

City Council Minutes
Regular Meeting

Detroit Lakes, Minnesota
October 10, 2023

CALL TO ORDER

The regular meeting of the City Council was called to order in the Jury Assembly Room of the Becker County Courthouse at 5:00 PM, October 10, 2023; all members of the City Council having been notified of the meeting and the business to be transacted.

ROLL CALL

Council Present: Mayor Matt Brenk
Alderman Boeke
Alderman Buboltz
Alderman Dallmann
Alderman Deraney
Alderman Josephson
Alderman Spry
Alderman Stearns
Alderman Zeman

Council Absent: Alderman Carlson

Staff Present: City Administrator Kelcey Klemm
City Finance Officer Heidi Tumberg
City Clerk Glori French
Deputy Clerk Kari Tyson
City Attorney Charlie Ramstad
Engineer Jon Pratt
Public Works Director Shawn King
Liquor Store Manager Randy Buhr
Liquor Store Assistant Manager Mitch Anderson
Police Chief Steve Todd
Fire Chief Mike Hanson

AGENDA

A motion was made by Alderman Zeman and seconded by Alderman Boeke to approve the agenda as presented. The motion was carried without a dissenting vote, and Mayor Brenk declared the agenda approved.

**APPROVAL OF
MINUTES**

There being no corrections to the minutes of the Regular City Council Meeting held September 12, 2023, a motion was made by Alderman Zeman, seconded by Alderman Boeke, and carried, without a dissenting vote. Mayor Brenk declared the minutes would stand approved.

CGMC UPDATE

Elizabeth Wefel from Flaherty & Hood presented the annual CGMC update.

**PUBLIC HEARING –
ASSESSMENTS
UNPAID UTILITIES**

Pursuant to notice having been published in the official newspaper that the Council, at this present meeting will conduct a hearing to receive public comments on the proposed assessments for unpaid streetlight fee, water, sewer, and stormwater charges. Mayor Brenk called the hearing to order at 5:52 PM.

There being no comments or questions, Mayor Brenk closed the hearing at 5:53 PM.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Josephson, who moved its adoption, adopting the assessment roll for unpaid streetlights, water, sewer, and storm water charges. The motion was seconded by Alderman Spry. The motion was carried without dissenting vote. Mayor Brenk declared resolution 2023-1010A adopted.

**PUBLIC HEARING –
ASSESSMENTS
UNPAID FIRE CALLS**

Pursuant to notice having been published in the official newspaper that the Council, at this present meeting will conduct a hearing to receive public comments on the proposed assessments for unpaid fire protection charges. Mayor Brenk called the hearing to order at 5:54 PM.

There being no comments or questions, Mayor Brenk closed the hearing at 5:55 PM.

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Josephson, who moved its adoption, adopting the assessment roll for unpaid fire protection charges. The motion was seconded by Alderman Stearns. The motion was carried without dissenting vote. Mayor Brenk declared resolution 2023-1010B adopted.

**SET HEARING –
STREET VACATION
1266 EAST SHORE DR.**

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Boeke, who moved its adoption, setting a public hearing for the proposed vacation of a portion of the dedicated public road as Lake Boulevard in the plat of Pokegama Beach in the area of 1266 East Shore Drive (Robert Kuehl). The motion was seconded by Alderman Zeman and carried without dissenting vote. Mayor Brenk declared resolution 2023-1010C adopted.

**CONDITIONAL USE
PERMIT – 609 HWY 10
E**

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Boeke approving a Conditional Use Permit to allow a crematory retort in a detached garage in the “B-3” Auto-Oriented Business District at 609 US Highway 10 East (David Donehower Funeral Home).

James Beaton of David Downhour Funeral Home was present to answer any questions.

Alderman Boeke asked if the deceased would be transferred across the parking lot via van or cart.

Mr. Beaton stated that they would be transferred via van to the retort, not by cart.

Alderman Boeke made a motion to approve the resolution, approving a Conditional Use Permit to allow a crematory retort in a detached garage in the “B-3” Auto-Oriented Business District at 609 US Highway 10 East (David Donehower Funeral Home). The motion was seconded by Alderman Spry.

Alderman Zeman asked if David Donehower Funeral Home would only be installing one retort.

Mr. Beaton stated that they would only be installing one, and would not have a need for two due to the volume the retort can handle.

Alderman Zeman asked if the transport van can fit entirely into the garage, or if the van has to stick out during removal of the deceased.

