

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

January 10, 2023

The Emily City Council met for a regular meeting on Tuesday, January 10, 2023 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:00 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 the Treasurer's Report from December 2022: Checking Beginning Balance \$746,324.22 and Ending Balance \$1,099,085.36; Receipts to General fund \$497,046.23, Sewer fund \$30,233.92, Total \$527,280.15; and Claims for Approval: \$91,141.79 including Pine River State Bank checks #60116 to #60183 and automatic withdrawals #330658 to #330665; Investments \$371,289.36; Total Checking/Investments \$1,470,374.72. **COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PUBLIC FORUM: No comments received.

FIRE DEPARTMENT: Chief Chad Genz reported the December Fire Department meeting was held with 15 members present and reported 1 fire call. Equipment and SCBAs were checked. The Fire Department is working on a plan to update the Fire Hall meeting room.

COUNCILMEMBER EPPEN MADE THE MOTION TO CONFIRM THE FIRE DEPARTMENT ELECTION RESULTS AS FOLLOWS: CHIEF CHAD GENZ, ASSISTANT CHIEF TYSON KINKAID, TREASURER MICHAEL ARMBRUST, SECRETARY JOSH ROOKER, AND TRAINING/SAFETY OFFICER BRIAN FOSTER. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE THE REQUIRED 2023 MUNICIPAL CONTRIBUTION TO THE EMILY FIREMEN'S RELIEF ASSOCIATION OF \$28,976. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Chief Genz recommended choosing the higher quote from GFC Industrial for replacement of the Fire Hall meeting room floor. Genz reported GFC Industrial would add the Fire Department maltese cross and First Response Unit logos to the floor. **COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE THE GFC INDUSTRIAL QUOTE FOR FIRE HALL MEETING ROOM TILE AND GLUE REMOVAL, DIAMOND GRIND, AND GOLD SYSTEM 2 STEP PROCESS EPOXY APPLICATION, WITH 50% DOWN PAYMENT OF \$2,793.10 AND TOTAL OF \$5,586.20 FROM FIRE EQUIPMENT FUND. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

COUNCILMEMBER EPPEN MADE THE MOTION TO ADOPT RESOLUTION 23-04 APPROVING ADDITIONAL ACTIVITY FOR A LAWFUL GAMBLING PREMISES PERMIT FOR EMILY FIREMEN'S RELIEF ASSOCIATION WITH ADDITIONAL ACTIVITY OF ELECTRONIC LINKED BINGO AT RED PINE COOKHOUSE. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 23-05 ACCEPTING DONATION TO THE CITY FROM DAVID AND ANNE BONNERUP OF \$300 FOR FIRE DEPARTMENT EQUIPMENT. COUNCILMEMBER EPPEN 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 January meeting was held with 8 members present and reported 9 medical calls and 2 trainings in December. One member finished and passed her EMR class. LeBlanc will review competencies with the member, issue gear, and then the member will begin responding. Another member is signed up for EMR class starting the end of the month. LeBlanc reported the unit's Policies and Procedures will be reviewed.

MAYOR JONES MADE THE MOTION TO APPROVE THE EMILY FIRST RESPONSE UNIT TO HOLD HANDS ONLY CPR AND AED TRAINING ON TUESDAY, MARCH 7, 2023 IN THE EMILY CITY HALL GYM FOR THE PUBLIC FOR NO COST AND APPROVED CLERK'S OFFICE STAFF ATTENDANCE. 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 ADOPT RESOLUTION 23-06 ACCEPTING DONATION TO THE CITY FROM OUTING CHAMBER OF COMMERCE OF \$2,000 FOR FIRST RESPONSE UNIT EQUIPMENT. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

POLICE: Chief Damien Stalker reported 38 ICRs in December. Stalker reported a total of 687 ICRs in 2022, which is a 28% increase from the previous year.

WASTEWATER: Lee Bundy, PeopleService, City Wastewater Operator, provided a report on activities.

PLANNING & ZONING: Planning Commission Vice Chair Dave Johnson reported there was no Planning Commission meeting in January.

Greg Kossan works with the City's Planning and Zoning Department to review septic system designs and installations for permitting purposes. **COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE GREG KOSSAN'S BID FOR A \$10 INCREASE FOR SSTS INSPECTION SERVICES TO \$175 PER INSPECTION. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

ATTORNEY: City Attorney Pearson reported Jason Quilling paid the \$2,500 after the fact permit fee and penalty for an unpermitted septic system.

MAINTENANCE: Maintenance Supervisor Brian Foster reported plowing snow, cutting trees, and removing snow from the downtown and City Public Parking Lot. Foster requested hiring a part-time winter seasonal maintenance worker to assist with snow removal duties, including plowing sidewalks.

COUNCILMEMBER HANSON MADE THE MOTION TO PURCHASE A WEATHERPROOF TRUCK BED STORAGE DECKED DRAWER SYSTEM FOR \$1,556.93, INCLUDING \$106.94 TAX AND FREE SHIPPING, FOR THE NEW MAINTENANCE PICKUP FROM DECKED.COM. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

ROADS: No report.

