

MINUTES OF THE REGULAR MONTHLY MEETING
OF THE FIFTY LAKES CITY COUNCIL
January 12, 2010

The Regular Monthly Meeting of the Fifty Lakes City Council was held on Tuesday, January 12, 2010 in the City Hall at 7:00 p.m. The following officers were present: Richard Schiller, Mayor; Greg Buchite, Bob Miller and Duey Bendt (Ken Hersey absent), Council Members; Karen Stern, Clerk-Treasurer; Gordy Reller, Planning and Zoning Administrator; and approximately 12 residents.

Mayor Schiller called for approval of the Council Meeting Minutes. MOTION MADE BY MR. BENDT AND SECONDED BY MR. MILLER TO APPROVE MINUTES OF THE DECEMBER 8, 2009 COUNCIL MEETING. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed. MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. MILLER TO APPROVE THE MINUTES FOR JANUARY 1, 2010 SPECIAL MEETING TO CONDUCT THE ANNUAL LIQUOR INVENTORY. When polled: All Council Members voted aye (Duey Bendt abstained), (Ken Hersey absent) Motion passed.

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

Mayoral Appointments for 2010: Ken Hersey, Acting Mayor; Northland Press, Official Newspaper; Thomas Pearson, City Attorney; Greg Buchite, Emergency Services Manager (or Emergency Management); Duey Bendt, Planning and Zoning; Bob Miller, Parks and Public Safety (Fire and Rescue); 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, Jerry Olson, Tim Anick, alternate – Jay Weimann.

Karen Stern commented on a discussion with Tom Pearson 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. MILLER AND SECONDED BY MR. BUCHITE 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 2010 WITH THE SAME HOURLY RATE AS THE PREVIOUS YEAR OF 2009; GREG BUCHITE EMERGENCY SERVICES MANAGER (OR EMERGENCY MANAGEMENT); DEPARTMENT HEADS – DUEY BENDT, PLANNING AND ZONING; BOB MILLER, PARKS & PUBLIC SAFETY (FIRE AND RESCUE); KEN HERSEY, LIQUOR STORE; GREG BUCHITE, ROADS & MAINTENANCE, WEED INSPECTOR; MAYOR RICHARD SCHILLER, PURCHASING, PERSONNEL. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Official Depositories: Frandsen Bank, Lakewood, Unity Bank, Lakes State Bank, Pine River State Bank. MOTION MADE BY MR. BENDT AND SECONDED BY MR. BUCHITE TO APPROVE THE FOLLOWING DEPOSITORIES: LAKEWOOD BANK, FRANSDEN BANK, UNITY BANK LAKES STATE BANK, PINE RIVER STATE BANK. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Gordy Reller commented that the zoning permit fees were not completed and he would bring to the Council at the February Council Meeting.

Mayor Schiller requested Council to consider approval of the office fees, community & pavilion rentals and mileage reimbursement. Discussions followed. MOTION MADE BY MR. BENDT AND SECONDED BY MR. MILLER 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 \$.50 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. (Ken Hersey absent). Motion passed.

Road Construction and Maintenance:

Mayor Schiller 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. MILLER AND SECONDED BY MR. BUCHITE TO CASH IN THE ROADS CD FOR \$54,000 AND TO USE THE FUNDS TO PAY OFF THE BALANCE OF THE PENINSULA ROAD (\$40,000) AND THE ROAD MAINTENANCE VEHICLE (\$11,962) LOANS. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Liquor Store: Toni Buchite presented the Liquor Store's purchase record report. Toni informed Council the MMBA Boot Camp in Breezy Point is scheduled for February 23rd and 24th and would like to send Diana and Jake. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE TO APPROVE THE

ATTENDANCE OF DIANA JOHNSON AND JAKE STERN TO ATTEND THE MMBA BOOT CAMP IN BREEZY POINT FEBRUARY 23rd AND 24TH FOR A COST OF \$150.00 PLUS MILEAGE. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Fire & Rescue: Teri Potz requested Council to consider approval for 5 members to attend No. Memorial EMS Education in Brooklyn Center on March 5th and 6th. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BENDT TO APPROVE TERI POTZ, TONI BUCHITE, TRACY HEDBERG, MICHELLE BERGACKER, RUTH FAANES, ANDY HEMPHILL TO ATTEND THE EMS TRAINING IN BROOKLYN CENTER ON MARCH 5TH AND 6TH FEES TO INCLUDE TRAINING, LODGING AND MILEAGE. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Council discussed the process to appoint the fire chief and the two assistant chiefs with an agreement the interested applicants be interviewed by the Executive Review Board. Recommendations are forwarded to the Council for appointment. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE TO POST IN HOUSE THE THREE POSITIONS OF FIRE CHIEF, ASSISTANT CHIEF FOR EMERGENCY MEDICAL SERVICES AND THE ASSISTANT CHIEF FOR FIRE SUPPRESSION OPERATIONS WITH INTERVIEWS OF APPLICANTS CONDUCTED BY THE EXECUTIVE REVIEW BOARD AND RECOMMENDATIONS PRESENTED TO THE COUNCIL. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Mayor Schiller commented on the salary for the Fire & Rescue positions on Fire Chief, Asst Chiefs. Discussions followed. MOTION MADE BY MILLER AND SECONDED BY MR. BENDT TO APPROVE A SALARY OF \$200 PER MONTH FOR FIRE CHIEF AND \$150 PER MONTH FOR THE TWO ASSISTANT CHIEFS EFFECTIVE UPON APPOINTMENTS OF THESE THREE POSITIONS IN MARH 2010. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Teri Potz reported one medical call for the month. Andy Hemphill reported three fire calls. Fifty Lakes had a structure fire on January 3rd on West Fox Lake, the entire structure was lost. The weather was 35 below and all trucks performed favorably.

