

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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October 8, 2024

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The Emily City Council met for a regular meeting on Tuesday, October 8, 2024 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:03 p.m. Councilmembers Bryce Butcher, Gerhart Hanson, and Gregory Koch were present. Councilmember Andrew Hemphill attended remotely. Alex Voit and Maria McCarty, S.E.H., City Engineer, 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 meeting minutes of the September 17, 2024 Special Council Meeting and the Treasurer's Report from September 2024: Checking Beginning Balance \$1,420,165.40 and Ending Balance \$1,267,662.56; Receipts to General fund \$23,470.60, Sewer fund \$949.66, Total \$24,420.26; and Claims for Approval: \$188,080.59 including Pine River State Bank checks #61728 to #61813 and automatic withdrawals #330823 to #330831; Investments \$407,656.08; Total Checking/Investments \$1,675,318.64. **MAYOR JONES MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PUBLIC FORUM: None.

**SPEAKERS:** Bruce Miller, Vice President, Emily/Outing Snowbirds Snowmobile Club, attended the meeting to request permission to use the City Ballfield Park for annual youth snowmobile training on Saturday, December 7, 2024. The ballfield would be used for the driving portion of the snowmobile training. Wheel kits would be installed on the snowmobile skis to minimize turf damage if there is not sufficient snow coverage. **MAYOR JONES MADE THE MOTION TO ALLOW THE EMILY/OUTING SNOWBIRDS SNOWMOBILE CLUB TO USE THE BALLFIELD PARK FOR ANNUAL YOUTH SNOWMOBILE TRAINING ON THE FIRST SATURDAY OF DECEMBER FOR A PERIOD OF FOUR YEARS. COUNCILMEMBER KOCH SECONDED THE MOTION.** Discussion included a request for the Emily/Outing Snowbirds to notify the City annually of the date of the training. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Perry May, Over the Hills Gang ATV Club, attended the meeting to inform the Council of a new project for a multi use recreational boardwalk south of Emily on the west side of State Highway 6 in road right-of-way from Dam Road north one quarter of a mile. May reported the plan is to construct a multi recreational 12' wide boardwalk with a clear center span with a 20,000 lb. weight capacity. May reported the location would be the first 1,000' of the ATV trail from Dam Road. May reported use of the boardwalk could include hikers, bikers, snowmobiles, and ATVs. May reported trail counters record an average of 20,000 users annually. May reported the current boardwalk is 8' wide, is designed for 3,000 lb. weight capacity, does not allow 2-way traffic, is not multi use, is high maintenance, and floods. May is working to gain stakeholder support, including the City, Crow Wing County, Minnesota Department of Transportation, Emily/Outing Snowbirds, and the Minnesota Department of Natural Resources. May reported the Over the Hills Gang plans to hire an engineering design firm and would request approval of the design from the stakeholders. May reported the timeframe for the boardwalk replacement should be about three years. May reported the Over the Hills Gang would be willing to work with the City to possibly include a project addition, such as a bike trail in the Emily State Forest.

**FIRE AND RESCUE DEPARTMENT:** Liaison Butcher reported the September Fire and Rescue Department meeting was held with 15 members present and reported 0 fire calls. All equipment was checked and the SCBAs were tested. Members were fit tested.

**MAYOR JONES MADE THE MOTION TO APPROVE THE RESIGNATION OF TERESA DATZMAN FROM THE EMILY FIRE AND RESCUE DEPARTMENT WITH POSSIBLE REQUIRED RETURN OF EQUIPMENT AND NO REQUIRED TRAINING REIMBURSEMENT PER THE RECOMMENDATION OF THE FIRE AND RESCUE DEPARTMENT. 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 APPROVE THE PURCHASE OF THE FOLLOWING FROM GREAT PLAINS FIRE USING FUND 225 PUBLIC SAFETY AID FUNDS OF \$12,000 AND FUND 225 FIREMEN'S EQUIPMENT FUNDS OF \$15,657: 31" SL2 PUSH PULL RAM EFORCE 28V WITH DELUXE KIT FOR A TOTAL OF \$12,420 AND 17C SL3 BRUTE COMBI TOOL 28V, TIP VARIO, AND RIT TIP FOR A TOTAL OF \$15,237 FOR A COMBINED TOTAL OF \$27,657. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The annual Trunk or Treat Event will be held on Thursday, October 31 from 5 to 7 p.m. at the Emily Fire Hall.

