

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

August 12, 2024

The Emily City Council met for a regular meeting on Monday, August 12, 2024 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:03 p.m. Councilmembers Bryce Butcher, Gerhart Hanson, Andrew Hemphill, and Gregory Koch were present. City Attorney Tom Pearson and Cari Johnson, City Clerk/Treasurer, were present.

The Pledge of Allegiance was recited.

Mayor Jones recessed the regular Council Meeting and opened a Public Hearing on proposed Interim Ordinance No. 2024-03 Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses (Cultivation, Processing, and Distribution) in the City of Emily at 6:03 p.m. The moratorium would be in place, at the latest, until December 31, 2024. The Interim Ordinance (Moratorium) would allow the Planning Commission time to study regulations related to the manner of the operation of Cannabis Businesses (cultivation, processing, or distribution) allowed under Minnesota State Statutes. Mayor Jones requested public comment. No public comment was received. Mayor Jones closed the Public Hearing at 6:09 p.m.

Mayor Jones opened a Public Hearing on proposed Ordinance No. 2024-04 to Revise the Code of Ordinances for the City of Emily With the Establishment of a Fire and Rescue Department at 6:09 p.m. The proposed ordinance would repeal Chapter 33 Public Safety, Fire Department Section (Subsections 33.20 through 33.31) and Volunteer First Response Unit Section (Subsections 33.45 through 33.53) and establish a combined Fire and Rescue Department Section. Mayor Jones requested public comment. No public comment was received. Mayor Jones closed the Public Hearing and reopened the regular Council Meeting at 6:10 p.m.

COUNCILMEMBER BUTCHER MADE THE MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, 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 July 2024: Checking Beginning Balance \$1,294,844.61 and Ending Balance \$1,587,586.56; Receipts to General fund \$384,433.45, Sewer fund \$63,896.68, Total \$448,330.13; and Claims for Approval: \$223,207.47 including Pine River State Bank checks #61550 to #61643 and automatic withdrawals #330809 to #330814; Investments \$401,941.13; Total Checking/Investments \$1,989,527.69. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PUBLIC FORUM: None.

FIRE DEPARTMENT: Liaison Butcher reported the July Fire Department meeting was held with 16 members present and reported 4 fire calls. All equipment and SCBAs were checked and the trucks were washed. Butcher presented a plaque for Kenny Roden for 17 years of service on the Fire Department with 7 years as Fire Chief. The plaque will be presented to Roden at his retirement party.

COUNCILMEMBER HEMPHILL MADE THE MOTION TO ADOPT RESOLUTION 24-36 ACCEPTING DONATION TO THE CITY OF \$5,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION TO THE FIREMEN'S EQUIPMENT FUND. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

FIRST RESPONSE UNIT: Chief Cary LeBlanc reported the August First Response Unit meeting was held with 7 members present and reported 11 calls in July. Planned trainings include obstetrics and delivering a baby and a combined training with the Fire Department on extraction/car accidents.

MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 24-32 ACCEPTING DONATION TO THE CITY OF \$801.25 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION TO THE FIRST RESPONSE UNIT EQUIPMENT FUND. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

LAW ENFORCEMENT: The City's portion of the development of the Northern Outpost has mostly been completed, including painting, carpet installation, delivery of most of the furniture, and installation of the TV. The couch will be delivered in August. The City needs to purchase a computer. After the computer is delivered the Sheriff's Office IT personnel plan to install the computer, firewall, etc. The Sheriff's Office is working with Midwest Security to provide a list of Sheriff's Office deputies to provide access to the Hall and the Northern Outpost.

WASTEWATER: No report.

