

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

July 9, 2024

The Emily City Council met for a regular meeting on Tuesday, July 9, 2024 in the Council Chambers and was called to order by Mayor Tracy Jones at 6:00 p.m. Councilmembers Bryce Butcher, Gerhart Hanson, and Gregory Koch were present. Councilmember Andrew Hemphill was absent. Cari Johnson, City Clerk/Treasurer, was 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, AND KOCH VOTED AYE. THE MOTION CARRIED.

Mayor Jones requested a motion of approval of the Consent Agenda including meeting minutes of the March 13, 2024 Council Meeting and April 9, 2024 Council Meeting and the Treasurer's Report from June 2024: Checking Beginning Balance \$970,382.50 and Ending Balance \$1,294,844.61; Receipts to General fund \$536,129.91, Sewer fund \$2,220.58, Total \$538,350.49; and Claims for Approval: \$196,910.54 including Pine River State Bank checks #61484 to #61549 and automatic withdrawals #330802 to #330808; Investments \$396,803.61; Total Checking/Investments \$1,691,648.22. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

PUBLIC FORUM: Dan Brennan, 40416 South Bay Drive, attended the meeting to encourage participation in the Sketches of Minnesota event which will be held at the Emily City Hall on July 26, 2024 at 5:30 p.m.

SPEAKERS: Craig Katzenberger, Operations Lieutenant, Crow Wing Sheriff's Office, attended the meeting to present information on Flock Security System automatic license plate readers. Flock Security Systems are investigative tools for major crimes, such as burglaries, kidnappings, missing persons, or stolen vehicles. Katzenberger reported the license plate reader takes a still picture of license plates and identifies each vehicle. Katzenberger reported the system gathers objective evidence and facts about vehicles, not people; alerts law enforcement of wanted vehicles; is used to solve crime; and adheres to State laws. Katzenberger reported the system is not tied to personal identifiable information, is not used for speed or traffic enforcement, and is not used for facial recognition. Katzenberger reported the system has helped many agencies solve crimes and would assist the limited amount of law enforcement personnel with providing area coverage. Katzenberger reported law enforcement has access to the data and local law enforcement could enter data into the system for local searches. Katzenberger reported the data is stored for 30 days after which all data not associated with a crime is deleted and unrecoverable. Katzenberger reported the footage would be owned by the County and would never be sold or shared. Katzenberger reported a reason must be provided to access the data and data access is audited. The cost for each Flock Security System license plate reader is an initial setup fee of \$600 and \$3,000 annually. The annual fee includes maintenance of the system. Each system involves a post, camera, and solar power. Flock Security personnel would inspect the City and determine the locations where the systems would be best utilized. Katzenberger recommended two systems for Emily. Katzenberger reported there are currently no systems in the County, but there has been interest.

Jamie Lee attended the meeting regarding his candidacy for Crow Wing County Commissioner.

FIRE DEPARTMENT: Chief Genz reported the June Fire Department meeting was held with 17 members present and reported 4 fire calls. All equipment and SCBAs were checked and the trucks were washed.

COUNCILMEMBER KOCH MADE THE MOTION TO MAKE THE BUDGETED ADDITIONAL MUNICIPAL CONTRIBUTION OF \$44,000 TO THE EMILY FIREMEN'S RELIEF ASSOCIATION TOWARDS THE DEFICIT IN

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

COUNCILMEMBER KOCH MADE THE MOTION TO PAY TAX-EXEMPT LEASING THE ANNUAL LEASE PAYMENT OF \$15,944.03 FOR THE SCBAS FROM THE GENERAL FUND AS BUDGETED. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 24-27 ACCEPTING DONATION TO THE CITY OF \$5,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION TO THE FIREMEN'S EQUIPMENT FUND. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER BUTCHER MADE THE MOTION TO ADOPT RESOLUTION 24-29 ACCEPTING DONATION TO THE CITY OF \$8,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION TO THE CELEBRATE EMILY DAY COMMITTEE FOR EMILY DAY FIREWORKS. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

MAYOR JONES MADE THE MOTION TO ACCEPT THE RESIGNATION/RETIREMENT OF KENNY RODEN FROM THE FIRE DEPARTMENT EFFECTIVE JULY 4, 2024, WITH NO REQUIRED REPAYMENT OF FIRE TRAINING, PER THE RECOMMENDATION OF THE FIRE DEPARTMENT. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

The Council discussed League of Minnesota Cities model Alcohol and Drug Use Firefighter Response and Zero Tolerance Firefighter Response Policies. The City's Drug and Alcohol Testing and Drug-Free Workplace Act Policy for Non-Commercial Drivers (Non-DOT) would apply to firefighters, but City Code allows Fire Department members to possess and or consume alcoholic beverages at the City Fire Hall. The model policies address alcoholic beverage use at the Fire Hall and during Fire Department activities, including responding to calls. The model policies were tabled until the next Council Meeting to give time to discuss the model policies with Fire Department personnel.