CITY HALL: No report.

CEMETERY: No report.

PARKS: No report.

LIBRARY: No report.

PERSONNEL: MAYOR JONES MADE THE MOTION TO HIRE MATTHEW HUESMANN AS A PART-TIME POLICE OFFICER FOR 20 HOURS PER WEEK PER RECOMMENDATION OF THE PERSONNEL COMMITTEE PENDING PREEMPLOYMENT SCREENINGS, BACKGROUND CHECK, AND PSYCHOLOGICAL EVALUATION, OR USE OF RECENT PREEMPLOYMENT SCREENINGS/BACKGROUND CHECK/PSYCHOLOGICAL EVALUATION FROM ANOTHER LOCAL AGENCY, WITH POSITION WAGE OF \$20.50 PER HOUR, PROBATIONARY PERIOD OF SIX MONTHS, AND START DATE ON OR BEFORE MONDAY, FEBRUARY 6, 2023 AS PER DRAFTED JOB OFFER LETTER. 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 APPOINT PATRICK RHEAUME TO THE PLANNING COMMISSION AS A MEMBER FOR A 3 YEAR TERM, JANUARY 2023 THROUGH DECEMBER 2025. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER EPPEN MADE THE MOTION TO APPOINT LYNN BARTEL TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER FOR A 1 YEAR TERM, JANUARY 2023 THROUGH DECEMBER 2023. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

City Attorney Pearson provided advice that posting of the position is not required to hire a winter seasonal maintenance worker. The City has posted the position in the past and not received applicants, but a qualified individual is currently interested in the position. **MAYOR JONES MADE THE MOTION TO HIRE PAYTON PUHL TO THE INTERMITTENT WINTER SEASONAL MAINTENANCE WORKER POSITION AT \$15 PER HOUR PENDING SUBMISSION OF A COMPLETED JOB APPLICATION, PREEMPLOYMENT SCREENINGS, AND BACKGROUND CHECK. 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 DEPUTY CLERK AMY PROKOTT'S ATTENDANCE OF THE 2023 YEAR ONE MINNESOTA MUNICIPAL CLERKS INSTITUTE IN ST. CLOUD MAY 8 TO MAY 12 AT THE COST OF UP TO \$500 FOR REGISTRATION, 5 NIGHTS IN HOTEL NOT TO EXCEED \$750, AND REIMBURSEMENT OF MILEAGE, PARKING, AND FOOD. 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 CITY CLERK CARI JOHNSON AND DEPUTY CLERK AMY PROKOTT ATTENDANCE OF THE 2023 IIMC ANNUAL CONFERENCE IN MINNEAPOLIS MAY 14 TO MAY 17 AT THE COST OF UP TO \$1,150 FOR REGISTRATION, 3 NIGHTS IN HOTEL NOT TO EXCEED \$500, AND REIMBURSEMENT OF MILEAGE, PARKING, AND FOOD. COUNCILMEMBER EPPEN SECONDED THE MOTION. Discussion included an additional night at the hotel may be needed. MAYOR JONES AMENDED THE MOTION TO INCLUDE 4 NIGHTS IN HOTEL NOT TO EXCEED \$750. COUNCILMEMBER EPPEN SECONDED THE AMENDMENT. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO APPOINT PATRICK RHEAUME TO THE PARK COMMISSION FOR A 3 YEAR TERM, JANUARY 2023 THROUGH DECEMBER 2025. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE COUNCILMEMBER ATTENDANCE OF THE EHLERS PUBLIC FINANCE SEMINAR. THE MOTION FAILED. No Councilmembers were able to attend the training.

EMILY WATERS: COUNCILMEMBER EPPEN MADE THE MOTION TO APPROVE PUBLISHING AN ANNOUNCEMENT FOR NEWSPAPERS AND POSTING REGARDING ACCEPTANCE PERIOD OF EMILY LAKES AND RIVERS FUND APPROPRIATION APPLICATIONS. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. Discussion included \$14,500 was budgeted for 2023 for treatment and survey of aquatic invasive species in Emily lakes and rivers. **ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.** A notice will also be posted requesting applications for Emily Waters Committee members.

ECONOMIC DEVELOPMENT: No report.

CODIFICATION: No report.

UNFINISHED BUSINESS: Rick Sandri, North Star Manganese (NSM), provided a report. NSM plans to initiate exploratory drilling during the first quarter of 2023. Technical studies continue on an environmental review of the Emily project area and on geologic data and samples from prior drilling. NSM continues discussions with the Minnesota Department of Natural Resources (DNR) on its mineral lease applications on 800 acres of State mineral lands in the Emily area. The work with the DNR will be ongoing into 2023.

