

Minutes and Proceedings of the City  
Council of the City of Emily in the  
County of Crow Wing, State of Minnesota  
Including accounts audited by said Council

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April 11, 2023

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The Emily City Council met for a regular meeting on Tuesday, April 11, 2023 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:00 p.m. Councilmembers Mary Eppen, Gerhart Hanson, and Gregory Koch were present. Andrew Hemphill was absent. Cari Johnson, City Clerk/Treasurer, was present.

The Pledge of Allegiance was recited.

Mayor Jones presented a plaque to Donna Jones in appreciation of a total of 10 years of service to the City as a Councilmember and a Planning Commission Member. The Council thanked Donna Jones for her service.

**COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Mayor Jones requested a motion of approval of the Consent Agenda including meeting minutes of the March 10, 2023 Emergency Council Meeting, March 14, 2023 Council Meeting, March 20, 2023 Emergency Council Meeting, and March 29, 2023 Special Council Meeting and the Treasurer's Report from March 2023: Checking Beginning Balance \$838,760.23 and Ending Balance \$775,425.73; Receipts to General fund \$122,152.57, Sewer fund \$3,937.80, Total \$126,090.37; and Claims for Approval: \$174,368.90 including Pine River State Bank checks #60337 to #60393 and automatic withdrawals #330683 to #330690; Investments \$377,412.05; Total Checking/Investments \$1,152,837.78. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PUBLIC FORUM: None.

**SPEAKERS:** Leo Offerman, Ross Lake Township, attended the meeting to comment on the proposed fire protection contract rates for the 2023-2024 contract period. Offerman thanked the Emily Volunteer Fire Department for providing exceptional service to Ross Lake Township, including response times and professionalism. Offerman commented on the proposed significant increase in contract rates and stated understanding due to a significant increase in Aitkin Fire Department contract charges as well. Offerman reported two years ago Ross Lake Township fire protection contract rates were \$9,000 and this year the rates may be as high as \$31,000. Offerman reported the City's current formula uses the total tax capacity of the covered sections and the current Fire Department budget and both formula factors have increased significantly. Offerman requested the Council consider using a different formula to determine fire protection contract rates. The Council thanked Offerman for attending the meeting.

Wayne Dosh, Senior Engineering Technician, Crow Wing County Highway Department, attended the meeting to present the Bridge Maintenance Report for the City's bridges.

Dosh reported Bridge #L2877, Roosevelt Drive over Crooked Creek, has minor issues with the railing and there is shifting of the wingwalls. The bridge was last load rated in 2021. Last fall Dosh inspected the bridge and there is measurable section loss of 1/16" to 1/8" of the thickness on the two beams directly under the typical wheel path. The beams were 5/8" thick but now have loss from rust that is significant enough to measure. Dosh reported an estimated 15 years of life remain for the Roosevelt Drive Bridge. The bridge is on Crow Wing County's resolution for replacement of priority bridges. Because the bridge is included on the resolution the City is included on the State aid list for bridge bonding funds. The City needs engineered bridge replacement plans that are 90% complete to apply for funding. Dosh roughly estimates the bridge would cost \$750,000 to replace in the current market depending on the bridge design. Dosh reported costs of building a bridge double every 15 to 16 years, so the longer

the bridge replacement is delayed the higher the cost will be. Dosh reported engineering costs are 35 to 40% more than the cost of the bridge and the \$750,000 estimate does not include engineering.

The width of Crooked Creek at the Roosevelt Drive Bridge restricts the flow. Dosh anticipates the Minnesota Department of Natural Resources (DNR) will require the City to increase the width of Crooked Creek at the bridge from 10' to 30' or 40' when the bridge is replaced, which will require a longer bridge span. The length of the bridge would have to be 75' to 80' if the creek is widened to 30'. Dosh anticipates at least two 14' to 16' boxes would be required for the bridge replacement.

Dosh reported the Roosevelt Drive road right-of-way was dedicated about 20 years after the Roosevelt Drive Bridge was built in 1960, the City has a grandfathered 66' easement at the current location, the bridge does not have to be moved to the easement location when it is replaced, and the current location is better than the easement location. When the bridge is replaced a sister bridge would probably be built alongside the current bridge, which would also allow access for residents during bridge construction.