Mr. Beaton stated the garage is large enough to fit the van entirely. Mr. Beaton also stated their business is based on discretion and dignity, and can't see why they would ever provide non-dignified services. Mr. Beaton also mentioned that they will be installing a privacy fence between their building and Outlet Recreation.

Alderman Deraney asked how many funeral homes the parent company owns.

Mr. Beaton answered they own 56 across 8 states.

Alderman Deraney asked if other funeral homes would be utilizing the crematorium in Detroit Lakes.

Mr. Beaton answered a few of the sister funeral homes would be utilizing them, but their reason for building it is for the business in Detroit Lakes due to the increased number of cremations happening at the David Donehower Funeral Home.

Alderman Zeman asked what the percent of cremations was.

Mr. Beaton stated that David Donehower has over 80% of their clients choose cremation.

Alderman Deraney stated he would like to see the crematorium in the Industrial Park and not at the current location.

Alderman Boeke made a motion to amend the original motion to create a condition of no more than one retort. Alderman Dallmann seconded the motion. The motion to amend the original motion was carried without a dissenting vote.

The motion to approve to allow a crematory retort in a detached garage in the "B-3" Auto-Oriented Business District at 609 US Highway 10 East (David Donehower Funeral Home) with the added condition of no more than one retort was carried with dissenting votes from Alderman Deraney and Alderman Zeman. Mayor Brenk declared resolution 2023-1010D adopted.

**VARIANCE 6' TALL
FENCE – 1266 EAST
SHORE DR.**

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Boeke approving a variance to allow a 6 foot high fence in the front yard at 1266 East Shore Drive (Robert Kuehl). The motion was seconded by Alderman Spry and carried without dissenting vote. Mayor Brenk declared resolution 2023-1010E adopted.

**VARIANCE 6' AND 4'
TALL FENCE – 1266
EAST SHORE DR.**

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Boeke denying a variance to allow a 6 foot fence in the front yard (roadside) and a 4 foot fence in the Shore Impact Zone (lake side) at 1266 East Shore Drive (Robert Kuehl). The motion was seconded by Alderman Spry and carried without dissenting vote. Mayor Brenk declared resolution 2023-1010F adopted.

**VARIANCE 14' TALL
ACCESSORY
STRUCTURE – 1055
NORTH SHORE DR.**

Upon the recommendation of the Community Development Committee, a resolution was introduced by Alderman Boeke denying a variance to allow an accessory structure to be more than 14 feet tall at 1055 North Shore Drive (Scott and Kelly Shank).

Alderman Boeke stated the original staff recommendation to the Planning Commission was to deny the variance. The Planning Commission reviewed the application and unanimously approved the Variance. The Community Development Committee then had a lot of discussion and recommended denial.

City Administrator Kelcey Klemm stated that the variance request is for the new accessory structure to be 16' tall, which is taller than the City Code allows. City Administrator Klemm stated both resolutions, one to approve and one to deny, were in front of the Council for consideration.

Alderman Boeke made a motion adopt the resolution, denying the variance for an accessory structure to be more than 14 feet tall at 1055 North Shore Dr. (Scott and Kelly Shank). The motion was seconded by Alderman Spry.

Scott and Kelly Shank spoke about the frustration of the unanimous approval and then the denial, and provided reasons why they would like to build the new accessory structure. Mrs. Shank stated that they have a conversion van they would like to be able to put into their garage and would like to have a bonus space above the garage.

Alderman Zeman stated the practical difficulty is the van fitting inside the garage, not the bonus room. Alderman Zeman stated he is concerned that more residents would want accessory structures with bonus rooms.

Mr. and Mrs. Shank stated their neighbors are in favor of the new proposed structure.

Alderman Dallmann asked why this wasn't being approved.

Alderman Boeke reiterated that the staff recommendation was denial, Planning Commission approved, and the Community Development Committee recommended denial. Alderman Boeke recommended denial of the variance, and then have the Planning Commission review the ordinance to see if amendments on the height of accessory structures needs to be amended.

Alderman Dallmann stated they are trying to make the neighborhood more visually appealing and would like to see it approved.

Alderman Deraney stated the issue isn't the height, it is whether or not it is a valid variance to approve.

Alderman Buboltz asked if the proposed structure would be higher than the neighboring structures.

City Administrator Klemm stated it would not be taller than the neighboring structures, and the reason the staff recommended denial is because it didn't pass the practical difficulty test.