The Council discussed development of a Fire and Rescue Department Ordinance. With the assistance of the City of Fifty Lakes, development of a combined Fire and Rescue Department Ordinance is progressing.

FIRST RESPONSE UNIT: Chief Cary LeBlanc reported the July First Response Unit meeting was held with 9 members present and reported 17 calls in June. Trainings on anaphylaxis and respiratory emergencies were held. Officer elections will be re-held after a City Code amendment is approved for the combination of the Fire Department and First Response Unit.

LAW ENFORCEMENT: Lt. Katzenberger reported Sheriff's Office personnel plan to attend the planned Open House for the Northern Outpost to be held in August. The Northern Outpost has been painted and carpeted and the furniture will be delivered in one week. Sheriff's Office IT personnel plan to install the computer, firewall, etc. at the end of July. The City Hall front doors have been repaired and are working well with the security system. The Sheriff's Office is working with Midwest Security to provide a list of Sheriff's Office deputies to provide access.

The Council tabled the Crow Wing Sheriff's Office request to partner with the City for installation of a minimum of two Flock Safety automatic license plate reader systems for \$3,000 per system to determine if Public Safety Aid funds could be used for the systems.

WASTEWATER: The City's Wastewater Operator is working on sourcing supplies to repair the damaged rapid infiltration basin distribution lines as required per the City's approved Corrective Action Plan. Maintenance personnel will haul the sand to reduce project costs. The Corrective Action Plan also requires the City to address the influent control structure spalling due to pent up gases damaging the concrete and steel in the structure.

COUNCILMEMBER KOCH MADE THE MOTION TO REQUEST THE CITY ENGINEER TO INSPECT THE INFLUENT CONTROL STRUCTURE AND DETERMINE THE RECOMMENDED LEVEL OF REPAIR, INCLUDING COATING OR REPLACEMENT, PER THE WASTEWATER OPERATOR'S REQUEST. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

PLANNING & ZONING: Chair David Johnson presented the report from the July Planning Commission Meeting. Steve Jones is the City's new Planning and Zoning Administrator. **COUNCILMEMBER KOCH MADE THE MOTION TO HIRE WES HANSON BUILDERS, INC. TO CONSTRUCT A DOORWAY BETWEEN THE PLANNING AND ZONING AND CLERK'S OFFICES AND INSTALL A DOOR PER THE STRUCTURAL ENGINEER'S SPECIFICATIONS FOR \$9,410.87 WITH NO ELECTRICAL AND TO HIRE UP NORTH ELECTRIC FOR REMOVAL OF ELECTRICAL FOR \$240, USING BUDGETED FUNDS OF \$4,000 AND REMAINING FUNDS FROM 406 CITY HALL FUND SAVED FOR THE ACCESS/SECURITY SYSTEM, TO PROVIDE AN ACCESS DOOR FOR SAFETY, AIR FLOW, AND GENERAL OFFICE USE. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Chair Johnson reported the Planning Commission recommended the Council approve a moratorium on early cannabis cultivation to allow time for development of Land Use and Subdivision Ordinance revisions, including the land use matrix. Johnson reported a five month moratorium would provide time to develop an ordinance to regulate cannabis businesses, including cultivation, processing, and dispensaries, due to the State allowing early applications for social equity applicants from July 24, 2024 through August 12, 2024. Johnson reported the applicants would be required to comply with local zoning ordinances, State fire and building codes, and rules for medical cannabis. Johnson reported during a moratorium the Planning Commission could review regulations, including security, and develop recommendations. **COUNCILMEMBER HANSON MADE THE MOTION TO PLACE A MORATORIUM ON CANNABIS BUSINESSES FOR FIVE MONTHS. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.** The City Attorney will be consulted to determine if a resolution is required to place a moratorium.

ATTORNEY: No report.

ROADS: The Crow Wing County Highway Department is planning to rehabilitate County Road 1 in 2025. There is an opportunity for the City to bid a resurfacing project jointly with the County's project. The City had budgeted \$65,000 to repair City roads this year, but the funds could be saved for a larger project next year to leverage the County's larger project level pricing. The Council made the decision to inform the Crow Wing County Highway Department the City is interested in including a City road project with the County's road rehabilitation project.

The MnDOT Miscellaneous Work on Trunk Highway Right of Way permit for installation of two electronic speeds signs on State Highway 6 was approved with no required security deposit. Two electronic speed signs have been ordered from TrafficLogix.

Enforcement action will be discussed regarding the 19478 Blue Lane East damaged pavement when the project is closer to completion.

MAINTENANCE: Maintenance Supervisor Brian Foster reported storm clean up, fixing washouts, spreading Class 5 on roads, and general maintenance. Foster reported magnesium chloride was applied to gravel roads today.

CITY HALL: MAYOR JONES MADE THE MOTION TO HIRE UP NORTH ELECTRIC TO ADD RECEPTACLES FOR THE NEW SECURITY SYSTEM AND FOR THE TV IN THE HALLWAY FOR \$450. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

CEMETERY: Council Liaison Hanson reported two transfers.

