

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

October 10, 2023

The Emily City Council met for a regular meeting on Tuesday, October 10, 2023 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:01 p.m. Councilmembers Bryce Butcher, Gerhart Hanson, Andrew Hemphill, and Gregory Koch were present. Brittney Cotner, Planning and Zoning Administrator, attended remotely and Cari Johnson, City Clerk/Treasurer, was present.

The Pledge of Allegiance was recited.

COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMEMBER BUTCHER 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 meeting minutes of the May 23, 2023 Special Council Meeting and the Treasurer's Report from September 2023: Checking Beginning Balance \$1,050,943.61 and Ending Balance \$956,517.90; Receipts to General fund \$104,694.11, Sewer fund \$1,296.52, Total \$105,990.63; and Claims for Approval: \$158,934.43 including Pine River State Bank checks #60804 to #60869 and automatic withdrawals #330737 to #330743; Investments \$385,746.59; Total Checking/Investments \$1,342,264.49. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PUBLIC FORUM: None.

SPEAKERS: Jan Mosman, Emily Waters Committee Chair, thanked the City for supporting the lake associations/district. Mosman reported the lake associations/district work on water quality through volunteering, fundraising, and submitting grant applications. Mosman reported the costs to maintain water quality are not predictable and cannot be budgeted. Mosman reported the quality of our natural resources are very important to our community.

Robert Eddy, Roosevelt and Lawrence Area Lakes Association (RALALA), Russ Boverhuis, Emily Lakes and Rivers Association, and Dan Brennan, Ruth Lake Improvement District, developed a comprehensive report on lake association/district activities. Eddy presented the report. The mission statements of the lake associations/district include preservation and protection of the lakes and the watershed, addressing aquatic invasive species (AIS), designing, organizing, and funding educational programs, and aiding, advising, and assisting municipal, county, and state policymakers.

Eddy reported accomplishments include:

- AIS management of Roosevelt, Emily, Mary, and Ruth Lakes and the Little Pine River for Eurasian watermilfoil with Roosevelt and Ruth Lakes being treated this year. Recently Mary and Emily Lakes have had such small amounts of Eurasian watermilfoil that the DNR does not allow them to be treated. Lawrence Lake in Cass County was recently added to the list of lakes with AIS.
- Shoreline restoration programs, including a Lake Steward Program, was implemented with the Minnesota Lakes and Rivers Group for people that establish a buffer of about 20' from the lakeshore towards their homes. The natural buffer filters 95 to 96% of contaminants before the water reaches the lake.
- Support for and advocacy for the Get the Lead Out program.
- Loon Liaison Program in conjunction with the National Loon Center.
- Support for an aquatic management area on Woods Bay with a sensitive shoreline area.
- Placement of slow/no wake buoys.
- Continuing launch site management improvements.

- Water quality testing in partnership with WAPOA, which results in ratings of area lakes.
- Advocacy for repair of the Emily Dam.
- Strong relationships with AIS Lake Technicians.
- Newsletters focusing on programs, education, and best practices.
- Weekly reporting of lake level gauges to the DNR.
- Adopt a Highway Program.

Eddy reported risks include:

- Current risks are from eurasian watermilfoil and future risks include infection from zebra mussels and starry stonewort due to close proximity to Thunder Lake., which is an infected lake. Eddy reported launch site prevention and education is the only defense.
- Proximity of the Enbridge Pipeline to Lake Roosevelt, which results in a high risk for contamination. Eddy reported Enbridge is not willing to provide proactive testing of the lake, so RALALA has been testing monthly to establish a baseline.
- Loss of the natural shoreline buffer to protect the lakes from contamination.
- Possible future activities due to the proximity to a manganese deposit.

Eddy reported activities to manage the risks include additional inspector hours at launch sites, automated audio and video for off hour boat launches, decontamination unit located at Ruth Lake launch site, decontamination location assessment for other lake launch sites, Protect Our Lakeshore Program, Lakeshore Stewards Program, and new lakeshore owner orientation package and meeting.

Eddy reported managing AIS has been the highest priority and has used the majority of funds over the last 6 to 8 years. Eddy reported from 2016 through 2023 the total cost of providing programs was \$416,979, including survey and treatment costs, additional inspector hours, and Enbridge water testing. The City of Emily contributed \$120,000 from 2016 through 2023, which Eddy reported was well received and put to good use. Eddy reported the lake associations/district are requesting additional financial support from the City, including an increase of 49% based on cost changes since 2016 and consideration of \$3,500 for 50% of the annual costs for Enbridge water testing. The Council reported the 2024 Preliminary Budget was set last month.

