

MINUTES OF THE REGULAR MONTHLY MEETING  
OF THE FIFTY LAKES CITY COUNCIL  
January 13, 2009

The Regular Monthly Meeting of the Fifty Lakes City Council was held on Tuesday, January 13, 2009 in the City Hall at 7:00 p.m. The following officers were present: Richard Schiller, Mayor; Ken Hersey, Greg Buchite, (Bob Miller and Duey Bendt absent), Council Members; Karen Stern, Clerk-Treasurer; Gordy Reller, Planning and Zoning Administrator; and approximately 14 residents.

Karen Stern City Clerk administered the Oath of Office for Ken Hersey.

Mayor Schiller called for approval of the Council Meeting Minutes. MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. HERSEY TO APPROVE MINUTES OF THE DECEMBER 9, 2008 WITH THREE CHANGES ON PAGE THREE; ADD "P & Z COMMISSION MEETING" TO THE MOTION, CHANGE THE WORD "THAT" TO "THAN" AND THE WORD "THERE" TO "THEIR". When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO APPROVE THE MINUTES FOR JANUARY 1, 2009 SPECIAL MEETING TO CONDUCT THE ANNUAL LIQUOR INVENTORY. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent) Motion passed.

Karen L. Stern presented the Treasurer's Report. MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. HERSEY TO ACCEPT THE TREASURER'S REPORT AS READ. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Mayoral Appointments for 2009: Ken Hersey, Acting Mayor; Northland Press, Official Newspaper; Thomas Pearson, City Attorney; Greg Buchite, Emergency Service Manager; Duey Bendt, Planning and Zoning; Bob Miller, Parks and Public Safety (First Responders and Fire Department); Ken Hersey, Liquor Store; Greg Buchite, Roads, Maintenance and Weed Inspector; Mayor Richard Schiller, Purchasing, Personnel; Planning and Zoning Commission: Judy Hansen, Nancy Brooks, Jack Riordan, alternates – Jerry Olson and Ben Gibbs. Discussion held on the vacancy due to Duey Bendt moving to a Council Position. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO MOVE JERRY OLSON FROM THE ALTERNATE POSITION OF PLANNING AND ZONING COMMISSION TO A FULL TIME POSITION. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed. Park Committee: Bob Miller, Steve Dahlke, Diana Johnson, Les Degner, Ann Raph, Julie Engle, Deb Shetka, Rhonda Veit and Stephanie Bright.

Tom Pearson introduced himself to the new members and presented a letter indicating his proposal to leave the billing rate at \$125.00 per hour which is a \$70.00 per hour discount from his regular rate. Mr. Pearson requested to be allowed to charge \$195.00 an hour rate on pass through projects involving the City, such as plats or other matters which involve applicants reimbursing the City for the City Attorney's time.

MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. HERSEY TO ACCEPT THE PROPOSED APPOINTMENTS AS PRESENTED: KEN HERSEY AS ACTING MAYOR; THE NORTHLAND PRESS FOR THE CITY'S LEGAL PAPER FOR PUBLICATIONS; TOM PEARSON AS CITY ATTORNEY FOR 2009 WITH THE SAME HOURLY RATE AS THE PREVIOUS YEAR OF 2008; GREG BUCHITE EMERGENCY SERVICE MANAGER; DEPARTMENT HEADS – DUEY BENDT, PLANNING AND ZONING; BOB MILLER, PARKS & PUBLIC SAFETY (FIRST RESPONDERS AND FIRE DEPARTMENT); KEN HERSEY, LIQUOR STORE; GREG BUCHITE, ROADS & MAINTENANCE, WEED INSPECTOR; MAYOR RICHARD SCHILLER, PURCHASING, PERSONNEL; PLANNING & ZONING COMMISSION MEMBERS – JUDY HANSEN, NANCY BROOKS, JACK RIORDAN, JERRY OLSON, ALTERNATE BEN GIBBS; PARKS COMMITTEE- BOB MILLER, STEVE DAHLKE, DIANA JOHNSON, LES DEGNER, ANN RAPH, JULIE ENGLE, DEB SHETKA, RHONDA VEIT AND STEPHANIE BRIGHT. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Official Depositories: Lakewood Bank, Northern National Bank, Unity Bank, Lakes State Bank, Pine River State Bank, Crow Wing Power Credit Union. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO APPROVE THE FOLLOWING DEPOSITORIES: LAKEWOOD BANK, NORTHERN NATIONAL BANK, UNITY BANK, LAKES STATE BANK, PINE RIVER STATE BANK. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Mayor Schiller requested Gordy Reller to review with the Council the changes made to the zoning fee schedule for 2009. Discussions followed. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO TABLE THE ACTION ON THE PLANNING AND ZONING PERMIT FEE SCHEDULE FOR 2009 UNTIL THE FEBRUARY COUNCIL MEETING. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Mayor Schiller requested Council to consider approval of the office fees, community & pavilion rentals and mileage reimbursement. Discussions followed. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO APPROVE FEES FOR OFFICE SERVICES: PHOTOCOPYING \$.15; FACSIMILE TRANSMISSION \$2.00 FIRST PAGE AND \$1.00 PER PAGE; FACSIMILE RECEIVING \$.50 PER PAGE;

