

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 9, 2024

The Emily City Council met for a regular meeting on Tuesday, January 9, 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. Tom Pearson, City Attorney, 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 HANSON 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 December 2023: Checking Beginning Balance \$894,045.39 and Ending Balance \$1,344,573.03; Receipts to General fund \$691,097.37, Sewer fund \$25,219.44, Total \$716,316.81; and Claims for Approval: \$218,121.74 including Pine River State Bank checks #61071 to #61125 and automatic withdrawals #330759 to #330764; Investments \$390,903.82; Total Checking/Investments \$1,735,476.85. **COUNCILMEMBER BUTCHER 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: Linda Peoples, Crosby-Ironton Courier, requested the Council consider the Crosby-Ironton Courier as the City's legal designated newspaper for 2024. Peoples reported legal notices may be accessed for no charge on the Crosby-Ironton Courier and Minnesota Newspaper Association websites.

FIRE DEPARTMENT: Chief Chad Genz reported the December Fire Department meeting was held with 18 members present and reported no fire calls. All equipment was checked and the Fire Hall was cleaned.

MAYOR JONES 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 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 24-02 RATIFYING AMENDED BYLAWS OF THE EMILY FIREMEN'S RELIEF ASSOCIATION. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. Discussion included the revision does not include a benefit level increase or addition of the Emily First Responders. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Resolution 24-03 Ratifying Amended Bylaws of the Emily Firemen's Relief Association with amendment to Attachment A – Benefit Level with benefit level amount increase from \$1,750 per year to \$2,500 per year was tabled until the next regular Council Meeting. The Emily Fire Relief Association will be considering a different benefit level amount increase at their next meeting as a compromise.

COUNCILMEMBER HEMPHILL MADE THE MOTION TO APPROVE THE REQUIRED 2024 MUNICIPAL CONTRIBUTION TO THE EMILY FIREMEN'S RELIEF ASSOCIATION OF \$16,896. COUNCILMEMBER KOCH SECONDED THE MOTION. Discussion included the budgeted additional \$44,000 municipal contribution is planned to be made after receipt of general property tax funds in June. The additional municipal contribution is

planned due to a deficit in the Emily Fire Relief Association pension fund. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The Council discussed decommission of older Fire Department vehicles. The fire truck (Engine #3) that was replaced with the new fire truck last year is being stored in the Maintenance Shop. Chief Genz reported the Maintenance Department has a use for Engine #3 and Engine #3 could stay in the City when the other two fire trucks are needed for mutual aid. The insurance on Engine #3 was \$254 last year. Chief Genz reported the Polaris 6 wheeler has low miles, runs well, and may be used for rescues or mutual aid. There was a discussion regarding selling the Polaris and Engine #3, giving the current brush rig pickup truck to the Maintenance Department for seasonal maintenance to use, and purchasing a new crew cab pickup truck to pull the side by side trailer. The changes would provide more room in the Fire Hall. Councilmember Hemphill and Chief Genz will meet and review vehicle uses, options, efficiency, and resale values.

The City received \$37,678 in Public Safety Aid. Chief Genz will request quotes for turnout gear, radio for the new fire truck, and ram tool.

FIRST RESPONSE UNIT: Liaison Hemphill reported the December First Response Unit meeting was held and reported 10 calls. Training was held for variances. Nominations for a temporary assistant chief were made for the February meeting. Two First Responders will be attending the Arrowhead EMS Conference. The First Response Unit will be training with the Fire Department on CPR/BLS recertification.

LAW ENFORCEMENT: The Crow Wing County Sheriff's Office completed the clean out of the prior Emily Police Department. The Sheriff's Office requested the City install vinyl plank flooring in the main office area, leave the current carpet in the smaller office, and repaint the walls to prepare the offices to be used as a northern outpost.

The City received estimates from Guardian Fleet Safety to purchase the 2016 Ford Explorer squad for \$7,500 and the 2008 Ford Explorer squad for \$2,500. There is a possible plan to repurpose one vehicle as a First Responder vehicle after removal of equipment. The estimates were tabled until the February meeting.

In December the City paid for police liability insurance during the League of Minnesota Cities Insurance Trust (LMCIT) policy renewal. LMCIT reported the City would need to enter into a law enforcement services contract with another entity in order to cancel the liability insurance and receive a refund.

WASTEWATER: Nothing new to report.

PLANNING & ZONING: Nothing new to report.

ATTORNEY: No report.

ROADS: A Special Council Meeting is planned to review the condition of the roads with the City Engineers in the spring to update the proposed Feasibility Study.