Eddy stated better understanding is needed for the best process for oversight and management of natural lakeshore changes. Eddy reported there may be value in formalizing the Emily Waters Committee as a group to advocate for and help manage funds associated with the lakes and watershed.

The Council thanked Eddy for providing the report.

FIRE DEPARTMENT: Council Liaison Butcher reported the September Fire Department meeting was held with 15 members present and reported 2 fire calls. Equipment and SCBAs were checked. The Trunk or Treat Event will be held on Tuesday, October 31 from 5 to 7 p.m.

FIRST RESPONSE UNIT: Chief Cary LeBlanc reported the First Response Unit October meeting was held with 8 members present and reported 15 medical calls in September. Training was completed on stop the bleed and skills. LeBlanc reported a new First Responder has requested to do observation calls before completing EMT certification, which is not a usual occurrence. The First Responder could only ride along with Chief LeBlanc or the assistant chief. The Council tabled the request until the EMSRB and medical director have provided opinions.

POLICE: The Sheriff's Department is considering an option of providing a northern outpost at the Emily City Hall. The Emily Police Department area would be reviewed by auditors from the Sheriff's Department to complete an inventory, determine what items could be reused, and determine what would be required. City Hall and Police Department security and the Police Department IT network would also be reviewed. **MAYOR JONES MADE THE MOTION TO ALLOW THE SHERIFF'S DEPARTMENT TO INVENTORY, REVIEW, AND CLEAN THE EMILY POLICE DEPARTMENT. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

COUNCILMEMBER BUTCHER MADE THE MOTION TO NOT APPROVE PAYMENT OF THE BUREAU OF CRIMINAL APPREHENSION INVOICE FOR ANNUAL CJDN ACCESS FEE OF \$600. MAYOR JONES SECONDED THE MOTION. Discussion included the invoice could be paid if an Emily Police Department is

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

The City budgeted \$179,000 for 2023 for the Police Department and \$78,000 has been spent to date.

WASTEWATER: Wastewater Operator Bundy had provided a report. Nelson Sanitation plans to jet and televise half of the City's sewer main in October. The Clerk's Office requested to be notified to provide advance notice in the City's posting locations.

PLANNING & ZONING: The Planning Commission made the recommendation to deny The Northern Lights Over Roosevelt Lake Homeowners Association's request for modification to their previously approved plat (application number 09-3327) due to the limited ability to make changes to the conditions recommended by the Minnesota Department of Transportation (MnDOT) during the original plat approval in 2009. The requested changes to the conditions are to allow for parking within the "drop off" area and to allow their docking to be stored on the shoreline. If MnDOT submits comments regarding the requested condition changes, the Planning Commission could further consider the modification request. MnDOT has an upcoming meeting to discuss the requested changes, so the Council made the decision to table the request until next month.

The Planning Commission made the recommendation for the Planning and Zoning Administrator to send a letter to Kelly Hodges with a final 30 day extension of a 2019 permit. If the project remains incomplete after the 30 day extension, a \$100 per day fine would begin. Planning and Zoning Administrator Cotner reported the land use permit was issued in 2019, land use permits are typically approved for a two year period, and City Code allowed the Planning and Zoning Administrator to approve one extension and the Planning Commission to approve a second extension. The second extension expiration date is coming up and the Planning Commission feels the project needs to be completed. Cotner reported the project is not complete, but is close to being done. Cotner reported several letters have been sent, including notification for the item before the Council. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE A FINAL 30 DAY EXTENSION OF KELLY HODGES' 2019 PERMIT AND IF THE PROJECT REMAINS INCOMPLETE AFTER THE EXTENSION A \$100 PER DAY FINE WOULD BEGIN, AS RECOMMENDED BY THE PLANNING COMMISSION. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. HEMPHILL VOTED NAY. THE MOTION PASSED.**

ATTORNEY: No report.

ROADS: The MnDOT 2023/2024 Snow Control Agreement for State Highway 6 in Emily agenda item died for the lack of a motion.

MnDOT had completed a speed zone study of State Highway 6 and the City requested revision of the determined speed zones. MnDOT reviewed the speed zone beginning and ending points and discussed the study with State Patrol for Emily and the entire corridor from Crosby to Remer. MnDOT reported the zones in the study are correct and submitted the new speed authorization form to the Central Office. MnDOT will post new speed limit signs.

MAINTENANCE: Maintenance Supervisor Brian Foster reported hauling Class 5, shouldering and grading roads, patching potholes in blacktop, Cemetery clean up, finishing up small projects, finishing up Crooked Creek Road work, washing the front and back of City Hall and the Fire Hall, and putting equipment away for the winter.