Scheduled a meeting with Acting Mayor Ken Hersey and Karen Stern meet with fire relief assoc at 6PM on January 27th.

Planning & Zoning: Gordy Reller informed Council of a change of time for the February 2nd Planning and Zoning Commission Meeting to 4:30PM with the meeting to be completed prior to the start of the caucus that is scheduled.

Gordy Reller informed Council that the Zoning Commission has requested Council to consider the permitting of shoreland alterations by the City. Discussions followed and tabled for another month requesting Gordy to contact the City Attorney for his opinion on permitting of rip rap.

Planning Commission is reviewing storage units, preliminary and final plat deadlines, zoning map amendments and Council approval, temporary structures and conditional use permits verses interim use permits.

Gordy commented on updated Planning Commission duties.

Gordy Reller requested consideration of a Rezoning RZ-02-09. Raymond & Wendy Schrupp are requesting approval to rezone a parcel of land from Agricultural to Agricultural Residential (RZ-02-09). The property is located in the SE 1/4 of the SE 1/4, section 26, Fifty Lakes., MN. Parcel is in Section 26, Re: 220264400A00009, Township 138, Range 27, Fifty Lakes, MN. Property is 39 acres in area. Property is accessed from CSAH 3. MOTION MADE BY MR. BUCHITE AND SECONDED BY MR. BENDT TO APPROVE THE REZONING FROM AGRICULTURAL TO AGRICULTURAL RESIDENTIAL FOR RAYMOND & WENDY SCHRUPP RE:220-264-400-A00-009 SE1/4 OF THE SE 1/4 SECTION 26, TWP 138, RANGE 27 OF FIFTY LAKE A 39 ACRE PARCEL. When polled: All Council Members voted aye (Ken Hersey absent). Motion passed.

Gordy informed Council of errors on the original resolution for the Wetland Conservation Act of 1991 that was approved in December and requested the Council to adopt the revised Resolution 2010-01. MOTION MADE BY MR. BENDT AND SECONDED BY MR. BUCHITE TO RESCIND THE MOTION OF DECEMBER 8, 2009 FOR THE RESOLUTION REGARDING THE ADMINISTRATION OF THE WETLAND ACT OF 1991. When polled: All Council Members voted aye (Ken Hersey absent). Motion passed. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE TO ADOPT THE FOLLOWING:

RESOLUTION NO. 2010 -01
CITY OF FIFTY LAKES
**A RESOLUTION REGARDING ADMINISTRATION OF THE
WETLAND CONSERVATION ACT OF 1991**

WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local governmental units (LGUs) to implement this law by adopting rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling, and excavation, and

WHEREAS, each LGU of the State of Minnesota is required to acknowledge in writing to the BWSR that it is assuming its responsibilities under the Wetland Conservation Act (8420.0200, subpart 2, A) or delegating its administrative responsibility to another LGU such as the Soil and Water Conservation District (SWCD) in accordance with Minnesota Rules, part 8420.0200, subpart 1, E, which requires the passage of resolutions by both parties; effective upon the later date resolutions are passed by both parties; and that notice be provided to the board, commissioner, and SWCD within 15 days of adoption, and

WHEREAS, the LGU is responsible for following the WCA rules as stated in Minnesota Rules 8420.0200, Determining Local Government Unit; Duties, and

WHEREAS, the City Council of the City of Fifty Lakes previously requested and authorized Crow Wing County to administer the WCA within the incorporated boundaries of the City of Fifty Lakes by adopting a Resolution on October 12, 1993, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fifty Lakes that it hereby delegates the administrative responsibility as the Local Government Unit for the Wetland Conservation Act of 1991 to the Soil and Water Conservation District (SWCD) operating within Crow Wing County as hereby approved by the City Council of the City of Fifty Lakes to have jurisdiction within the established legal boundaries of the City of Fifty Lakes, and

BE IT FURTHER RESOLVED, this approval shall be effective the later of this 12th day of January 2010, or resolution approval by the SWCD Board and within the guidelines set forth by the Wetland Conservation Act rules.

Adopted by the Fifty Lakes City Council this 12th day of January 2010.

Richard Schiller, Mayor

ATTEST:

Karen L. Stern, City Clerk

Gordy commented, Ideal Sno Pros has requested that the City of Fifty Lakes grant access for snowmobiles in the ditches for Fox Glen Circle and Fox Glen Drive. Discussions followed. MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE FOR THE CITY OF FIFTY LAKES TO GRANT PERMISSION TO IDEAL SNO PROS FOR SNOWMOBILES TO DRIVE IN THE DITCHES OF FOX GLEN CIRCLE AND FOX GLEN DRIVE. When polled: All Council Members voted aye (Ken Hersey absent). Motion passed.

Mayor's Report: No Report

Purchasing, Personnel: City Hall offices closed on Monday Jan. 18th for Martin Luther King Holiday.

Unfinished Business: Duey Bendt questioned the merit increase for the liquor operation and not the remainder of employees for the City. Council agreed to place on the agenda for February for more discussion.

Citizen's Forum: Mayor Schiller informed Council of the request by Jeannie Coffin to make copies of forms for the food shelf, Council agreed to allow the copying of forms for the food shelf.

MOTION MADE BY MR. MILLER AND SECONDED BY MR. BUCHITE TO APPROVE PAYMENT OF THE FOLLOWING CHECK SERIES #30919 THROUGH #31015 for the amount of \$95,151.20. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

MOTION MADE BY MR. BENDT AND SECONDED BY MR. MILLER TO ADJOURN. When polled: All Council Members voted aye. (Ken Hersey absent). Motion passed.

Meeting adjourned at 9:10 P.M.

Karen L. Stern, Clerk-Treasurer