MAINTENANCE: Maintenance Supervisor Brian Foster reported plowing and sanding roads, cutting trees, and general maintenance on buildings and equipment. **COUNCILMEMBER KOCH MADE THE MOTION TO PURCHASE DECALS FOR ALL CITY VEHICLES AND EQUIPMENT. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PERSONNEL: **MAYOR JONES MADE THE MOTION TO CLOSE THE MEETING FOR CONSIDERATION OF A PERSONNEL MATTER AND PRELIMINARY CONSIDERATION OF ALLEGATIONS OF MISCONDUCT AGAINST AN INDIVIDUAL SUBJECT TO THE CITY COUNCIL'S AUTHORITY UNDER MINNESOTA STATUTE 13D.05, SUBDIVISION 2(B). COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.** The meeting closed at 6:37 p.m.

The meeting re-opened at 6:55 p.m.

During the closed session the Council found disciplinary action may be warranted. **COUNCILMEMBER HEMPHILL MADE THE MOTION TO REINSTATE CARY LEBLANC AS THE EMILY FIRST RESPONSE UNIT**

CHIEF EFFECTIVE IMMEDIATELY WITH A PROBATIONARY PERIOD OF SIX MONTHS WITH NO SAME OR SIMILAR INFRACTIONS OR OCCURRENCES. COUNCILMEMBER BUTCHER SECONDED THE MOTION. COUNCILMEMBER HEMPHILL AMENDED THE MOTION TO INCLUDE NOT TO APPEAR AT A CALL OR WITH RESPECT TO ANY FIRST RESPONDER FUNCTIONS UNDER THE INFLUENCE OF ANY INTOXICANT WHATSOEVER, ANY NARCOTIC WHATSOEVER, OR ANY OTHER THING THAT MAY INFLUENCE HER ABILITY TO CARRY OUT HER DUTIES AND NOT JEOPARDIZE THE SAFETY OF THE PUBLIC. COUNCILMEMBER BUTCHER SECONDED THE AMENDMENT. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

Councilmember Hemphill and Chief LeBlanc will inspect the squads to determine if one could be repurposed as a First Response vehicle.

The Council discussed the revised Personnel Policy, including State Earned Sick and Safe Time requirements. The extensive revision combines the City's prior Personnel Policy with the League of Minnesota Cities (LMC) Personnel Policy model and additional research as needed and was reviewed by the City Attorney. The LMC model was revised again on January 1, 2024, but this revision used the previous model. Another revision will be needed. Additional revisions to the presented policy included the second paragraph of Article III Definitions, Section 3.9 Full-Time Employee remains; all wording highlighted in blue remains for FMLA requirements because the City is obligated to follow FMLA requirements, but not all employees may be eligible; Article XI Leaves of Absence, Section 11.01 Earned Sick and Safe Leave, subsection (a) item 1 replacement of "Local No. 49 Union Agreement" with "collective bargaining agreement"; Article XI Leaves of Absence, Section 11.01 Earned Sick and Safe Leave, subsection (a) item 11 with addition of "annual" before "eligibility" in all three locations and removal of "moving forward" in the last sentence; Article XI Leaves of Absence, Section 11.01 Earned Sick and Safe Leave, subsection (e) first paragraph, second sentence with removal of "of a carry over waiver" and replacement with "of the appropriate receipt"; Article XI Leaves of Absence, Section 11.10 Victim or Witness Leave with removal of "Safety Leave under the Sick Leave Policy" in the last sentence and replacement with "Section 11.01 Earned Sick and Safe Leave"; Article XI Leaves of Absence, Section 11.20 Family and Medical Leave with removal of the last paragraph as follows: "The City of Emily does not employ 50 employees so employees do not qualify for FMLA protected leave. The employee calculation is based on employees earning minimum wage or above and excludes elected officials."; Article XVIII Employee Education & Training, Section 18.03 Job-Related Meetings with removal of "costing \$ _____ or less and directly related to the performance of the employee's work responsibilities do not"; and Article XVIII Employee Education & Training, Section 18.04 Request for Participation in Training & Conferences second paragraph with removal of "totaling more than \$ _____" from the first sentence. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE PERSONNEL POLICY AS PRESENTED WITH THE DISCUSSED REVISIONS. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

CITY HALL: No report.

CEMETERY: Liaison Butcher reported 2 burials.

PARKS: No report.

LIBRARY: No report.

EMILY WATERS: MAYOR JONES MADE THE MOTION TO PUBLISH THE NOTICE REQUESTING APPLICATIONS FOR EMILY WATERS COMMITTEE MEMBERS AND ANNOUNCEMENT REGARDING ACCEPTANCE PERIOD OF EMILY LAKES AND RIVERS FUND APPROPRIATION APPLICATIONS. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

ECONOMIC DEVELOPMENT: No report.

CODIFICATION: No report.

UNFINISHED BUSINESS: Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported continued assessing of the core samples through early spring. NSM's environmental consultants continued to visit the site to ensure all operations comply with the State's environmental requirements. Sandri reported since the primary purpose of the environmental visits deal with site reclamation, visits will be suspended during winter/frozen

conditions at the determination of the consultants. 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 into 2024.