Dosh recommended the Council begin planning for replacement of the Roosevelt Drive Bridge. Dosh recommended completing minimal maintenance if the bridge will be replaced in 5 years and preservation maintenance if the bridge will be replaced in 15 years. The bridge did not have a bituminous deck until 2011. The bituminous deck is the roof that keeps the water off. The City had planned to overlay the bridge deck, but due to bridge load restrictions there would have been a much higher cost to rent a smaller paver. Dosh recommended pursuing resurfacing of the bridge deck if replacement is planned for 15 years to preserve the bridge as long as possible. Dosh recommended removing the bituminous completely with a skidsteer before resurfacing. Over the winter the bridge deck lost a section of patch. Dosh does not recommend using cold patch or concrete on the bridge deck and recommended mastic instead. The water needs to shed off the sides of the bridge and bridge approach. Keeping water and salt from reaching the bridge beams slows deterioration. The load rating of the bridge may be reduced before the bridge is replaced depending on deterioration. Dosh also recommended repair of the wingwalls, especially on the south slope, if replacement is planned for 10 to 15 years because the wingwalls are moving. Dosh recommended digging out the wingwalls, resetting them, and installing posts to hold them in place.

Dosh reported on the Emergency Vehicle Mapping Tool which provides guidance on maintaining compliance with bridge load ratings and posting requirements regarding emergency vehicles. Emergency vehicles, such as fire trucks, may cause a significant impact to bridges. The Roosevelt Drive over Crooked Creek Bridge is load rated for a maximum of 24 tons, but a tandem rear axle fire truck may weigh up to 43 tons. The tool is not used for enforcement, but gives emergency response members information on what bridges to be careful of.

Dosh reported Bridge #L2878, Dam Road over Little Pine River, is in relatively good condition and the bridge deck installed a few years ago made a large difference. Dosh reported large fire trucks should probably not go across the bridge, but if necessary should stay in the middle of the bridge. Dosh reported no need for long term maintenance at this time. The bridge load rating is based on the outside timbers, which are the weakest material. Dosh recommended using a fire hose to remove the rust and scaling and an air compressor to blow off the sand from the steel beams for preservation of the bridge. Dosh reported there is a small leak in the dam at a joint, but neither he nor the DNR are concerned because there are no soft holes in the dam. Dosh reported the lake loses much more water due to evaporation than the leak.

Dosh reported on Bridge #18515, South Shore Drive over Little Pine River. Dosh reported the end of the guardrail must be repaired and the Crow Wing County Highway Department could assist for the cost of supplies and time. Dosh needs to be informed when a guardrail is hit, including with a snowplow. Dosh reported some leakage at the water line and believes water is coming through from the top of the bridge. Dosh requested Maintenance personnel watch for sinkholes on the top of the bridge. Dosh reported the ends of the wingwalls are deteriorating. The top of the wingwalls need to be painted for preservation.

The Council thanked Wayne Dosh for attending the meeting.

**FIRE DEPARTMENT:** Council Liaison Jones reported the March Fire Department meeting was held with 15 members present and reported 1 fire call. Equipment and SCBAs were checked. Fire Hall meeting room renovation continues. Training was completed on smoke alarms.

