

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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July 11, 2023

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

The Pledge of Allegiance was recited.

**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 June 2023: Checking Beginning Balance \$674,171.73 and Ending Balance \$1,142,686.34; Receipts to General fund \$591,202.47, Sewer fund \$184.35, Total \$591,386.82; and Claims for Approval: \$110,968.50 including Pine River State Bank checks #60565 to #60642 and automatic withdrawals #330705 to #330713; Investments \$376,787.06; Total Checking/Investments \$1,519,473.40. **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:** Dean Kapler, President, Bruce Miller, Vice President, and Ryan Huettl, Trail Coordinator, Emily/Outing Snowbirds, attended the meeting with a request to utilize a 100' wide platted Emily Meadows public lot for snowmobile trail access to County Road 1. Kapler reported Emily is the hub of the snowmobile trail system and the west snowmobile trail from Emily to the City of Fifty Lakes is the busiest portion. Kapler reported due to land ownership changes over the last three years, the club will have had to move the trail three times. Kapler reported the Emily/Outing Snowbirds have discussed the change with Emily's Planning and Zoning Department, Minnesota Department of Natural Resources, and Tom Strack, Crow Wing County Environmental Services, and did not receive negative feedback. Kapler reported the proposed trail would cross the public lot, cross County Road 1 by Buchite Road, and then proceed west. **MAYOR JONES MADE THE MOTION TO AUTHORIZE THE EMILY/OUTING SNOWBIRDS TO UTILIZE THE PLATTED EMILY MEADOWS OUTLOT A PUBLIC CORRIDOR FOR SNOWMOBILE TRAIL ACCESS TO COUNTY ROAD 1. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Mike Helberg attended the meeting to request a shed to remain in the current location on his property on South Bay Drive. Helberg had requested the Planning Commission approve the shed to remain in the current location, but was not approved. Helberg reported the shed is about 15' into the public road right-of-way. Helberg reported the shed was constructed in 2021 with a Class 5 floor. Helberg reported not understanding the location of the road right-of-way and no City inspection of the site. Helberg reported having his property surveyed last summer. Helberg had been granted a 6 month extension of Helberg's permit completion deadline to September 9, 2023. Helberg's proposal included options for the shed to remain in the current location with an agreement to move in the future if needed, to speak to the Council to request the shed remain in the current location if the first option is not approved, or to move the shed to a location on the property off the right-of-way if the first two options were not approved. Helberg recently received a letter from the City Attorney with a deadline for removing the shed from the road right-of-way by July 29, 2023. Helberg requested an extension of time to the first deadline of September 9, 2023 if he is required to move the shed.

Jack Henderson, City Summer Marketing Intern, thanked the Council for the internship opportunity and reported his primary project has been to redesign the City's website. Henderson compared and contrasted the current website with the proposed new website. Henderson reported the current website costs over \$600 annually and the proposed new website would cost less than \$400 annually. Henderson's goals for the new website include better design, better organization, and being more user friendly. Henderson included pictures of the City that were provided by Sourcewell in the past, condensed and streamlined the website pages, and made the website pages easy to maintain. Henderson reported he will instruct office staff on how to maintain the website. The Council stated the new website looks great and Henderson is doing a good job.

