

MINUTES OF THE REGULAR MONTHLY MEETING
OF THE FIFTY LAKES CITY COUNCIL
May 12, 2009

The Regular Monthly Meeting of the Fifty Lakes City Council was held on Tuesday, May 12, 2009 in the City Hall at 7:00 p.m. The following officers were present: Richard Schiller, Mayor; Duey Bendt, Bob Miller, and Greg Buchite, Ken Hersey, Council Members; Karen Stern, Clerk-Treasurer; and approximately 37 residents.

Public Hearing presentation by the Parks Committee, comments from the public regarding the proposed park location, equipment and landscaping. Discussions followed. MOTION MADE BY MR. MILLER AND SECONDED BY MR. HERSEY TO CLOSE THE PUBLIC HEARING REGARDING THE PROPOSED LOCATION, EQUIPMENT AND LANDSCAPING FOR A PARK. When polled: All Council Members voted aye. Motion passed. Meeting closed at 9:05PM

Mayor Schiller called for approval of the Council Meeting Minutes. MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. BENDT TO APPROVE THE MINUTES OF APRIL 14, 2009 MEETING. When polled: All Council Members voted aye. Motion passed.

Mayor Schiller requested Council to consider amendments to the agenda. Discussions followed. MOTION MADE BY MR. BENDT AND SECONDED BY MR. HERSEY TO ADD TO THE AGENDA THE FOLLOWING THREE ITEMS: 1. PARKS – CONSIDER A MOTION REGARDING THE PARK PROPOSAL. 2. PLANNING AND ZONING – REVIEW OF ARTICLE FROM THE LEAGUE MAGAZINE REGARDING PLANNING COMMISSION RESPONSIBILITIES. 3. UNFINISHED BUSINESS – VALUE OF COMMERCIAL LOT ON CTY RD #1 AND #3. When polled: All Council members voted aye. Motion passed.

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

New Business: Appeal by Andrew and Jane Mellas regarding the decision of the Board of Adjustment for Variance V-01-2009. Reconstruction of existing boathouse. Andrew and Jane Mellas reviewed with the Council the Findings and Facts concluded by the Board of Adjustment and their reasoning for the request of the variance to change the pitch of the roof. Gordy Reller presented photos to the Council for review. Discussions followed regarding the changes made to the boathouse. MOTION MADE BY MR. BUCHITE TO ACCEPT THE VARIANCE FOR V-01-2009. Motion failed due to lack of second. MOTION MADE BY MR. BENDT AND SECONDED BY MR. MILLER TO UPHOLD THE BOARD OF ADJUSTMENT DECISION TO DENY THE VARIANCE V-01-2009 SUBMITTED BY ANDREW AND JANE MELLAS. When polled: All Council Members voted aye. Motion passed. Council suggested the Mellas's meet with Gordy Reller and Duey Bendt to discuss the options available; a design acceptable by the City, restore the boathouse or apply for a new variance.

Mayor Schiller requested consideration of a liquor license renewal for Golden Eagle Golf Course. MOTION MADE BY MR. BENDT AND SECONDED BY MR. HERSEY TO APPROVE THE LIQUOR LICENSE RENEWAL FOR GOLDEN EAGLE GOLF COURSE. When polled: All Council Members voted aye. Motion passed.

Liquor Store: Toni Buchite presented the Liquor Store's purchase record report. Ken Hersey requested to postpone discussion for the dram insurance. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BENDT TO TABLE DISCUSSIONS FOR THE DRAM INSURANCE FOR THE LIQUOR STORE UNTIL THE JUNE MEETING. When polled: All Council Members voted aye. Motion passed. Toni informed Council of increases for taxes on liquor and beer, advising anyone concerned to contact their legislators.

First Responders: One call for the month. Karen Stern commented that Teri Potz had to leave and had a request to purchase supplies. MOTION MADE BY MR. MILLER AND SECONDED BY MR. HERSEY TO AUTHORIZE THE PURCHASE OF 10 TURNICUTS AT A COST OF \$70.00 EACH AND 10 HIP HUGGERS AT A COST OF \$120.00 TO BE DISPERSED FROM THE FIRST RESPONDERS ACCOUNT. When polled: All Council Members voted aye. Motion passed.

Fire Department: Andy Hemphill no report. Mayor Schiller commented on a meeting conducted between the Chiefs of the First Responders and the Fire Department to combine the two organizations. Prior to this process, responsibilities and procedures need to be created along with a standard operations procedure. The City Council portion of this will require an ordinance. The operating procedures will need to be put together by the Fire and the First Responder Departments.