The Council discussed a proposed fire protection contract rate increase from 2.6% to 3.14% and proposed first response coverage contract rate decrease from 1.28% to .68% for a total proposed rate decrease from 3.88% to 3.82%. The total tax capacity of the City and townships increased significantly, the Fire Department annual budget increased significantly, and the First Response Unit budget decreased. The total Fire Department Budget increased from \$105,708 in 2022 to \$182,091 for 2023. The Fire Department budget increase included funds for a second fire truck, SCBAs, radios, and pagers. The 2022 fire calls for the City and contracted townships were as follows: Emily 81%, Fairfield 5%, Little Pine 0%, and Ross Lake 14%. The total First Responder Budget decreased from \$46,896 in 2022 to \$35,135 for 2023. Alternative options with lower contract rate percentages or incremental contract rate percentage increases were discussed. If contract rates are reduced there is a concern regarding future City Budget increases and a reduction now causing a higher contract rate increase in the future. Discussion included if the contract rates were reduced, the City of Emily taxpayers would be required to pay more to make up the difference. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE FIRE PROTECTION CONTRACT RATE INCREASE TO 3.14174% AND FIRST RESPONSE COVERAGE CONTRACT RATE DECREASE TO .67776% FOR A TOTAL RATE DECREASE TO 3.8195% AS PROPOSED AND NOT DECREMENT THE RATES. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**COUNCILMEMBER EPPEN MADE THE MOTION TO ACCEPT THE RESIGNATION OF KEVIN FAIL FROM THE EMILY VOLUNTEER FIRE DEPARTMENT, EFFECTIVE MARCH 28, 2023, WITH NO REQUIRED TRAINING REIMBURSEMENT. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

FIRST RESPONSE UNIT: Chief Cary LeBlanc reported the First Response Unit April meeting was cancelled due to weather and was rescheduled and reported 6 medical calls in March. Chief LeBlanc is working on rescheduling the planned training. The First Responders are working on revising the Policies and Procedures and Standard Operations Guide.

**COUNCILMEMBER EPPEN MADE THE MOTION TO ACCEPT THE RESIGNATION OF KIRA FLOISAND FROM THE EMILY FIRST RESPONSE UNIT, EFFECTIVE MARCH 28, 2023, WITH REQUIRED TRAINING REIMBURSEMENT OF \$600. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

POLICE: Mayor Jones reported the Emily Police Department is still in temporary deactivation status.

WASTEWATER: No action required from monthly report.

**COUNCILMEMBER KOCH MADE THE MOTION TO SUBMIT A DELINQUENT SEWER BILL OF \$357.86 FOR A PROPERTY OWNER THAT HAS MOVED OUT OF THE CITY TO THE CITY ATTORNEY TO PROCEED WITH A CONCILIATION COURT CLAIM. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PLANNING & ZONING: Planning Commission Chair Dave Johnson reported an outdoor market permit was approved and Bill Spiess was appointed as Vice Chair. The Land Use Ordinance Review Committee set their current main priority as the highway mixed use zone on State Highway 6 and the second priority as short term/vacation rentals and leaseback by owners.

**MAYOR JONES MADE THE MOTION TO APPROVE THE SOURCEWELL SHARED SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT SERVICES FOR ZONING ADMINISTRATOR SERVICES AT A RATE OF \$55 PER HOUR WITH A MINIMUM OF 2 HOURS FOR ONSITE MEETINGS AND VISITS AND A MINIMUM OF 2 HOURS AND DRIVETIME FOR ONSITE MEETINGS AFTER 5 P.M. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**MAYOR JONES MADE THE MOTION TO APPOINT FAYE HUGHES TO THE PLANNING COMMISSION AS AN ALTERNATE FOR A 4 YEAR TERM THROUGH DECEMBER 31, 2026. COUNCILMEMBER EPPEN SECONDED THE MOTION. Discussion included per City Code the Planning Commission does not review applications before Council appointment and does not make a recommendation to the Council and the Council appoints members of the Planning Commission. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

ATTORNEY: No report.

**ROADS: COUNCILMEMBER KOCH MADE THE MOTION TO REQUEST QUOTES FOR CALCIUM CHLORIDE APPLICATION ON UNPAVED ROADS. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Quotes will be requested for striping of the public parking lots and curbs. The Park Commission will be consulted regarding striping of the tennis court for pickleball.

The decision was made for the Minnesota Department of Transportation (MnDOT) progress on resolution of 2019 State Highway 6 road construction project issues to remain on the agenda until the pending project is complete. Councilmember Hanson reported MnDOT's plan is to remediate the storm water drainage area issue at the outlet to Emily Lake this spring. The City had received a request for the City Engineer and Road Committee Member Hanson to set up a meeting with MnDOT for a local resident presentation on proposed parking and public safety improvements on State Highway 6. The meeting was held and Kale Jones presented options. MnDOT will be sending a letter to the City with their decisions regarding the requested improvements. Discussion included alternative options to bollards at the State Highway 6/County Road 1 intersection.