The Emily Fire Relief Association audit and schedules were provided for information. The required 2025 municipal contribution increased from \$48,010 to \$49,004. The required 2024 municipal contribution increased from \$16,896 to \$17,944. In 2024 the City contributed an additional \$44,000 to the Fire Relief Association pension fund, so the City does not have to make an additional 2024 contribution.

**COUNCILMEMBER BUTCHER MADE THE MOTION TO APPROVE BLAIR MILESKI TO ATTEND MSFDA CONFERENCE AND FIRE SCHOOL ON SEPTEMBER 20 AND 21, 2024 IN MANKATO FOR \$275, 2 NIGHTS IN HOTEL FOR UP TO \$420 TOTAL, PLUS REIMBURSEMENT OF MILEAGE AND MEALS. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Assistant Chief Cary LeBlanc reported the October Emergency Medical Services meeting was held with 9 members present and reported 11 calls in September.

**LAW ENFORCEMENT:** The Northern Outpost couch was delivered so all furniture has been received. New card readers should be installed this week to provide additional security for the Northern Outpost. The Sheriff's Office reports it is good to have an office in Emily and the office is being used.

**WASTEWATER:** Maria McCarty, S.E.H., presented the proposed S.E.H. Agreement for Professional Services for the WWTP Influent Structure Replacement including preliminary design, final design, and bidding for a lump sum fee of \$59,300 including expenses and equipment. McCarty reported the replacement design would meet the current MPCA design standards and would address the hydrogen sulfide issues causing the spalling of the interior concrete. The prior rough estimate of the cost to replace the influent control structure was \$150,000 so City plans are to budget \$30,000 per year for the next five years. The budget does not include engineering. McCarty will work on a proposal with a phased approach for the preliminary design, final design, and bidding. The proposal was tabled until next month.

Lee Bundy, Wastewater Operator, reported replacement of pump #1 at liftstation #1 as planned with the Capital Improvement Plan. Bundy reported the distribution line repair parts have been delivered to the rapid infiltration basin site. The repair parts have been installed, but sand needs to be spread on top.

**PLANNING & ZONING:** Chair Dave Johnson reported the Planning Commission held a Public Hearing and then recommended approving proposed Ordinance 2024-06 Adding Section 154: Cannabis Businesses. Johnson reported proposed Section 3.2 Zoning and Land Use defines the zones where various types of cannabis businesses would be allowable with a conditional use permit. The proposed ordinance was based on a League of Minnesota Cities model. The proposed ordinance defines buffer requirements as not to exceed State maximum standards for setbacks, such as from schools or day cares. **MAYOR JONES MADE THE MOTION TO ADOPT ORDINANCE 2024-06 ADDING SECTION 154: CANNABIS BUSINESSES AS PRESENTED. COUNCILMEMBER KOCH SECONDED THE MOTION.** Discussion included the State has reported no cannabis business licenses will be issued until 2026. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

ATTORNEY: The City Attorney is reviewing the tax forfeited portion of Anna Drive and the modified conditional use permit conditions for the Northern Lights Over Roosevelt Homeowner's Association.