Bob Miller commented on an invoice from Quality Fabricating for the amount of \$4546.00 exceeding the \$2000 limit established by the Council for the Fire Department to purchase without Council approval. Discussions followed. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE TO APPROVE PAYMENT OF \$4546.00 FUNDS DISPERSED FROM THE FIRE DEPARTMENT FUND. When polled: Mayor Schiller and Mr. Miller voted aye. Mr. Buchite, Mr. Bendt, and Mr. Hersey voted nay. Motion failed. Discussions followed regarding the funds available in the fire department account. MOTION MADE BY MR. BENDT AND SECONDED BY MR. HERSEY TO APPROVE PAYMENT OF THE INVOICE FOR QUALITY FABRICATION

FOR \$4546.45 WITH FUNDS BEING DISPERSED FROM THE FIRE DEPARTMENT FUND, ALLOWING THE NEGATIVE BALANCE IN THE ACCOUNT. When polled: All Council Members voted aye. Motion passed. Council requested Mayor Schiller and Bob Miller to review the expenditure process with Andy Hemphill, Fire Chief and to inform him of the responsibilities of the Council to manage all expenditures.

Parks: Bob Miller thanked the park committee for their dedication and hard work in developing the proposed park enhancement and requested Council to consider the approval of this plan. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE FOR THE CITY OF FIFTY LAKES COUNCIL TO APPROVE THE PROPOSED PARK ENHANCEMENT PLAN AS PRESENTED TONIGHT. Discussions followed. When polled: Mr. Miller and Mr. Buchite voted aye. Mayor Schiller, Mr. Bendt, and Mr. Hersey voted nay. Motion failed. Council agreed they liked the proposed park plan but requested the Park Committee to review another location for the playground equipment. Bob Miller commented he would gather the park committee to research this option and report back to the Council at the June meeting.

Bob Miller requested Council to adopt the proposed rental agreement for the pavilion /community center. Discussions followed. MOTION MADE BY MR. MILLER AND SECONDED BY MR. HERSEY TO ACCEPT THE PARK PAVILLION/COMMUNITY CENTER RENTAL AGREEMENT AS PRESENTED. When polled: All Council Members voted aye. Motion passed.

Planning & Zoning: Gordy Reller informed Council of the May meeting of the Planning Commission. The Planning Commission is reviewing the mixed use zoning in the downtown area, reviewing the definition for temporary structures and reviewing the RV ordinance. Duey Bendt requested Council to review an article in the Leagues magazine regarding the responsibilities and duties of a planning commission.

Road Construction and Maintenance: Greg Buchite informed Council that Eldon Lee had placed a bid for a 1993 Craftco melting pot for \$300.00. The bid was accepted by the City of Monticello and Eldon had plans to pick up the unit on Wednesday, May 13, 2009. Eldon commented it does have some engine problems, but he can rebuild for approximately \$800.

Eldon questioned Council regarding his authority to purchase items and what dollar amount he was allowed to purchase without Council approval. MOTION MADE BY MR. HERSEY AND SECONDED BY MR. BUCHITE TO INCREASE ELDON LEE'S SPENDING LIMIT WITHOUT PRIOR COUNCIL APPROVAL TO \$1000.00. When polled: All Council Members voted aye. Motion passed.

Greg Buchite commented he had received another call from Roger Anderson regarding his Quit Claim Deed and stated his disappointment with the City Attorney. Council advised Karen Stern to contact Tom Pearson, City Attorney to expedite the process.

Council discussed the maintenance issues that had been tabled for the Fire Hall/Maintenance Building. Council requested to add to the June agenda.

Mayor's Report: Mayor Schiller informed Council of a note received from Donna Snider, Post Office Manager. The note commented on the Postal Service being unable to reach a lease renewal agreement with the present landlord, Kurt Wilmes. The current lease will expire June 30th and it may be necessary to find a new location for the Fifty Lakes Post Office.

Purchasing, Personnel: Mayor Schiller requested Council to consider tabling the proposed personnel policy changes until June Council Meeting. Mayor Schiller commented on a letter received from the MN State Demographic Center regarding the census for 2010. A meeting is scheduled for May 29th in Brainerd and Mayor Schiller commented he would attend this meeting.

Unfinished Business: Mayor Schiller commented on the concerns of costs from several people to obtain an appraisal for the corner commercial lot on the intersection of Cty Rd 1 & 3. Discussions followed regarding the value of this property. MOTION WAS MADE BY MR.HERSEY AND SECONDED BY MR. MILLER TO PLACE A SALE PRICE AT \$54,000.00 ON THE LOT RE: 220-253-200-B00-889. When polled: All Council Members voted aye. Motion passed. Council requested Karen Stern to contact the City Attorney to verify the next steps necessary for the possible sale of this property.

Citizen's Forum: Kay Sperl complained to the Council that the meeting was too long and their was no coffee, water or cookies available for the evening. Gordy Reller requested the status of security cameras that he had requested Council to consider several months back. Ken Hersey commented he would research this item.

MOTION MADE BY MR. MILLER AND SECONDED BY MR. HERSEY TO APPROVE PAYMENT OF THE FOLLOWING CHECK SERIES #30182 THROUGH #30256 FOR \$78,203.75. When polled: All Council Members voted aye. Motion passed.

MOTION MADE BY MR HERSEY AND SECONDED BY MR. BUCHITE TO ADJOURN. When polled: All Council Members voted aye. Motion passed.

Meeting adjourned at 1:00 A.M.

Karen L. Stern, Clerk-Treasurer