PLANNING & ZONING: Chair David Johnson presented the report from the August Planning Commission Meeting. Johnson reported the Planning Commission recommended not approving Matt Anderson's request to purchase fire lane access to Wood Lake in the Wood Lake Boulevard right-of-way. The Fire Department would like to keep the fire lane for access to water. **MAYOR JONES MADE THE MOTION TO NOT SELL THE WOOD LAKE FIRE LANE ACCESS IN THE WOOD LAKE BOULEVARD RIGHT-OF-WAY. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Johnson reported the Planning Commission reviewed the Comprehensive Plan and City Ordinances and recommended the City proceed with purchasing parcels 21340552 and 21340553 from Andrew and Pennie Plesnicar. The parcels are surrounded by City property and are located west of the Broadway Maintenance Shop. **MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 24-35 APPROVING THE PURCHASE OF PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF EMILY TO PURCHASE PARCELS 21340552 AND 21340553 FROM ANDREW AND PENNIE PLESNICAR FOR \$3,000 EACH USING FUTURE CITY DEVELOPMENT FUNDS. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED. MAYOR JONES AMENDED THE MOTION TO ADOPT RESOLUTION 24-35 APPROVING THE PURCHASE OF PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF EMILY TO PURCHASE PARCELS 21340552 AND 21340553 FROM ANDREW AND PENNIE PLESNICAR FOR \$3,000 EACH PLUS CLOSING/ ATTORNEY COSTS USING FUTURE CITY DEVELOPMENT FUNDS WITH A REVISION TO ITEM 4 C FOR A TITLE COMPANY TO UNDERTAKE AND COMPLETE THE CLOSING ON THE PROPERTY. COUNCILMEMBER BUTCHER SECONDED THE AMENDMENT. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.** The City Attorney will draft a Purchase Agreement and send it to the property owner for approval.

ATTORNEY: City Attorney Pearson reported he will have paperwork for the Council to consider regarding the modified conditional use permit conditions for the Northern Lights Over Roosevelt Homeowner's Association at the next Council Meeting. The Council tabled the Northern Lights agenda item.

ROADS: Dennis and Bridget Honsa submitted a petition for vacation of a cartway established over PIDs 21090521 (their residence) and 21090603 in July 2012 to provide access from Outlook Ridge to their landlocked property, PID 21090602. Honsa reported in 2020 he purchased the property the cartway crossed, PID 21090603, so a cartway is no longer needed. City Attorney Pearson reported next steps in the process include notifying the public and, if necessary, the Department of Natural Resources (DNR) and a public hearing will be held. Pearson reported even though this is a cartway, the City needs to follow the road vacation process because the cartway was public. **MAYOR JONES MADE THE MOTION TO DECLARE SUFFICIENCY OF THE HONSA PETITION FOR VACATION OF A PUBLIC CARTWAY. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 24-34 REGARDING AMERICAN RESCUE PLAN ACT FUNDS USE FOR PURCHASES FOR DEVELOPMENT OF THE NORTHERN OUTPOST FOR \$8,821.22 AND USE OF REMAINING FUND 206 ARPA FUNDS TOWARDS PURCHASE OF A MAINTENANCE TRUCK FOR \$37,183 FOR A TOTAL OF \$46,004.22. COUNCILMEMBER HANSON SECONDED THE MOTION.

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

MAYOR JONES MADE THE MOTION TO PURCHASE A 2024 FORD F250 FROM MIDWAY FORD COMPANY FOR \$51,635.20 FOR THE MAINTENANCE DEPARTMENT USING A STATE COOPERATIVE PURCHASING VENTURE CONTRACT WITH THE FOLLOWING FUNDS: \$37,183 ARPA FUNDS, \$7,800 REMAINING BUDGETED FUNDS FOR THE BACKHOE TRACTOR, AND \$6,652.20 IN FUNDS THAT WERE REPURPOSED TO SAVE FOR A GRADER. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

The City received Small Cities Assistance Program funds of \$37,510.50 from the State for construction and maintenance of roads. The funds were deposited in the 201 Road and Bridge Fund.