MAINTENANCE: Maintenance Supervisor Brian Foster reported plowing and scraping roads, working on water problems, and general maintenance.

The City had requested quotes for replacement of the salt shed roof and repair of the Downtown City Park pavilion roof. Only one quote has been received from the contractors that reviewed the projects. The League of Minnesota Cities Insurance Trust submitted an estimate for repair of the Park pavilion roof for \$7,038.72. LMCIT will issue payment for the Park pavilion roof upon receipt of a signed agreement between the City and the contractor. **COUNCILMEMBER EPPEN MADE THE MOTION TO ACCEPT THE QUOTE FROM NORTHERN LAKES BUILDING & RENOVATIONS FOR REPLACEMENT OF THE SALT SHED ROOF FOR \$17,500 AND REPAIR OF DOWNTOWN CITY PARK PAVILION ROOF FOR \$4,000 FOR A TOTAL OF \$21,500, WITH 50% DOWN, 25% AFTER FRAMING, AND 25% AFTER COMPLETION. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

CITY HALL: No report.

CEMETERY: No report.

**PARKS: COUNCILMEMBER KOCH MADE THE MOTION TO APPOINT KALE JONES TO THE PARK COMMISSION FOR A 3 YEAR TERM OF APRIL 12, 2023 TO DECEMBER 31, 2025 AS RECOMMENDED BY THE PARK COMMISSION. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE THE PORTABLE TOILET RENTAL QUOTE FROM AL'S SEWER SERVICE FOR THREE UNITS FOR THE CITY PARK, CITY HALL, AND BALLFIELD PARK FOR \$127 EACH PER MONTH WITH EXTRA CHARGE FOR CLEANING IF THE UNITS ARE VANDALIZED. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

LIBRARY: No report.

**PERSONNEL: COUNCILMEMBER KOCH MADE THE MOTION TO HIRE RICH BEATTIE AND RICHARD SOUKUP AS PART-TIME SEASONAL MAINTENANCE WORKERS FOR UP TO 32 HOURS PER WEEK PER RECOMMENDATION OF PERSONNEL COMMITTEE WITH WAGE OF \$15.50 PER HOUR AND START DATE OF MAY 1, 2023 PENDING PREEMPLOYMENT SCREENINGS AND BACKGROUND CHECKS AS PER DRAFTED JOB OFFER LETTERS. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The Council discussed possible Council Member attendance of the LMC Annual Conference.

**COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE ATTENDANCE OF MANAGING DIFFICULT CONVERSTIONS WITH COLLEAGUES AND CONSTITUENTS FREE TRAINING ON WEDNESDAY, MAY 24 AT SOURCEWELL IN STAPLES WITH REIMBURSEMENT OF MILEAGE AND MEALS FOR ANY COUNCIL**

**MEMBER THAT WOULD LIKE TO ATTEND. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The Council discussed attendance of the US EDA Webinar on MN Disaster Declaration presentation.

**EMILY WATERS: MAYOR JONES MADE THE MOTION TO APPROVE THE EMILY WATERS COMMITTEE'S RECOMMENDATIONS REGARDING THE EMILY LAKES AND RIVERS PROTECTION FUND**

**APPROPRIATIONS APPLICATIONS AS FOLLOWS:**

- **ROOSEVELT AND LAWRENCE AREA LAKE ASSOCIATION FOR SURVEYING AND TREATING FOR INVASIVE SPECIES ON ROOSEVELT LAKE - \$4,833**
- **RUTH LAKE IMPROVEMENT DISTRICT FOR EURASIAN WATER MILFOIL REMEDIATION ON RUTH LAKE, INCLUDING SURVEY AND TREATMENT - \$4,833**
- **EMILY LAKES AND RIVER ASSOCIATION FOR INSPECTION AND CONTROL OF EURASIAN WATER MILFOIL IN EMILY AND MARY LAKES AND THE LITTLE PINE RIVER BETWEEN MARY AND EMILY LAKES - \$4,833**

**COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**ECONOMIC DEVELOPMENT:** No report.

**CODIFICATION:** No report.

**UNFINISHED BUSINESS:** Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported continued exploration drilling of historic areas within the leased lands with the intent to expand the knowledge of the Emily Manganese Deposit generated from prior exploration programs. Nine diamond drill holes had been drilled by the end of March. A number of the targets for drilling are located near-to, in-between, or as step-outs from previously drilled areas. Sandri reported target zones of geology and mineralization continue to be intercepted at anticipated depths. By the end of March samples from five of the holes had been shipped for assaying. Results from the assaying typically take 10 to 12 weeks. NSM's environmental consultants are visiting the site weekly to ensure all activities meet the State's environmental requirements and that the operations are in compliance. The DNR and Minnesota Department of Health have visited the site and will be doing so periodically during the drilling program. Sandri reported in March NSM continued discussions with the DNR on the mineral lease applications on State mineral lands in the Emily area. The activity will be ongoing through 2023. Additional information on the Emily Project is reported periodically by NSM's parent company, Nevada Silver Corporation. Nevada Silver Corporation is planning to change their name to Electric Metals (USA) Limited in the late spring or early summer.

The Council tabled holding a Clean Up Day in the fall until the next meeting. The City of Fifty Lakes will consider whether they are interested in partnering on Clean Up Day at their meeting.

The Council requested the Crow Wing County Board hold a public meeting in the Emily City Hall gym at the end of April regarding the proposed County Beach project on Little Emily Lake to provide Emily residents with the opportunity to learn about the current plans and to comment on the proposed project. County Administrator Tim Houle confirmed the request would be forwarded to the County Board. The County Board discussed holding a public meeting at their last meeting. Houle commented the County Board needs to hold a meeting with residents and neighbors, probably at the site, to hear their concerns and to discuss possible ways to mitigate those concerns. Houle commented the County appreciates the partnership with the City in exploring how to do this right so there is a well-run asset in the community.

**NEW BUSINESS: MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 23-13 APPROVING A LAWFUL GAMBLING PERMIT FOR THE OUTING GUN CLUB TO HOLD A RAFFLE DRAWING AT THE LOG CABIN ON SATURDAY, NOVEMBER 4, 2023 WITH NO WAITING PERIOD. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, HANSON, AND KOCH VOTED AYE. EPPEN ABSTAINED. THE MOTION PASSED.**

**MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 23-14 ACCEPTING DONATION TO THE CITY OF A BENCH FROM THE BAGS TO BENCHES PROGRAM FOR THE CITY PARK FROM THE LAKERS LIONS. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 23-12 FOR SUBMISSION OF COMMUNITY IMPACT FUNDS GRANT APPLICATION TO SOURCEWELL TO APPLY FOR A GRANT FOR PURCHASE OF AUDIO AND VIDEO EQUIPMENT FOR \$20,845 FOR THE COUNCIL CHAMBERS IN 2023. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.** The project would include new audio equipment, microphones, video equipment, cameras, cable materials, installation, training, maintenance, and support of the audio/visual system. The equipment would improve the sound and provide the ability to live stream meetings.

**CORRESPONDENCE:** Discussion included the State Auditor approved an audit extension to May 15, 2023, Crow Wing County provided final property tax calculations for 2023, and Crow Wing County Historical Society thanked the City for the donation.

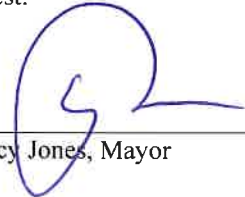
**SCHEDULED UPCOMING MEETINGS:** The Crow Wing Soil and Water Conservation District would like to meet with Mayor Jones and Council Members to discuss a Feasibility Study for resolution of South Bay Drive water runoff issues before a Special Meeting is scheduled.

**COUNCILMEMBER EPPEN MADE THE MOTION TO ADJOURN THE MEETING AT 7:26 P.M. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Respectfully submitted,

Attest:

  
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Cari Johnson, MCMC, City Clerk/Treasurer

  
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Tracy Jones, Mayor