

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

March 14, 2023

The Emily City Council met for a regular meeting on Tuesday, March 14, 2023 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:01 p.m. Councilmembers Mary Eppen, Gerhart Hanson, Andrew Hemphill, and Gregory Koch were present. Cari Johnson, City Clerk/Treasurer, was present.

The Pledge of Allegiance was recited.

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

Mayor Jones requested a motion of approval of the Consent Agenda including meeting minutes of the October 11, 2022 Council Meeting, November 9, 2022 Council Meeting, November 15, 2022 Emergency Council Meeting, November 15, 2022 Special Council Meeting, February 14, 2023 Council Meeting, and March 1, 2023 Emergency Council Meeting and the Treasurer's Report from February 2023: Checking Beginning Balance \$936,273.46 and Ending Balance \$838,760.23; Receipts to General fund \$116,100.14, Sewer fund \$6,623.46, Total \$122,723.60; and Claims for Approval: \$160,846.42 including Pine River State Bank checks #60269 to #60336 and automatic withdrawals #330673 to #330682; Investments \$376,283.50; Total Checking/Investments \$1,215,043.73.

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

PUBLIC FORUM: Joe Datzman had submitted a comment regarding the proposed Crow Wing County Beach Park project on Little Emily Lake. Datzman's concerns included enforcement, stewardship of natural resources and wildlife, privacy, and lack of public input. Datzman is concerned with the effect of a public boat access on the small, undisturbed lake. Datzman requested the Council not support the proposed County Beach Park project.

Jane Davis had submitted a comment regarding the proposed County Beach Park project. Davis reported Kirk Soldner's scaled down nature oriented plan for a County Beach Park better represents the community's environment and its future. Davis reminded the Council that the intention of the Emily Lakes and Rivers Protection Fund is, "...to protect local waterways and wetlands against pollution, invasive species, and other practical obstacles that cause deterioration of the health and quality of Emily's waters. Such deterioration impacts not only the ecosystem of the lakes, but also the economy and property values in the area." Davis requested the Council not support the County Beach Park project as it is currently proposed.

Fred Capra had submitted a comment regarding the proposed County Beach Park project. Capra's concerns included daily garbage removal due to bears, large fluctuations in the Little Emily Lake water level, a boat landing on a small lake with threat of introduction of aquatic invasive species, fishing pressure for a small lake, and law enforcement.

Terry Usherwood commented on the proposed County Beach Park project. Usherwood's concerns included the lake is too small to handle boat traffic, the resulting fishing pressure, and the threat of aquatic invasive species; lake water level fluctuations; garbage removal; maintenance; and remote location of proposed park.

SPEAKERS: Kirk Soldner had submitted comments regarding Crow Wing County's development of a proposed Little Emily Lake Beach Park. Soldner's concerns included lack of requested public input; serious environmental impacts including destruction of a critical fish spawning area, damage to waterfowl habitat, serious shoreline impact from deforestation of the shoreline, and wake damage from boats; water contamination from runoff and water crafts; threat of aquatic invasive species; loss of existing use of unspoiled natural lake; direct conflict with State and

County conservation programs; addition of a beach and boat landing on a small, shallow lake; fluctuation of lake water level; law enforcement in secluded park; garbage/illegal dumping; and excess of developed lakes nearby. Soldner reported misconceptions are that the lake is unused and unappreciated, development will include no negative environmental impacts, and there will be minimal overhead for the park. Soldner reported the City's Comprehensive Plan survey results indicated a priority on lakes and waters, natural resources protection, land preservation and conservation, and shoreland preservation to maintain water quality and wildlife habitat. Soldner reported the proposed beach and park would directly undermine the priorities of the Comprehensive Plan and cause several environmental impacts and loss of existing use. Soldner developed an alternate natural plan with low impact enhancements for the beach which would be consistent with the Comprehensive Plan, have local support from many neighbors, and preserve the unspoiled natural area. Soldner and Capra attended the County Board meeting and provided comments on the proposed beach plan. Soldner reported the County Board realized more local engagement is needed. Soldner requested time from the County Board to develop a sustainable use proposal after consultation with stakeholders, including the City and County Land Services Department, which would include leaving Little Emily Lake undeveloped, designating carry in access points for Little Emily Lake and Papoose Lake, keeping the lakes quiet, keeping the fishery and ecosystem intact, keeping aquatic invasive species out, improving parking for access to Little Emily Lake and Papoose Lake, possibly rerouting the ATV trail away from the lake shore, and creating basic day use walking trails. Soldner reported the natural plan would not include structures to concentrate use in one spot, encourage dumping, or create overhead. Soldner requested the Council vote in opposition to the County Board's proposal as presented due to feedback and recent information and requested the Council vote in support of development of a Little Emily Lake/Papoose Lake natural area. Soldner stated the natural plan would provide much needed diversity in recreational infrastructure for low impact sustainable access to natural resources. Soldner stated he is not against the concept of beaches, boat landings, or trails, but they must be constructed in appropriate locations in a sustainable way.