Crow Wing County (CWC) was informed that the City would like to bid a road resurfacing project jointly with the County next year with the County Road 1 west rehabilitation project. CWC reported they would need to know the roads the City would like resurfaced with their project and if the City's Engineer would be doing the design and inspection for the City's portion of the project. CWC also reported the City would need to enter into a cost sharing agreement for the City's portion of the project. **MAYOR JONES MADE THE MOTION TO APPROVE INFORMING CWC OF THE ROADS TO BE RESURFACED JOINTLY WITH CWC'S PROJECT BY DECEMBER 2024. COUNCILMEMBER KOCH SECONDED THE MOTION. THE MOTION FAILED FOR LACK OF A VOTE.** The roads to be resurfaced need to be determined. There was a question regarding whether it is a requirement for the City's Engineer to do the design and inspection and how much CWC would charge if the City's Engineer does not do the design and inspection. Alex Voit, S.E.H., had reported he would be available to review the roads with the Road Committee to assist with determination of what roads to include in the project.

Enforcement action will be discussed regarding the Blue Lane East damaged pavement when the project is closer to completion.

MAINTENANCE: Maintenance Supervisor Brian Foster reported cutting trees, fixing washouts, mowing ditches, general maintenance, and cemetery work.

CITY HALL: Electrical work was completed in the Clerk's Office and Zoning Office in preparation for the future doorway between the offices and was also completed to install an outlet for the new security system and for the TV in the hallway.

CEMETERY: Council Liaison Hanson reported two monument stakings and five burials: Robert Reineck, Lieselotte Spiess, Dona Mae Weaver, Leonard Miglieri, and Owen Daly.

MAYOR JONES MADE THE MOTION TO APPROVE DEPUTY CLERK ATTENDANCE OF MINNESOTA ASSOCIATION OF CEMETERIES CEMETERY MANAGEMENT COURSE ON WEDNESDAY, SEPTEMBER 18, 2024 IN BLOOMINGTON FOR \$150, ONE NIGHT IN HOTEL FOR UP TO \$150, PLUS REIMBURSEMENT OF MILEAGE AND MEALS. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

PARKS: **MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 24-37 ACCEPTING DONATION TO THE CITY OF \$1,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION TO THE PARK FUND – PICKLEBALL FUND. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Liaison Koch reported the pickleball courts are constructed, but the courts need to be painted and the nets need to be installed. A Park Commission meeting will be requested to consider purchase of signs for the pickleball courts to define the court rules and to thank the donors. An open house for the pickleball courts and northern outpost is planned.

LIBRARY: **COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 24-33 ACCEPTING DONATION TO THE CITY OF \$446.25 FROM MULTIPLE ANONYMOUS DONORS AT THE JULY 19 AND JULY 20 BOOK SALES TO FUND 211 LIBRARY FOR USE BY THE CITY OF EMILY PUBLIC LIBRARY. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PERSONNEL: MAYOR JONES MADE THE MOTION TO APPROVE CITY CLERK ATTENDANCE OF MUNICIPAL CLERKS ADVANCED ACADEMY ON SEPTEMBER 19 AND 20, 2024 IN STAPLES FOR \$225 AFTER SCHOLARSHIP OF \$100, 2 NIGHTS IN HOTEL FOR UP TO \$300 TOTAL, PLUS REIMBURSEMENT OF MILEAGE AND MEALS. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

EMILY WATERS: No report.

ECONOMIC DEVELOPMENT: No report.

CODIFICATION: COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT INTERIM ORDINANCE NO. 2024-03 AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES (CULTIVATION, PROCESSING, AND DISTRIBUTION) IN THE CITY OF EMILY. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED. MAYOR JONES MADE THE MOTION TO APPROVE THE SUMMARY OF INTERIM ORDINANCE NO. 2024-03 AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES (CULTIVATION, PROCESSING, AND DISTRIBUTION) IN THE CITY OF EMILY FOR PUBLICATION. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