MILEAGE REIMBURSEMENT TO \$.55 PER MILE; COPY OF ORDINANCE \$15.00; COPY OF COMP PLAN \$10.00; FULLY REFUNDABLE DAMAGE DEPOSIT FOR USE OF COMMUNITY CENTER FOR MEETINGS AND BANQUETS \$100.00; FULLY REFUNDABLE DAMAGE DEPOSIT FOR RESERVED EVENTS OF THE PAVILION \$50.00. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

**Public Cemetery:** Greg Buchite commented about an interest in the City pursuing the idea of a City cemetery. Council requested advertising in newsletter and the website seeking interested residents in forming a cemetery committee to review options. Discussions tabled until the February Council meeting to allow for more information from the League of MN Cities and the interests for residents.

**Road Construction and Maintenance:** Karen Stern commented the receipt of one bid for soffit and fascia and 3 letters from contractors requesting more information and specs on the bid request for improvements of the Community Center, Fire Hall, Maintenance Building. Discussions followed on what actually needed to be completed on the building: soffit, vents, fascia, siding, and wainscot on all three sides (south, east and north). Eldon Lee requested consideration of doors and windows that need replacement. MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. HERSEY TO REJECT ALL BIDS RECEIVED FOR THE COMMUNITY CENTER/FIRE HALL/ MAINTENANCE BUILDING UPGRADE. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Greg Buchite commented on the City's two loans (Peninsula Road Improvement and the Maintenance Truck) interest rate being paid verses interest rates we are receiving for CD's. Discussions followed. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO TABLE CONSIDERATION OF THE TWO LOANS UNTIL THE FEBRUARY COUNCIL MEETING TO ALLOW FOR A FULL COUNCIL DECISION. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

**Liquor Store:** Toni Buchite presented the Liquor Store's purchase record report. Ken Hersey commented on the loss for the month and the additional costs incurred for the end of the year. Toni informed Council the MMBA Boot Camp in Breezy Point is scheduled for February 24<sup>th</sup> and 25<sup>th</sup> and would like to send Diana and Jake. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO APPROVE THE ATTENDANCE OF ANY EMPLOYEES THAT TONI REQUIRES TO ATTEND THE MMBA BOOT CAMP IN BREEZY POINT FEBRUARY 24<sup>TH</sup> AND 25<sup>TH</sup>. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Toni informed Council of 39 hours of vacation time she was unable to use by the end of the year and requested Council to allow her to use this time in January 2009. Discussions followed regarding the loss of vacation pay. MOTION MADE BY MR. HERSEY AND SECONDED BY MAYOR SCHILLER TO APPROVE TONI TO USE HER REMAINING 39 HOURS OF VACATION FROM 2008 IN JANUARY OF 2009. When polled: Mayor Schiller and Mr. Hersey voted aye. Mr. Buchite abstained, (Bob Miller and Duey Bendt absent). Motion passed. Discussions followed regarding Eldon's 27 hours of vacation time and Karen's 13 hours of vacation time not used by the end of the year. Council reviewed the personnel policy and agreed to postpone the decisions to allow more time to review the policy. MOTION MADE BY MR. HERSEY AND SECONDED BY MAYOR SCHILLER TO RESCIND THE MOTION REGARDING TONI'S 39 HOURS OF VACATION TIME FROM 2008 NOT TAKEN. When polled: Mayor Schiller and Mr. Hersey voted aye. Mr. Buchite abstained, (Bob Miller and Duey Bendt absent). Motion passed. Ken Hersey commented he would like to compliment Toni for all her hard work in the past couple of years.