Alderman Spry stated she will stand by her recommendation at Community Development to deny the variance to stand by the City Code, and the practical difficulty test, that is defined by law, not being able to be met. The garage height isn't an issue, it is the bonus room that is creating the problem; therefore, the practical difficulty test can't be passed.

Alderman Josephson reiterated the practical difficulty test and the issue being the bonus room stating the plans show a bathroom and possible kitchenette. Alderman Josephson then asked City Administrator Klemm what the code says about two dwellings on a property.

City Administrator Klemm stated it is against code to have two dwellings on one property.

Mr. Shank stated that the reason for the bathroom is because of the distance between the structure and the home.

Alderman Dallmann reiterated he is in favor of the variance.

Alderman Zeman reiterated his concern about the number of variances the City would be issuing if the variance was approved.

Mayor Brenk called for a vote and requested the Planning Commission review the height of accessory structures.

The motion to deny the variance was carried with dissenting vote from Alderman Dallmann. Mayor Brenk declared resolution 2023-1010G adopted.

**DECLARE COSTS AND
SET ASSESS HEARING
– TERRY STREET AND
DANDREW SUBD.**

Upon the recommendation of the Public Works Committee, a resolution was introduced by was made by Alderman Zeman, who moved its adoption, declaring costs to be assessed for the Terry St and Dandrew Subdivision Street and Utility Improvement Project and setting a Special Assessment Hearing for 5:00 PM, November 14, 2023, on the proposed assessments for said project. The motion was seconded by Alderman Josephson and was carried without dissenting vote. Mayor Brenk declared resolution 2023-1010H adopted.

**PICKLEBALL COURT
EXCAVATION BID**

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Zeman to approve the bid for the excavation of the new pickle

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

ENGINEERS REPORT

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

**DECLARE COSTS SET
ASSESS HEARING –
DISEASED TREES**

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Stearns, who moved its adoption, declaring costs to be assessed for the Diseased Trees Control Project and setting a Special Assessment Hearing for 5:00 PM, November 14, 2023, on the proposed assessments for said project. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared resolution 2023-1010I adopted.

**DECLARE COSTS SET
ASSESS HEARING –
CONCRETE**

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Stearns, who moved its adoption, declaring costs to be assessed for concrete, bituminous, curb, gutter, approaches, and sidewalk improvements for the Year 2023 and setting a Special Assessment Hearing for 5:00 PM, November 14, 2023, on the proposed assessments for said project. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared resolution 2023-1010J adopted.

**DECLARE COSTS SET
ASSESS HEARING –
UNPAID SERVICE
CHARGES**

Upon the recommendation of the Public Works Committee, a resolution was introduced by Alderman Stearns, who moved its adoption, declaring costs to be assessed for unpaid service charges (mowing/snow removal) for the Year 2023 and setting a Special Assessment Hearing for 5:00 PM, November 14, 2023, on the proposed assessments for said project. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared resolution 2023-1010K adopted.

**SPECIAL EVENT
APPLICATION –
PROJECT 412**

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Stearns, seconded by Alderman Buboltz, and carried without dissenting vote approving the Special Event Application for Project 412 for lighting the Park, Poetry Walk, and Snow Sculptures in the City Park this winter. Mayor Brenk declared the motion approved.

**SPECIAL EVENT
APPLICATION –
PROJECT 412**

Upon the recommendation of the Public Works Committee, a motion was made by Alderman Stearns, seconded by Alderman Buboltz, and carried without dissenting vote approving the Special Event Application for Project 412 and the Historic Holmes Theatre for Trucks & Tunes on Fridays in the summer of 2024, at the City Park. Mayor Brenk declared the motion approved.

**PFA LOAN – SEWER
CAMPBELL AND
LINDEN**

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Josephson, who moved its adoption, accepting the offer of the Minnesota Public Facilities Authority to purchase a general obligation sewer revenue note, Series 2023B, in the original aggregate principal amount of \$2,414,220; 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 Boeke and carried without dissenting votes. Mayor Brenk declared Resolution 2023-1010L adopted.

**PFA LOAN – SEWER
CAMPBELL AND
LINDEN**

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Josephson, who moved its adoption, accepting the offer of the Minnesota Public Facilities Authority to purchase a general obligation water revenue note, Series 2023C, in the original aggregate principal amount of \$1,264,802; 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 Stearns and carried without dissenting votes. Mayor Brenk declared Resolution 2023-1010M adopted.