The Council thanked the public for attending and providing feedback on the proposed County Beach Park. The Council has also received positive support from residents that would like to use a local beach.

FIRE DEPARTMENT: Chief Chad Genz reported the February Fire Department meeting was held with 16 members present and reported 4 fire calls. Equipment and SCBAs were checked. Fire Hall renovations completed to date include new flooring, cabinets, and appliances and the walls have been painted.

The Council discussed proposed fire protection and first response coverage contract rates. 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 result is high increases for proposed contract rates. Optional incremental rate increases were provided. The Council tabled the contract rates to next month for additional research.

COUNCILMEMBER HEMPHILL MADE THE MOTION TO APPROVE PAYMENT OF \$2,518 PLUS TAX TO PROGRESSIVE FOREST PRODUCTS FOR A HUTCH FOR THE FIRE HALL MEETING ROOM RENOVATION FROM 225 FIRE EQUIPMENT FUND. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

FIRST RESPONSE UNIT: Chief Cary LeBlanc reported the First Response Unit March meeting was held with 10 members present and reported 10 medical calls in February. Chief LeBlanc reported the Hands Only CPR Class was held, there was good turnout, and the First Responders plan to hold another class during the summer. The Council thanked the First Responders for holding the class.

POLICE: Mayor Jones reported 41 ICRs in February.

Public Safety Announcement: "The City of Emily Police Department has been temporarily deactivated. During the pendency of this deactivation, the Crow Wing County Sheriff's Office has taken over policing responsibility and authority within the jurisdiction of the City of Emily and any other jurisdictions for which the City of Emily has contractual responsibility to provide police services. For police services in the City of Emily and Little Pine Township, please call the Crow Wing County Sheriff at (218) 829-4749 or, in an emergency, call 911. Any inquiries about this should be directed to the City of Emily at clerk@emily.net or by calling (218) 763-2480."

MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 23-10 FOR PUBLIC EMPLOYEES RETIREMENT ASSOCIATION POLICE OFFICER DECLARATION DECLARING THE PART-TIME POLICE OFFICER POSITION HELD BY MATT HUESMANN IS ELIGIBLE FOR PERA POLICE AND FIRE PLAN

MEMBERSHIP EFFECTIVE THE DATE OF HUESMANN'S INITIAL POLICE AND FIRE PLAN SALARY DEDUCTION BY EMILY. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

WASTEWATER: No report.

PLANNING & ZONING: Planning Commission Chair Dave Johnson reported no meeting was held in March due to lack of business. A Land Use Ordinance Review Committee meeting was held, priorities were discussed, and review is moving forward.

ATTORNEY: No report.

ROADS: COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE PAYMENT OF UP TO \$8,000 TO HIGHWAY 18 COLLISION CENTER FOR REPAIR OF 2018 SNOWPLOW TRUCK FROM DAMAGE CAUSED DURING DECEMBER WINTER STORM. COUNCILMEMBER KOCH SECONDED THE MOTION. Discussion included the City received \$7,435.80 from the insurance claim (less tax and deductible). ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO RENT A STREET SWEEPING BROOM FROM RDO EQUIPMENT FOR UP TO 2 WEEKS AT A RATE OF \$1,638 PER WEEK FOR AN ESTIMATED TOTAL OF \$3,276. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO APPROVE USING ROAD AND BRIDGE (SMALL CITIES MUNICIPAL STATE AID FOR STREETS) FUNDS FOR MONTHLY PROGRESS PAYMENTS FOR S.E.H. PREPARATION OF FEASIBILITY REPORT AND ASSESSMENT PROCESS FOR THE PLANNED 2024 ROAD IMPROVEMENTS PROJECT FOR A TOTAL LUMP SUM OF \$24,000 AND EXPENSES NOT INCLUDED IN THE LUMP SUM AMOUNT. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO PREAPPROVE DOWN PAYMENT OF UP TO \$1,000 WHEN A USED SNOWPLOW TRUCK IS AVAILABLE TO PURCHASE FOR UP TO \$100,000 AS BUDGETED. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Striping of the public parking lots and curbs will be reviewed to determine whether quotes are needed.

There was no update on MnDOT progress on the storm water drainage area remediation.

MAINTENANCE: Maintenance Supervisor Brian Foster reported plowing and sanding roads and general maintenance.

CITY HALL: No report.

CEMETERY: Council Liaison Eppen reported four lots sold and one burial: Benedict Trutwin, Veteran.

PARKS: No report.

LIBRARY: No report.