**FIRE DEPARTMENT:** Chief Chad Genz reported the June Fire Department meeting was held with 16 members present and reported 3 fire calls. Equipment and SCBAs were checked. A drill was held on radios. Genz reported the requested change order to the fire truck includes a cascade refill system to refill SCBA bottles on scene. Additional change order upgrades include full response cab enclosure, pass through to chassis cab, EMS cabinet with command desk, foam discharges, gauge panel, and containment center. **COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE CUSTOM FIRE APPARATUS CHANGE ORDER #1 TO MOTOR VEHICLE PURCHASE CONTRACT FOR TOP MOUNT PUMPER FIRE TRUCK, SOURCEWELL MODEL MPCU, WITH LISTED UPGRADES FOR A TOTAL ADDITIONAL COST OF \$75,541.20 TO BE PAID WITH DONATED FIREMEN'S EQUIPMENT FUNDS. 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 APPROVE THE SCBAS ANNUAL LEASE PAYMENT OF \$15,944.03 TO TAX-EXEMPT LEASING CORP. FROM THE GENERAL FUND AS BUDGETED. 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 ADOPT RESOLUTION 23-25 ACCEPTING DONATION TO THE CITY OF \$2,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION FOR THE FIREMEN'S EQUIPMENT FUND FOR FIRE HALL RENOVATIONS. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**COUNCILMEMBER HEMPHILL MADE THE MOTION TO ADOPT RESOLUTION 23-26 ACCEPTING DONATION TO THE CITY OF \$5,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION FOR THE FIREMEN'S EQUIPMENT FUND. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**ATTORNEY:** City Attorney Pearson reported there has been an ongoing issue with the placement of Mike Helberg's shed within City road right-of-way. Helberg was granted a permit extension with required conditions to be received by June 9, 2023. Helberg's submitted proposal gave three options. The proposal was determined to not satisfy all the required conditions so Pearson was directed to send a letter to Helberg demanding the shed be removed from road right-of-way and provided a deadline of July 29, 2023. Pearson stated the shed cannot remain in the road right-of-way and recommended the Council not allow Helberg's proposed option of the shed remaining in the current location with an agreement to move the shed in the future. Pearson stated there are liability issues with the shed remaining within the road right-of-way and recommended upholding the requirement for the shed to be removed from road right-of-way. **MAYOR JONES MADE THE MOTION FOR MIKE HELBERG TO MOVE THE SHED LOCATED WITHIN THE ROAD RIGHT-OF-WAY TO AN ALTERNATE LOCATION MEETING ALL PROPERTY SETBACK REQUIREMENTS IN COMPLIANCE WITH THE LAND USE AND SUBDIVISION ORDINANCE BY THE DEADLINE OF SEPTEMBER 9, 2023. COUNCILMEMBER KOCH SECONDED THE MOTION.** Discussion included property surveys are needed to definitively determine property lines, property lines shown on Crow Wing County's GIS website are representations and not factual lines, and it is Helberg's responsibility to measure the property and ensure the property setbacks are met per property survey pins. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**FIRST RESPONSE UNIT:** Chief Cary LeBlanc reported the First Response Unit July meeting was held with 8 members present and reported 5 medical calls and 2 trainings, including medical and trauma scenarios. The unit thanked Emily Meats for donating all the meat and buns for the fundraiser held at the softball tournament event by the Emily Firemen's Relief Association with the assistance of the First Responders. The unit will hold another free Hands Only CPR and AED training on August 17 at 7 p.m. at the Emily City Hall Gymnasium for the public.

**POLICE: MAYOR JONES MADE THE MOTION TO HIRE A LOCKSMITH TO REPLACE/REKEY THE "TAKE IT TO THE BOX" LOCKS AND ALL EMILY POLICE DEPARTMENT DOOR LOCKS. 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 ADOPT RESOLUTION 23-28 APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENT WITH THE CITY OF EMILY ON BEHALF OF ITS PROSECUTING ATTORNEY AND POLICE DEPARTMENT FOR RENEWAL OF AGREEMENT BETWEEN DEPARTMENT OF PUBLIC SAFETY ON BEHALF OF THE BUREAU OF CRIMINAL APPREHENSION AND THE CITY OF EMILY. 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 COURT DATA SERVICES SUBSCRIBER AMENDMENT TO CJDN SUBSCRIBER AGREEMENT. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**WASTEWATER:** The property owner of 21216 County Road 1 applied for a residential building sewer permit, paid the \$50 sewer permit fee, and completed the televised inspection of the sewer service lateral line per Council conditions. Wastewater Operator Lee Bundy inspected the recording and made the determination that the sewer connection was made to the City sewer main correctly. The connection was made in September 2019. The property owner did not apply for a residential building sewer permit at that time. The Fee Schedule Ordinance does not include after-the-fact fees for sewer permits. **MAYOR JONES MADE THE MOTION FOR THE PROPERTY OWNER OF 21216 COUNTY ROAD 1 TO PAY THE \$2,000 RESIDENTIAL SEWER SERVICE CONNECTION FEE DUE IMMEDIATELY, PAY ALL QUARTERLY SEWER CHARGES RETROACTIVE TO SEPTEMBER 1, 2019 OF \$2,480.68, AND PROPERTY OWNER MAY WORK WITH THE CLERK'S OFFICE ON A PAYMENT PLAN FOR THE RETROACTIVE CHARGES IF NEEDED. COUNCILMEMBER BUTCHER SECONDED THE MOTION.** Discussion included property owner may choose Option 1 to pay the connection fee and retroactive quarterly sewer charges of \$4,480.68 in full or Option 2 to pay the connection fee in full and make monthly payments towards the retroactive quarterly sewer charge balance of \$2,480.68 over a 2 year term. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The City has a contract with Ritter & Ritter Sewer Service for cleaning and jetting the sewer main which automatically renews annually and the cancellation period for the year has passed. Ritter & Ritter Sewer Service's prices have increased so Ritter & Ritter Sewer Service provided a quote at higher prices. The contract is still in effect.