**AFSCME MOU –
ARENA SCHEDULE**

Upon the recommendation of the Finance Committee, a motion was made by Alderman Josephson, approving a Memorandum of Understanding with AFSCME regarding the arena schedule. The motion for the adoption of the resolution was seconded by Alderman Boeke and carried without a dissenting vote. Mayor Brenk declared the motion approved.

**2024 LEAGUE OF MN
CITIES MEMBERSHIP
DUES**

Upon the recommendation of the Finance Committee, a motion was made by Alderman Stearns, approving the 2024 League of Minnesota Cities Membership Dues of \$11,026. The motion for the adoption of the resolution was seconded by Alderman Buboltz and carried without a dissenting vote. Mayor Brenk declared the motion approved.

FINANCIAL REPORTS

Upon the recommendation of the Finance Committee, a motion was made by Alderman Stearns, and seconded by Alderman Buboltz, 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 \$4,419,328.56 as of September 30, 2023, be accepted, approved, and placed on file. Mayor Brenk declared the financial reports approved.

PAYMENT OF CLAIMS

Upon the recommendation of the Finance Committee, a resolution was introduced by Alderman Stearns, who moved its adoption, approving the payment of claims paid by proper authorization covering the period of September 1, 2023, through September 30, 2023, in the amount of \$5,723,940.53. The motion for the adoption of the resolution was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared Resolution 2023-1010N adopted.

**VARIANCE
SPRINKLER SYSTEM –
1071 SHOREWOOD DR.**

Upon the recommendation of the Public Safety Committee, Alderman Spry made a motion to approve the request from Tharaldson Properties for a variance relative to the installation of a sprinkler system at 1071 Shorewood Dr. The motion was seconded by Alderman Boeke and carried without dissenting vote. Mayor Brenk declared the motion approved.

**JOINT COOPERATIVE
AGREEMENT – CITY
OF PERHAM**

Upon the recommendation of the Public Safety Committee, Alderman Stearns made a motion to approve the Joint Cooperative Agreement with the City of Perham for Mutual Fire Aid. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

JOINT COOPERATIVE AGREEMENT – CITY OF VERGAS

Upon the recommendation of the Public Safety Committee, Alderman Stearns made a motion to approve the Joint Cooperative Agreement with the City of Vergas for Mutual Fire Aid. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

JOINT COOPERATIVE AGREEMENT – CITY OF ULEN

Upon the recommendation of the Public Safety Committee, Alderman Stearns made a motion to approve the Joint Cooperative Agreement with the City of Ulen for Mutual Fire Aid. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

JOINT COOPERATIVE AGREEMENT – CITY OF PARK RAPIDS

Upon the recommendation of the Public Safety Committee, Alderman Stearns made a motion to approve the Joint Cooperative Agreement with the City of Park Rapids for Mutual Fire Aid. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

JOINT COOPERATIVE AGREEMENT – CITY OF MAHNOMEN

Upon the recommendation of the Public Safety Committee, Alderman Stearns made a motion to approve the Joint Cooperative Agreement with the City of Mahnomen for Mutual Fire Aid. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

JOINT COOPERATIVE AGREEMENT – CITY OF FERGUS FALLS

Upon the recommendation of the Public Safety Committee, Alderman Stearns made a motion to approve the Joint Cooperative Agreement with the City of Fergus Falls for Mutual Fire Aid. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

LIQUOR STORE FUND BALANCE

Alderman Dallmann let the Council know an update was provided regarding the sponsorship fund balance at the Liquor Store during the Liquor and Gambling Control Committee Meeting. No further action at this time.

PEDAL PUB

Alderman Dallmann let the Council know a discussion was had during the Liquor and Gambling Control Committee Meeting regarding a Pedal Pub. No further action at this time.

SPECIAL INTOXICATING LICENSE – LA BARISTA

Upon the recommendation of the Liquor and Gambling Committee, a motion was made by Alderman Stearns, approving the issuance of a Special Intoxicating Liquor License for LaBarista on September 27, 2023, at the Becker County Museum, pursuant to their application and fees. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the license issued.

SPECIAL INTOXICATING LICENSE – LA BARISTA

Upon the recommendation of the Liquor and Gambling Committee, a motion was made by Alderman Stearns, approving the issuance of a Special Intoxicating Liquor License for LaBarista on September 28, 2023, at the Pavilion, pursuant to their application and fees. The motion was seconded by

Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the license issued.