PARKS: COUNCILMEMBER BUTCHER MADE THE MOTION TO ADOPT RESOLUTION 24-26 ACCEPTING DONATION TO THE CITY OF \$5,000 FROM THE OUTING CHAMBER OF COMMERCE TO THE PARK FUND – PICKLEBALL FUND. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 24-28 ACCEPTING DONATION TO THE CITY OF \$1,000 FROM THE EMILY FIREMEN'S RELIEF ASSOCIATION TO THE PARK FUND – PICKLEBALL FUND. MAYOR JONES SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

The location of the pickleball courts has been staked on the west side of City Hall. Anderson Brothers plans to start construction of the new pickleball courts next week.

LIBRARY: No report.

PERSONNEL: The State approved firefighters and first responders to be exempt from the Earned Sick and Safe Time (ESST) law. The exemption would remove the requirement for tracking monthly firefighter and first responder hours to determine earned ESST. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE PERSONNEL POLICY REVISION AS PRESENTED DUE TO THE UPDATE IN THE EARNED SICK AND SAFE TIME LAW, INCLUDING THE ESST EXEMPTION FOR FIREFIGHTERS AND FIRST RESPONDERS. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, 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 environmental visits associated with continued site reclamation (regrowth in disturbed areas) and in association with heavy rainfall that have disturbed recently reclaimed areas have continued. Sandri reported disturbances include some gullying due to rapid water runoff and a loss of recently planted areas. The visits and the corresponding reclamation are planned activities by Barr Engineering as approved by the DNR. The environmental visits associated with site reclamation will be increased after rain event periods (rainfall of more than ½ inch in a 24 hour period.) Sandri reported metallurgical testing and analysis of drilled samples continues 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, but additional metallurgical work will continue through mid-2024 and into 2025. 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 City Slogan Contest is open.

The City's Community Impact Funds grant application was chosen by Sourcewell in the lottery. The grant amount is \$48,573.98 and includes funds to upgrade the audio/visual equipment in the Council Chambers, purchase and install a two post hydraulic lift in the Maintenance Shop, and purchase an electric sweeper for floor maintenance in the Maintenance Shop. The City will need to sign an agreement and wait to purchase the items until the funds have been received.

NEW BUSINESS: MAYOR JONES MADE THE MOTION TO APPROVE THE CAPITAL IMPROVEMENT PLAN PROJECTS BY FUNDING SOURCE SPREADSHEET FOR 2024 THROUGH 2028 AS PRESENTED. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED. The Capital Improvement Plan is used in development of the City Budget.

MAYOR JONES MADE THE MOTION TO APPROVE PAYMENT OF BOND TRUST SERVICES INTEREST PAYMENTS FOR A TOTAL OF \$18,275 PLUS \$950 IN AGENT FEES AS FOLLOWS:

- 303 DEBT SERVICE FUND – 2012 CITY HALL IMPROVEMENT - \$2,337.50
- 304 DEBT SERVICE FUND – 2014 ROAD IMPROVEMENT - \$3,491.25 AND \$475
- 602 SEWER FUND – 2013 SEWER - \$12,446.25 AND \$475

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

The candidate filing period will be open from July 30, 2024 until August 13, 2024 at 5 p.m. for one Mayor candidate and two Council Member candidates.

A Meet the Candidate Night will be planned. The event is not planned to include School Board members.

COUNCILMEMBER BUTCHER MADE THE MOTION TO ADOPT RESOLUTION 24-30 ACCEPTING DONATION TO THE CITY OF \$2,000 FROM THE OUTING CHAMBER OF COMMERCE TO THE CELEBRATE EMILY DAY COMMITTEE FOR EMILY DAY FIREWORKS. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, AND KOCH VOTED AYE. THE MOTION CARRIED.

CORRESPONDENCE: Discussion included League of Minnesota Cities regarding notification of preliminary maximum dues increase, proposed fiscal changes and timing of dues notices, and additional changes to League constitution and bylaws; Wiseth regarding the SS4A Planning Grant application was submitted; International Union of Operating Engineers regarding Notice of Desire to Negotiate; and Crow Wing County Attorney regarding misdemeanor prosecution fees will remain the same in 2025.

SCHEDULED UPCOMING MEETINGS: The August Regular Council Meeting will be held on Monday, August 12, 2024 at 6 p.m. The State Primary Election will be held on Tuesday, August 13, 2024.

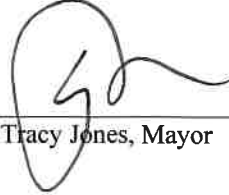
**COUNCILMEMBER BUTCHER MADE THE MOTION TO ADJOURN THE MEETING AT 7:29 P.M.
COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON,
AND KOCH VOTED AYE. THE MOTION CARRIED.**

Respectfully submitted,

Attest:



Cari Johnson, MCMC, City Clerk/Treasurer



Tracy Jones, Mayor