**PLANNING & ZONING: MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 23-29 ADOPTING FINDINGS OF FACT AND CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT APPLICATION OF NICHOLAS USHERWOOD TO OPERATE A LIGHT MANUFACTURING BUSINESS THAT INCLUDES MACHINING OF AUTO AND SPORT EQUIPMENT ACCESSORIES AT 42524 STATE HIGHWAY 6, PIN 21090613, AS REVISED. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**ROADS:** The City Engineer did not receive any quotes for the 2023 Emily Dam Repair Project. The City Engineer is in discussions with a contractor to request an estimate for the repair within the next couple of weeks.

Council Liaison Hanson reported the City Engineer reviewed the condition of the City's roads for development of the Feasibility Study for the planned 2024 road improvement project.

The Maintenance Department requested to move forward in the leasing process with a Minnesota Department of Transportation (MnDOT) snowplow truck lease program to lease to purchase a new prebuilt tandem axle snowplow truck from Boyer Trucks for \$379,600 with annual payments of a total of \$85,591.92 for 5 years, payment of around \$130,000 at the end of the lease term, and a current interest rate of 6.7%. Maintenance Department personnel reported the City needs to purchase a snowplow truck or they will need to plow with the road grader and there is no backup for the current snowplow truck or the road grader. Funds to purchase a used snowplow truck are included in the 2023 Budget. Maintenance personnel have been unable to find a good used snowplow truck. The funds budgeted for 2023 could be used for a down payment on a new snowplow truck. **MAYOR JONES MADE THE MOTION TO APPROVE MAINTENANCE PERSONNEL TO EXPLORE OPTIONS FOR PURCHASING A NEW SNOWPLOW TRUCK. COUNCILMEMBER BUTCHER SECONDED THE MOTION.** Discussion included finance

options should be explored and the search for a used snowplow truck will continue. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

MnDOT approved a right-of-way permit for Emily Meats to construct a flower box with green space at the intersection of State Highway 6/County Road 1.

**MAINTENANCE:** Maintenance Supervisor Brian Foster reported cleaning up storm damage from last winter, completing dust control, the new Brush Dump procedure is working well, completing general maintenance, and preparing for Emily Day.

The City's Brush Dump is open every other Saturday from 10 a.m. to 2 p.m. with no appointment required or an appointment may be requested during the week. Proof of residence or property ownership is required to use the Brush Dump.

**CITY HALL:** A new City website is being developed by the Summer Marketing Intern to replace the current website and a subscription to Wix is needed to proceed further. The current City website costs \$630 annually, but the cost may increase significantly this year. **COUNCILMEMBER HEMPHILL MADE THE MOTION TO APPROVE SUBSCRIBING WITH WIX FOR A NEW CITY WEBSITE FOR AN ANNUAL FEE OF \$384. COUNCILMEMBER KOCH SECONDED THE MOTION.** Discussion included all Clerk's Office personnel need to be trained to be able to update the new website before the Summer Marketing Intern's position ends. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**CEMETERY:** Council Liaison Butcher reported 11 lots sold and 6 burials.