City Attorney Pearson requested the Council approve the proposed Fire and Rescue Department Ordinance subject to Pearson and the City Clerk completing some clean up including addition of some wording for Section 33.21 and possible renumbering. The Ordinance states service fees for fire protection and/or emergency response may be charged. **COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT ORDINANCE NO. 2024-04 TO REVISE THE CODE OF ORDINANCES FOR THE CITY OF EMILY WITH THE ESTABLISHMENT OF A FIRE AND RESCUE DEPARTMENT SUBJECT TO MODIFICATIONS BY CITY ATTORNEY AND CITY CLERK. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED. COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE SUMMARY OF ORDINANCE NO. 2024-04 TO REVISE THE CODE OF ORDINANCES FOR THE CITY OF EMILY WITH THE ESTABLISHMENT OF A FIRE AND RESCUE DEPARTMENT FOR PUBLICATION. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

City Attorney Pearson reported a property owner is requesting a lot rezone for PID 21270704 because a portion of their property is zoned differently than the remainder of the property. Pearson requested the Council approve the ordinance amendment subject to Pearson and the City Clerk cleaning up the wording and confirming the zoning of the current lot. **MAYOR JONES MADE THE MOTION TO ADOPT ORDINANCE NO. 2024-05 AMENDING THE CITY OF EMILY CODE OF ORDINANCES, CHAPTER 152: LAND USE AND SUBDIVISIONS AND ZONING MAP FOR A LOT REZONE SUBJECT TO MODIFICATIONS BY THE CITY ATTORNEY AND CITY CLERK. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED. MAYOR JONES MADE THE MOTION TO APPROVE THE SUMMARY OF ORDINANCE NO. 2024-05 AMENDING THE CITY OF EMILY CODE OF ORDINANCES, CHAPTER 152: LAND USE AND SUBDIVISIONS AND ZONING MAP FOR A LOT REZONE FOR PUBLICATION. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Updated ordinances need to be sent to American Legal Publishing.

UNFINISHED BUSINESS: Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported environmental visits associated with continued site reclamation (regrowth in disturbed areas) have continued. Sandri reported plant growth and revegetation is accelerating with the summer months, however, in association with the recent heavy rainfall a limited number of the reclaimed areas show erosional disturbance requiring some repair (recontouring in the areas of ‘gully washes’). The visits and the corresponding reclamation are planned activities by Barr Engineering as approved by the DNR. Sandri reported metallurgical testing and analysis of drilled samples continue to be assessed at the Kemetco Research laboratory. The final flow sheet is still in optimization. Sandri reported the current Kemetco work is expected to be completed by this summer. NSM continued its discussions with the DNR on its mineral lease applications on certain State mineral lands in the Emily area. This activity will be ongoing in 2024.

The candidate filing period is open until Tuesday, August 13, 2024 at 5 p.m. for one Mayor candidate and two Council Member candidates.

A Meet the Candidate Night is planned for Wednesday, September 18 at 6 p.m. in the City Hall Gymnasium with local elected candidates only.

The City Slogan Contest is open.

NEW BUSINESS: The Council discussed the 2024 Foundation for Rural Service Community Grant Program through Tremolo available for business and economic development, community development, education, or telecommunications applications.

The 2025 Preliminary City Tax Levy is due on September 30, 2024.

MAYOR JONES MADE THE MOTION TO SCHEDULE THE TRUTH IN TAXATION PUBLIC HEARING FOR TUESDAY, DECEMBER 10, 2024 AT 6 P.M. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

CORRESPONDENCE: Discussion included a thank you from Barry Hite for the scoreboard dedication, a thank you from Ideal Township for support for the grant for construction of a new building at their Transfer Station, and Minnesota Small Cities regarding a request for annual membership.

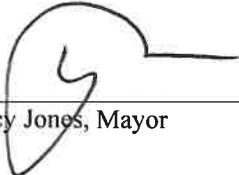
SCHEDULED UPCOMING MEETINGS: The State Primary Election will be held on Tuesday, August 13, 2024. The General Election will be held on Tuesday, November 5, 2024.

COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:04 P.M. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Respectfully submitted,

Attest:


Cari Johnson, MCMC, City Clerk/Treasurer


Tracy Jones, Mayor