ROADS: The Council discussed preparation for a proposed joint 2025 City road resurfacing project with Crow Wing County (CWC) Highway Department's planned 2025 west County Road 1 rehabilitation project. Alex Voit, S.E.H., provided a proposed 2025 Street Project Proposal for Design and Construction for the City's portion of the proposed project including preparation of plans and specifications, construction administration and observation, project management, meeting with the Road Committee, coordination with CWC staff, presentation of plans and bid results, and project closeout on a fee hourly basis estimated at a total of \$20,000 including expenses and equipment. The City needs to inform CWC of the roads to be included in the project by December 2024. Voit reported the estimated cost to resurface one mile of road is \$215,591 including design and inspection fees and CWC's administration fee, but the estimate depends on pavement prices and construction costs. The Council discussed including Par West and the north end of Yellow Birch Lane in the project. Voit reported the estimated project cost for the two roads is \$135,822. Voit reported with the City's planned available funds of \$313,000 for roads, the entire length of Yellow Birch Lane could be resurfaced. Voit reported the proposal cost of \$20,000 was based on a road improvement project budget of just over \$100,000, so the cost of the design and construction would be higher based on higher project costs. The Council discussed resurfacing bad spots of certain roads versus resurfacing the full length of roads. The Road Committee reported Wood Lake Boulevard has 6 bad spots which are each about 50' long, South Bay Drive has some bad spots, and East Emily Drive has some bad spots. **MAYOR JONES MADE THE MOTION TO APPROVE THE S.E.H. 2025 STREET PROJECT PROPOSAL FOR DESIGN AND CONSTRUCTION TO INCLUDE A CITY RESURFACING IMPROVEMENTS PROJECT WITH CWC HIGHWAY DEPARTMENT'S PLANNED 2025 REHABILITATION PROJECT FOR A FEE HOURLY ESTIMATED TO BE \$20,000 INCLUDING EXPENSES AND EQUIPMENT. 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 APPLY FOR THE SOURCEWELL THIRD-PARTY SERVICES REIMBURSEMENT PROGRAM FOR REIMBURSEMENT OF UP TO \$20,000 OF S.E.H. ENGINEERING FEES FOR THE ROOSEVELT DRIVE BRIDGE REPLACEMENT. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The Road Committee will inspect Anna Drive due to hauling of sand to or from the Anderson Brothers pit.

Councilmember Butcher recused himself from the following discussion.

**MAYOR JONES MADE THE MOTION TO APPROVE PAYING THE EMILY SAND & GRAVEL INVOICE FOR \$11,200 FOR 1,000 YARDS OF CLASS 5 AGGREGATE, STORAGE ON SITE, AND USE OF A LOADER USING \$4,700 IN SMALL CITIES ASSISTANCE FOR STREETS FUNDS AND REPURPOSING \$6,500 FROM BUDGETED CRACK SEALING FUNDS. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, HANSON, HEMPHILL, AND KOCH VOTED AYE. BUTCHER ABSTAINED. THE MOTION PASSED.**

Councilmember Butcher rejoined the meeting.

The Blue Lane East damage to pavement by contractors issue was tabled.

MAINTENANCE: Maintenance Supervisor Brian Foster reported cutting and chipping trees, fixing potholes, sewer pond work, finishing up some small projects, pulling out the fishing pier, and general maintenance.

**CITY HALL: COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE THELEN HEATING & ROOFING QUOTE FOR PREVENTATIVE MAINTENANCE FOR SEMIANNUAL VISITS WITH CONTRACT/PAYMENT OPTION OF \$1,300 PER VISIT. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The first step in requesting a grant from FEMA in 2025 for a generator for City Hall is to ask CWC to add the generator to their All-Hazard Mitigation Plan, which is currently being revised. **MAYOR JONES MADE THE MOTION TO REQUEST CROW WING COUNTY TO ADD AN EMILY CITY HALL GENERATOR TO THEIR ALL-HAZARD MITIGATION PLAN IN PREPARATION FOR THE PLANNED GRANT APPLICATION TO FEMA IN 2025. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

CEMETERY: Liaison Hanson reported two monument stakings, two lots sold, and burial of Steven O'Brien.

PARKS: No report.

LIBRARY: No report.