**PARKS:** **MAYOR JONES MADE THE MOTION TO APPROVE CROSBY-IRONTON COMMUNITY EDUCATION'S REQUEST TO HOLD FAMILY FUN NIGHTS ON JULY 27 AND AUGUST 24 AT THE CITY BASEBALL FIELD PARK FOR THE COMMUNITY. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**LIBRARY:** No report.

**PERSONNEL:** **MAYOR JONES MADE THE MOTION TO ACCEPT THE RESIGNATION OF KENNETH FRANK FROM THE EMERGENCY MANAGEMENT DIRECTOR POSITION EFFECTIVE JUNE 30, 2023. COUNCILMEMBER BUTCHER SECONDED THE MOTION.** Discussion included the Council thanked Ken Frank for his years of service. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**EMILY WATERS:** No report.

**ECONOMIC DEVELOPMENT:** No report.

**CODIFICATION:** No report.

**UNFINISHED BUSINESS:** Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported NSM continued exploration drilling on leased lands with the intent to expand knowledge of the Emily Manganese Deposit generated from prior exploration programs. Sandri reported as of the end of June twenty-five diamond drill holes had been drilled and completed to date. Electric Metals has announced its first results from the 2023 drill program. NSM's environmental consultants continue to visit 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 also visited the site and will be doing so periodically during the drilling program. Sandri reported the current drilling program will be concluded at the end of July, but additional activities, including drilling reclamation, will be done over the next few months. 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. Additional information on the Emily project is reported periodically by NSM's parent company, Electric Metals.

NSM proposed a future information meeting/forum to discuss the project and receive input from local citizens, including the DNR and other State agencies. The DNR suggested a broader meeting/forum. The DNR has

requested to take the lead with the City of Emily for scheduling the meeting. NSM reported being available to participate in the meeting/forum the City of Emily and DNR arrange.

There was a discussion that it may be more beneficial to have all entities involved in the potential manganese mine represented at a public informational meeting in the Emily City Hall gymnasium with a formatted question and answer session. Entities involved include North Star Manganese, Minnesota Department of Natural Resources, Minnesota Department of Health, Crow Wing Power, Cooperative Mineral Resources, Electric Metals (USA) Limited, and Hunt Technologies. **MAYOR JONES MADE THE MOTION TO SCHEDULE A PUBLIC INFORMATIONAL MEETING AT THE EMILY CITY HALL WITH ALL ENTITIES INVOLVED WITH THE POTENTIAL MANGANESE MINE REPRESENTED. COUNCILMEMBER BUTCHER SECONDED THE MOTION.** Discussion included an August 2023 date is preferred. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE PURCHASE FROM TREMOLO OF ONE MICROPHONE FOR THE COUNCIL CHAMBERS FOR \$535 AND DUAL COMPUTER MONITORS WITH STAND AND INSTALLATION FOR THE CLERK'S OFFICE COMPUTER USED BY THE INTERN FOR \$427 FOR A TOTAL OF \$962. COUNCILMEMBER HEMPHILL SECONDED THE MOTION.** Discussion included the City received a Community Boost Funds Grant from Sourcewell for the purchases. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**NEW BUSINESS: COUNCILMEMBER HEMPHILL MADE THE MOTION TO APPROVE BOND TRUST SERVICES INTEREST PAYMENTS FOR A TOTAL OF \$19,825.00 AS FOLLOWS:**

- 303 DEBT SERVICE FUND – 2012 CITY HALL IMPROVEMENT - \$2,787.50
- 304 DEBT SERVICE FUND – 2014 ROAD IMPROVEMENT - \$3,946.25
- 602 DEBT SERVICE FUND – 2013 SEWER - \$13,091.25

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

**CORRESPONDENCE:** Discussion included County Attorney fees for misdemeanor prosecution in 2024 will remain the same and IRRRB provided information on grant opportunities.

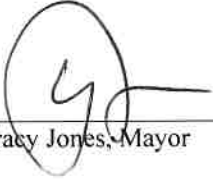
**SCHEDULED UPCOMING MEETINGS:** None.

**COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:39 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