Massage Therapist  
Alysia Burket

2) Excavator  
Dirt Dynamics  
Mackner Excavating  
Metry Septic & Excavating Inc  
Sonnenberg Excavating

3) Yard Waste  
Beachcombers Lawn Landscape  
Birkeland's Lawn Services  
Fenske Lawn Care LLC

4) Rental  
Bergen's Greenhouses Inc                   803 Willow Street W  
Bergen's Greenhouses Inc               1143 Phinney Avenue  
Bergen's Greenhouses Inc               1241 Lincoln Avenue  
James Belden                               1139 Summit Avenue

A motion was made by Alderman Boeke to accept the April Code Compliance Report, April Variance/Conditional Use Permit Status Report, the April building permits in the amount of \$1,353,563, the April Animal Control Report, the April Police Chief's Report, the April Fire Chief's Report, the April Parking Violations Monthly Report of \$170, the March Becker County Court Report of \$5,655.20, and the April Liquor Store Manager's Report be approved and placed on file. The motion was seconded by Alderman Bly and carried without dissenting vote. Mayor Brenk declared the motion approved.

Mayor Brenk announced their will be a Special City Council Meeting on June 7, 2022 starting at 5:00 PM.

Mayor Brenk announced the 2022 Joint Governance Meeting Dates

July 6, 2022 – DL Schools

October 4, 2022 – Becker County

Mayor Brenk announced the 2022 Council Meeting Dates

June 14, 2022

July 12, 2022

August 8, 2022 \*\*Monday (Elections)

September 13, 2022

October 11, 2022

November 7, 2022 \*\*Monday (Elections)

December 13, 2022

Alderman Marks Erickson announced she will not be re-running for Alderman of Ward 2 in November.

There being no further business to conduct, by general consent, Mayor Brenk adjourned the meeting at 6:53 PM.

Respectfully submitted,  
Kari Tyson, Deputy Clerk