MAYOR JONES MADE THE MOTION TO PURCHASE AND INSTALL A "CARRY IN ONLY" SIGN AT THE DAHLER LAKE ACCESS. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

NEW BUSINESS: The City received 86 submissions for the City slogan contest. The Council will review the submissions, each member will choose their top 5 slogans, and the 25 top slogans will be reviewed at the next regular Council Meeting.

The Council reviewed quotes for the 2024 legal newspaper designation. **MAYOR JONES MADE THE MOTION TO DESIGNATE THE CROSBY-IRONTON COURIER AS THE LEGAL NEWSPAPER FOR 2024. 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 24-01 STATING ANNUAL DESIGNATIONS AS PRESENTED WITH REVISIONS/ADDITIONS AS FOLLOWS:

| | |
|---|--|
| OFFICIAL NEWSPAPER | CROSBY-IRONTON COURIER |
| ACTING MAYOR | ANDREW HEMPHILL |
| PARK LIAISON | GERHART HANSON, JR. |
| CEMETERY LIAISON | GERHART HANSON, JR. |
| LAW ENFORCEMENT LIAISON | BRYCE BUTCHER |
| WASTEWATER LIAISON | GERHART HANSON, JR. |
| MAINTENANCE/SAFETY LIAISON | TRACY JONES |
| EMILY 125TH ANNIVERSARY | TRACY JONES |
| PERSONNEL COMMITTEE | TRACY JONES AND ANDREW HEMPHILL |
| ROAD COMMITTEE | BRYCE BUTCHER AND ANDREW HEMPHILL |

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 ADOPT RESOLUTION 24-04 DESIGNATING A DEPOSITORY FOR CITY FUNDS AS PINE RIVER STATE BANK AND PERSHING WEALTH SOLUTIONS BNY MELLON. 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 ADOPT RESOLUTION 24-05 APPROVING PINE RIVER STATE BANK AND PERSHING WEALTH SOLUTIONS BNY MELLON ACCOUNT(S) SIGNERS AS FOLLOWS:

- **PINE RIVER STATE BANK SIGNERS TRACY JONES, ACTING MAYOR ANDREW HEMPHILL, ALTERNATE COUNCILMEMBER GREGORY KOCH, CARI JOHNSON, AND AMY PROKOTT WITH REMOVAL OF SIGNER GERHART HANSON, JR.**
- **PERSHING WEALTH SOLUTIONS BNY MELLON SIGNERS TRACY JONES, ACTING MAYOR ANDREW HEMPHILL, AND CARI JOHNSON WITH REMOVAL OF SIGNER GERHART HANSON, JR.**

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 PINE RIVER STATE BANK PLEDGED SECURITIES FOR THE CITY OF EMILY CHECKING ACCOUNT AS PRESENTED. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER HEMPHILL MADE THE MOTION TO ADOPT THE 2024 IRS STANDARD FEDERAL MILEAGE RATE AT \$.67 PER MILE. 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 BOND TRUST SERVICES PAYMENTS FOR A TOTAL OF \$154,825 PLUS \$675 IN AGENT FEES AS FOLLOWS:

303 DEBT SERVICE FUND – 2012 CITY HALL IMPROVEMENT BOND - \$42,787.50 AND \$475
304 DEBT SERVICE FUND – 2014 ROAD IMPROVEMENT BOND - \$38,946.25 AND \$100
602 SEWER FUND – 2013 SEWER PROJECT BOND - \$73,091.25 AND \$100

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

The proposed Criminal History Background Checks Policy for Employment and License Applicants needs more revision before consideration.

MAYOR JONES MADE THE MOTION TO APPROVE THE REQUEST FOR RESERVATION OF THE DOWNTOWN PARK PAVILION FOR MAY 2ND THROUGH MAY 5TH FOR THE ANNUAL BLOOD TRACKING DOG TESTING EVENT. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.


CORRESPONDENCE: Discussion included Ehlers regarding the annual Written Municipal Advisor Client Disclosure.

SCHEDULED UPCOMING MEETINGS: A Public Hearing for annual Fee Schedule Ordinance update will be held on Tuesday, February 13, 2024 at 6 p.m.

COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:46 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

Minutes and Proceedings of the
Economic Development Authority
of the City of Emily in the
County of Crow Wing, State of Minnesota

January 9, 2024

The Emily Economic Development Authority (EDA) met for a regular meeting on Tuesday, January 9, 2024 in the Council Chambers and was called to order by Mayor Jones at 7:46 p.m. Councilmembers Bryce Butcher, Gerhart Hanson, Andrew Hemphill, and Gregory Koch were present. Also present was Cari Johnson, City Clerk/Treasurer.

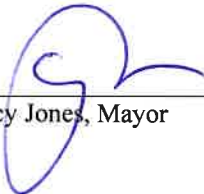
The EDA reviewed economic development priorities and applications are being accepted for a Rural Child Care Innovation Program. There was a discussion regarding preliminary discussions being held between a few entities regarding possible workforce housing in Emily.

**COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:48 P.M.
COUNCILMEMBER HEMPHILL 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