PERSONNEL: The Personnel Committee, Dan Revier, Business Agent, International Union of Operating Engineers Local 49, Union Steward Brian Foster, and Calen Spindler had two meetings and negotiated a tentative Union Contract. Revier presented the terms of the tentative 2025-2027 Union Contract. Discussion included the proposed term to provide an option for an employee to request a payout of unused annual vacation time not to exceed 40 hours, over the maximum of 80 hours carryover, on the last payroll period of the year. Revier reported vacation time is a benefit and there are employees that lose vacation time because they are unable to take all of their vacation hours due to workload. The Council discussed the priority of employees taking vacation for time to decompress for increased productivity. Revier reported the terms include a total of 13 paid holidays, or 12 holidays with one floater holiday, with the addition of December 24, Christmas Eve. Revier reported employees are currently paid overtime if they work over eight hours per day and if they work over 40 hours in one week. Revier reported a proposed term of the work week for full-time Maintenance employees to four nine hour workdays Monday through Thursday and a four hour workday on Fridays. The Council discussed full-time Maintenance employees working five eight hour workdays as currently to provide coverage on Fridays. The Council reported the four nine hour workdays with four hour workday on Fridays has been done in the past and five eight hour workdays for Maintenance employees is preferred. **MAYOR JONES MADE THE MOTION TO APPROVE THE 2025-2027 INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL NO. 49 UNION CONTRACT WITH MODIFICATION OF FULL-TIME MAINTENANCE EMPLOYEE HOURS OF OPERATION REMAINING AT FIVE EIGHT HOUR WORKDAYS. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.** The Council approved signature of the 2025-2027 Union Contract after Revier's revision for the modification to Maintenance employee hours of operation.

EMILY WATERS: No report.

ECONOMIC DEVELOPMENT: No report.

CODIFICATION: The City Attorney is reviewing possible revision of ordinances, including animals for removal of animal licensing and public safety to remove the City's Police Department and provide for law enforcement coverage by the Sheriff's Office.

UNFINISHED BUSINESS: Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported NSM completed the metallurgical testing and analysis of drilled samples at the Kemetco Research laboratory. The results were reported in an Electric Metals press release on September 24, 2024. Electric Metals reported that the Kemetco Research testing program successfully demonstrated the production of high-purity manganese sulfate monohydrate (HPMSM) from manganese samples recovered from the 2023 drill program at the Emily manganese deposit. Sandri reported highlights of metallurgical test work include producing high-purity HPMSM, leaching achieving manganese extraction rates exceeding 95%, impurity removal and crystallization yielded HPMSM aimed for the battery-materials market, and the results from this test work provide a foundation for the future technical development. Sandri reported the next phase of metallurgical work will focus on flowsheet development and further process optimization to advance towards a Scoping Study/Preliminary Economic Assessment. The final flow sheet is still in optimization. Sandri reported the current Kemetco work is expected to be completed soon. Sandri reported environmental visits associated with site reclamation (regrowth in disturbed areas) will continue until revegetation is complete and plant growth has reached target levels. The visits and the corresponding reclamation activities are in the planned activities by NSM and conducted by Barr Engineering and Moritz Excavation as approved by the DNR. 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 and in 2025.

**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 AS FOLLOWS:**

- **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 MONTHS \$44**

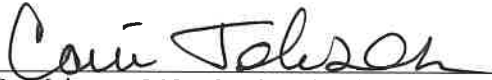
**COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**CORRESPONDENCE:** Discussion included Crow Wing County regarding Recreation Ordinance comment period and Crow Wing County regarding Solid Waste Ordinance comment period.

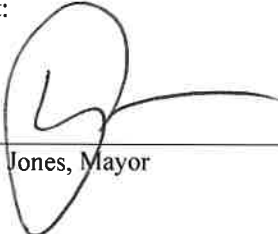
**SCHEDULED UPCOMING MEETINGS:** The General Election will be held on Tuesday, November 5, 2024. The Truth in Taxation Public Hearing will be held on Tuesday, December 10, 2024 at 6 p.m.

**COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:34 P.M. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Respectfully submitted,

  
Cari Johnson, MCMC, City Clerk/Treasurer

Attest:

  
Tracy Jones, Mayor