PERSONNEL: MAYOR JONES MADE THE MOTION TO APPROVE A SEASONAL MAINTENANCE POSITION RAISE FROM \$15 TO \$15.50 PER HOUR AS RECOMMENDED BY PERSONNEL COMMITTEE. COUNCILMEMBER HANSON SECONDED THE MOTION. Discussion included the last raise for the position was given in 2019 and the proposed raise was determined due to budget considerations. ROLL CALL VOTE – JONES, HANSON, HEMPHILL, AND KOCH VOTED AYE. EPPEN ABSTAINED. THE MOTION PASSED.

MAYOR JONES MADE THE MOTION TO APPROVE SUBMITTING A SOURCEWELL INTERNSHIP PROGRAM APPLICATION FOR A MARKETING/GRAPHIC DESIGN AND COMMUNICATIONS INTERNSHIP PART-TIME IN SUMMER 2023 AT \$17 PER HOUR (\$14 PER HOUR FROM SOURCEWELL AND \$3 PER HOUR FROM CITY), INCLUDING NOTICE AND POSTING ON HANDSHAKE AND INDEED WEBSITES UPON APPROVAL OF

PROGRAM FROM SOURCEWELL. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE WAGE SCHEDULE POLICY REVISION AS PRESENTED. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER EPPEN MADE THE MOTION TO INCREASE DEPUTY CLERK AMY PROKOTT'S WAGE FROM \$21.27 TO \$22.39 PER HOUR (95% TO 100% OF THE POSITION WAGE) WITH RETROACTIVE EFFECTIVE DATE OF MARCH 7, 2023 (ONE YEAR ANNIVERSARY) AS RECOMMENDED BY PERSONNEL COMMITTEE. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO APPROVE COUNCILMEMBER KOCH TO ATTEND SOURCEWELL GRANT WRITING 101 TRAINING ON APRIL 26, 2023 FROM 9 A.M. TO 4:30 P.M. AT THE INITIATIVE FOUNDATION, LITTLE FALLS, MN FOR \$40 PER PARTICIPANT, WITH REIMBURSEMENT OF MILEAGE. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Councilmember attendance of the League of Minnesota Cities Annual Conference was tabled until the next meeting.

EMILY WATERS: MAYOR JONES MADE THE MOTION TO APPROVE 2023 EMILY WATERS COMMITTEE APPLICATIONS FROM STEVE SMITH, DAN BRENNAN, AND JAN MOSMAN. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, 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 exploration drilling began on February 3, 2023. NSM will be drilling with the intent to expand the knowledge of the Emily Manganese Deposit generated from prior exploration programs. Sandri reported three holes had been drilled to date and target zones of mineralization have been intercepted in all three. Sandri reported samples from the three holes have been shipped for assaying and results should be received in 10 to 12 weeks. NSM's environmental consultants are visiting the site weekly to make sure all activities meet the State's environmental requirements and that the operations are in compliance. The Minnesota Department of Natural Resources (DNR) and Health Department have also visited the site and will continue to visit periodically during the exploration drilling program. NSM continued its discussions with the DNR on its mineral lease applications on State mineral lands in the Emily area, which will be ongoing through 2023.

The Council tabled holding a Clean Up Day in the fall until the next meeting. One positive resident comment was received. The City of Fifty Lakes will be asked if they are interested in partnering on Clean Up Day.

The Council further discussed public comment received regarding the proposed County Beach Park on Little Emily Lake. The Council will request the County Board hold a Public Hearing in the Emily City Hall gym at the end of April regarding the proposed County Beach Park project to provide Emily residents the opportunity to learn about the current plans and to comment on the proposed project.

NEW BUSINESS: MAYOR JONES MADE THE MOTION TO APPROVE THE 2022 SUMMARY FINANCIAL REPORT FOR PUBLICATION. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO APPROVE THE REVISED DOT CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY, PENDING CITY ATTORNEY REVIEW. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO APPROVE THE REVISED NON-DOT DRUG AND ALCOHOL TESTING POLICY, PENDING CITY ATTORNEY REVIEW. COUNCILMEMBER EPPEN SECONDED THE

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

MAYOR JONES MADE THE MOTION TO APPROVE THE SOCIAL MEDIA POLICY REVISION AS PRESENTED. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER HANSON MADE THE MOTION TO DONATE \$100 TO THE CROW WING COUNTY HISTORICAL SOCIETY AS BUDGETED. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

CORRESPONDENCE: Discussion included Ehlers reported no benefit for potential refunding of existing bonds and Crow Wing County information regarding possible Short Term Rental Licensing Agreement.

SCHEDULED UPCOMING MEETINGS: Requesting County Board hold local Public Hearing at the end of April.

COUNCILMEMBER EPPEN MADE THE MOTION TO ADJOURN THE MEETING AT 7:10 P.M. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Respectfully submitted,


Cari Johnson, MCMC, City Clerk/Treasurer

Attest:

Tracy Jones, Mayor