**First Responders:** Teri Potz reported one call for the month. Teri informed Council the receipt of a grant for \$700 for the purchase of the defibrillator for the City Hall/Liquor Store. Teri requested Council to consider payment for calls and meetings retroactive for the year of 2008. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO APPROVE PAYMENT OF ALL CALLS AND MEETINGS ATTENDED BY FIRST RESPONDERS FOR YEAR OF 2008 AT A RATE OF \$10.00 PER MEETING AND CALL. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

**Fire Department:** No Report. Ken Hersey commented on the requirements of the fire chief to attend Council Meetings. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO SEND A LETTER TO THE FIRE DEPARTMENT REQUESTING THE FIRE CHIEF OR A REPRESENTATIVE TO ATTEND ALL COUNCIL MEETINGS. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

**Parks:** Steve Dahlke, representing the park committee, requested Council to consider a resolution dedicating the area to be used near the pavilion for a park including the closure of the driveway between the fire hall and the pavilion. Discussions followed regarding the placement of the park equipment and the issue was tabled until the February Council Meeting.

**Planning & Zoning:** Mayor Schiller commented on the vacancy of the alternate position on the Planning and Zoning Commission. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO ADVERTISE FOR VACANCY OF THE ALTERNATE POSITION ON THE PLANNING AND ZONING COMMISSION. When polled: Mayor Schiller and Mr. Hersey voted aye. (Bob Miller and Duey Bendt absent). Mayor Schiller commented that the Council liaison for the Planning and Zoning Commission will be an annual

position. Discussion followed regarding the duties of the Liaison and the Planning and Zoning Commission. Council agreed to review the Commission's responsibilities at the February Council Meeting.

Gordy Reller presented the fees involved with the rezoning of J. Miller's property. Discussions followed. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO REFUND J. MILLER THE DIFFERENCE OF \$1200 CHARGED AND THE ACTUAL COSTS OCCURRED OF \$937.50 (\$262.50) AS CALCULATED BY THE PLANNING AND ZONING ADMINISTRATOR WITH THE PRINCIPAL OF FAIRNESS AND NOT TO CREATE A PRECEDENT REGARDING ZONING FEES. When polled: Mr. Buchite and Mr. Hersey voted aye. Mayor Schiller voted nay. (Bob Miller and Duey Bendt absent). Motion passed.

Mayor's Report: Mayor Schiller informed Council of the LMC Conference in Nisswa which was attended by Ken Hersey and himself.

Purchasing, Personnel: Mayor Schiller commented on his concerns with the salaried positions of City Employees in regards to the Fair Labor Standards Act (FLSA). Discussions followed. No action taken. Council requested more time to review the information, to place on the agenda for February.

City Hall offices closed on Monday Jan. 19<sup>th</sup> for Martin Luther King Holiday.

Unfinished Business:

Citizen's Forum: J. Dubois requested Council to consider participating in the St. Patrick's Day Parade in Crosslake.

MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. HERSEY TO APPROVE PAYMENT OF THE FOLLOWING CHECK SERIES #29820 THROUGH #29945. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO ADJOURN. When polled: All Council Members voted aye. (Bob Miller and Duey Bendt absent). Motion passed.

Meeting adjourned at 9:48 P.M.

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Karen L. Stern, Clerk-Treasurer