NEW BUSINESS: Councilmember Koch reported Crow Wing County (CWC) had established a Short Term Rental Licensing Ordinance. There were issues regarding CWC issuing licenses in cities that prohibited short term rentals. CWC recently revised their ordinance to only apply to those cities and townships that contract with CWC. The City has a Rental Properties Ordinance. The City will maintain local licensing of short term rentals for better control. The City's Housing Official addresses rental complaints.

There was a discussion regarding a Verizon request for an update to the Cell Tower Lease terms including rent reduction from \$1,100 per month to \$800 per month, 10% increase every 5 years, and eight additional 5 year renewal terms. Verizon reported they will continue to abide by the terms of the current lease until an amendment has been executed or the existing lease has been terminated or expires. The Council tabled the request until the Verizon Cell Tower Lease expires in 2024.

The Council reviewed quotes for the 2023 legal newspaper designation. **MAYOR JONES MADE THE MOTION TO DESIGNATE THE CROSBY-IRONTON COURIER AS THE LEGAL NEWSPAPER FOR 2023 AND THE NORTHLAND PRESS AS THE SECONDARY PUBLICATION. COUNCILMEMBER EPPEN SECONDED THE MOTION.** Discussion included a budgetary concern with two publications, publication deadlines, and Northland Press is provided free to all residents and online. **MAYOR JONES RESCINDED THE MOTION. COUNCILMEMBER HEMPHILL MADE THE MOTION TO DESIGNATE NORTHLAND PRESS AS THE LEGAL NEWSPAPER FOR 2023. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 23-01 STATING ANNUAL DESIGNATIONS WITH REVISIONS/ADDITIONS AS FOLLOWS:

- | | |
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| OFFICIAL NEWSPAPER | NORTHLAND PRESS |
| PLANNING AND ZONING LIAISON | GREGORY KOCH |
| CEMETERY LIAISON | MARY EPPEN |
| FIRE DEPARTMENT LIAISON | ANDREW HEMPHILL |
| FIRST RESPONSE UNIT LIAISON | ANDREW HEMPHILL |
| POLICE DEPARTMENT LIAISON | TRACY JONES |
| LIBRARY LIAISON/LIBRARY BOARD MEMBER | GREGORY KOCH |
| EMILY MINE COMMITTEE | ANDREW HEMPHILL |
| ORDINANCE REVIEW COMMITTEE | FULL COUNCIL |
| LAND USE ORDINANCE REVIEW COMMITTEE | GERHART HANSON, JR. AND |
| | GREGORY KOCH WITH PLANNING |
| | COMMISSION MEMBERS DAVID |
| | JOHNSON AND PLANNING COMMISSION |
| | REPRESENTATIVE |
| PERSONNEL COMMITTEE | ALTERNATE ANDREW HEMPHILL |
| MUNICIPAL TRUSTEE OF THE EMILY FIREMEN'S | COUNCILMEMBER ANDREW |
| RELIEF ASSOCIATION | HEMPHILL |
| REMOVAL OF COMBINATION OF FIRE/1ST RESPONSE SERVICES COMMITTEE | |

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

MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 23-02 DESIGNATING A DEPOSITORY FOR CITY FUNDS AS PINE RIVER STATE BANK AND PERSHING WEALTH SOLUTIONS BNY MELLON. 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 ADOPT RESOLUTION 23-03 APPROVING PINE RIVER STATE BANK AND PERSHING WEALTH SOLUTIONS BNY MELLON ACCOUNT(S) SIGNERS WITH THE ADDITION OF MARY EPPEN, ALTERNATE COUNCILMEMBER, AS ACCOUNT SIGNER FOR PINE RIVER STATE BANK. 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 PINE RIVER STATE BANK PLEDGED SECURITIES FOR THE CITY OF EMILY CHECKING ACCOUNT AS PRESENTED. 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 ADOPT THE 2023 IRS STANDARD FEDERAL MILEAGE RATE AT \$.655 PER MILE. COUNCILMEMBER EPPEN SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE BOND TRUST SERVICES PAYMENTS FOR A TOTAL OF \$156,260 PLUS \$575 IN AGENT FEES AS FOLLOWS:

303 DEBT SERVICE FUND – 2012 CITY HALL IMPROVEMENT BOND - \$43,237.50 AND \$575

304 DEBT SERVICE FUND – 2014 ROAD IMPROVEMENT BOND - \$39,331.25

602 SEWER FUND – 2013 SEWER PROJECT BOND - \$73,691.25

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

CORRESPONDENCE: Discussion included Crow Wing County regarding public comment period on Land Use Ordinance revisions and Clasen & Schiessl regarding audit responsibility, planned scope, timing, significant risks, and other.

SCHEDULED UPCOMING MEETINGS: Public Hearing for annual Fee Schedule Ordinance update on Tuesday, February 14, 2023.

COUNCILMEMBER EPPEN MADE THE MOTION TO ADJOURN THE MEETING AT 7:15 P.M. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, EPPEN, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Respectfully submitted,

Attest:


Cari Johnson, MCMC, City Clerk/Treasurer


Tracy Jones, Mayor