**PERMIT TO CONSUME
– SHELLY KIRSCH**

Upon the recommendation of the Liquor and Gambling Committee, a motion was made by Alderman Stearns, approving the issuance of a Permit to Consume for Shelly Kirsch for May 18, 2024, at the Pavilion, pursuant to their application and fees. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the license issued.

**PERMIT TO CONSUME
– ROBERTO
GONZALEZ**

Upon the recommendation of the Liquor and Gambling Committee, a motion was made by Alderman Stearns, approving the issuance of a Permit to Consume for Roberto Gonzalez for May 25, 2024, at the Pavilion, pursuant to their application and fees. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the license issued.

**GAMBLING PERMIT –
PATRIOT ASSISTANCE
DOGS**

Upon the recommendation of the Liquor and Gambling Control Committee, a motion was made by Alderman Stearns and seconded by Alderman Buboltz to approve the issuance of a Gambling Permit for Patriot Assistance Dogs for their raffle on November 11, 2023, at the VFW, 500 Washington Ave. The motion was carried without a dissenting vote. Mayor Brenk declared the permit approved.

**GAMBLING PERMIT –
DETROIT LAKES
JAYCEES**

Upon the recommendation of the Liquor and Gambling Control Committee, a motion was made by Alderman Stearns and seconded by Alderman Buboltz to approve the issuance of a Gambling Permit for the Detroit Lakes Jaycees for their bingo on November 18, 2023, at the Holmes Theatre Ballroom, 826 Summit Ave. The motion was carried without a dissenting vote. Mayor Brenk declared the permit approved.

**GAMBLING PERMIT –
DETROIT LAKES
JAYCEES**

Upon the recommendation of the Liquor and Gambling Control Committee, a motion was made by Alderman Stearns and seconded by Alderman Buboltz to approve the issuance of a Gambling Permit for the Knights of Columbus for their raffle on May 5, 2024, at Holy Rosary Church, 1043 Lake Ave. The motion was carried without a dissenting vote. Mayor Brenk declared the permit approved.

BUSINESS LICENSES

Upon the recommendation of the City Administrator, a motion was made by Alderman Stearns and seconded by Alderman Buboltz to approve the following licenses pursuant to their application and fees:

- Excavator
 - Red River Excavating
 - Eagle River Utility Solutions
- Rental
 - Lisa Piche 1590 West Lake Dr.

The motion was carried without a dissenting vote, and Mayor Brenk declared the licenses approved.

**DEPARTMENT
REPORTS**

A motion was made by Alderman Stearns to accept the September Code Compliance Official's Report, the September Variance/Conditional Use Permit, Land Disturbance Permit, and Stormwater Mitigation Permit Status Report, the September building permits in the amount of \$2,820,932, the September Animal Control Report, the September Public Works Director's Report, the September Police Report, the September Fire Report, the September Parking Violations Monthly Report of \$0, the August Becker County Court Report of \$6,213.48, and the September Liquor Store Manager's Report be approved and placed on file. The motion was seconded by Alderman Buboltz and carried without dissenting vote. Mayor Brenk declared the motion approved.

ANNOUNCEMENTS

Alderman Zeman stated the new playground at the Boys & Girls Club is open.

Mayor Brenk announced there will be a Budget Meeting for the 2024 Liquor Budget at 7:00 AM on October 31, 2023, at the Police Department.

Mayor Brenk announced there will be a Public discussion on the 2024 Budget and Tax Levy pursuant to the Truth & Taxation requirements will take place at the City Council meeting on December 12, 2023, at 6:01 PM.

Mayor Brenk announced the CGMC Fall Conference will be held November 16-17, 2023, in Wilmar, please let Kari know if you would like to attend.

Mayor Brenk announced the 2023 Council Meeting Dates:
November 14, 2023
December 12, 2023

Mayor Brenk announced the 2024 Joint Governance Meeting Dates:
January 2, 2024 – City
April 2, 2024 – Chamber
July 2, 2024 – DL Schools
October 1, 2024 – County

Mayor Brenk announced the 2024 Council Meeting Dates:
January 2, 2024 – Annual Meeting
January 9, 2024
February 13, 2024
March 12, 2024
April 9, 2024
May 14, 2024
June 11, 2024
July 9, 2024
August 12, 2024 *MONDAY (Elections)
September 10, 2024
October 8, 2024
November 12, 2024
December 10, 2024

ADJOURNMENT

There being no further business to conduct, by general consent, Mayor Brenk adjourned the meeting at 6:20 PM.

Respectfully submitted, Kari Tyson, Deputy Clerk