Alex Voit, S.E.H., sent a report. The repairs to the Emily Dam were completed on September 21. Voit reported everything went well and the work was completed in one day. Voit reported the crew was able to access the crack from both sides which allowed them to seal the crack through the entire width of the weir. Voit reported the entire width of the Dam was inspected and no other leaks were found. JF Brennan will be providing as built records of the repair for the City's records.

CITY HALL: No report.

CEMETERY: No report.

PARKS: No report.

LIBRARY: No report.

PERSONNEL: MAYOR JONES MADE THE MOTION TO APPROVE CITY OFFICIALS/ STAFF TO ATTEND LEAGUE OF MINNESOTA CITIES (LMC) FALL FORUMS VIRTUAL LEARNING TRAININGS FOR \$30 PER REGISTRANT IF THEY CHOOSE. COUNCILMEMBER KOCH 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: Crow Wing County adopted an Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places for the County. Per the ordinance prohibited acts include:

- No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products.
- No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor.

UNFINISHED BUSINESS: Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported NSM Completed its Phase 1 exploration drilling program, the drilling equipment departed the site, and the final shipments of core samples were sent to the assay laboratory for analysis. Sandri reported limited additional activities will take place over the next few months, including continued site reclamation. NSM’s environmental consultants continue to visit the site to ensure all activities meet the State’s environmental requirements and that the operations and activities are in compliance. NSM continued its discussions with the DNR on its mineral lease applications on State mineral lands in the Emily area. The activity will be ongoing through 2023.

NEW BUSINESS: MAYOR JONES MADE THE MOTION TO APPROVE LIQUOR LICENSE RENEWALS PENDING RECEIPT OF ALL INFORMATION, COMPLETED BACKGROUND CHECK, AND ANY AMOUNT DUE TO THE CITY PAID IN FULL FOR:

- **BARRETT’S LOG CABIN INC. - ON SALE \$1,200, OFF SALE \$200, SUNDAY ON SALE \$200**
- **LARSON SALOON 2 INC - ON SALE \$1,200, OFF SALE \$200, SUNDAY ON SALE \$200**
- **RED PINE VENTURES INC. – ON SALE \$1,200, SUNDAY ON SALE \$200**
- **DINERS CHICKEN SHACK INC. - ON SALE WINE \$600 WITH STRONG BEER, 3.2 ON SALE \$75, SUNDAY ON SALE \$200**
- **REDDINGS SPORTS & SPIRITS INC. - OFF SALE \$200**
- **ELCF INC. (LAKE COUNTRY FOODS) - OFF SALE \$200**
- **ERNIE ROSE GOLF III LLC - 3.2 ON SALE 7 MOS. \$44.00**

COUNCILMEMBER BUTCHER 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 WEB PAGE POLICY AS PRESENTED. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER KOCH MADE THE MOTION TO ALLOW JUDICIALLY MANDATED COMMUNITY SERVICE IN 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 DEVELOPMENT OF A CONTEST FOR SLOGAN IDEAS FOR THE CITY OF EMILY AND FOR THE CONTEST REQUIREMENTS TO BE ADDED TO THE CITY’S WEBSITE. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. Discussion included contest incentives could include the slogan being used for street banners or City of Emily welcome sign next year. The contest would run through the end of 2023. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

The Council discussed the LMC Insurance Trust Property/Casualty Insurance renewal options and made no revisions from last year.

CORRESPONDENCE: Discussion included Jessie F. Hallett Memorial Library regarding a request for donation. **COUNCILMEMBER BUTCHER MADE THE MOTION TO NOT APPROVE DONATION TO THE JESSIE F. HALLETT MEMORIAL LIBRARY. COUNCILMEMBER KOCH SECONDED THE MOTION.** Discussion included the City supports the Emily Library, a donation was not budgeted, and there was a public purpose expenditure concern regarding donating to a library outside of City limits. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.** Discussion also included Crow Wing County (CWC) regarding sign up for the CWC ALERT Emergency Program and CWC regarding their request for MnDOT to conduct engineering and traffic investigations, including for County Road 1 from the west County line to State Highway 6.

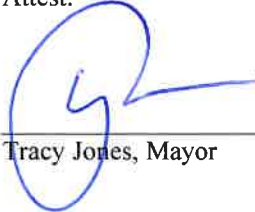
SCHEDULED UPCOMING MEETINGS: The Truth in Taxation Public Hearing will be held on Tuesday, December 12, 2023 at 6 p.m. at the Emily City Hall. A Special Election for the Crosby-Ironton School District 182 will be held on Tuesday, November 7, 2023 from noon to 8 p.m. at the Emily City Hall gymnasium.

COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:27 P.M. COUNCILMEMBER KOCH 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