

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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November 12, 2024

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The Emily City Council met for a regular meeting on Tuesday, November 12, 2024 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 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 June 11, 2024 Council Meeting and July 9, 2024 Council Meeting and the Treasurer's Report from October 2024: Checking Beginning Balance \$1,267,662.56 and Ending Balance \$1,204,274.68; Receipts to General fund \$21,934.69, Sewer fund \$16,890.22, Total \$38,824.91; and Claims for Approval: \$133,675.21 including Pine River State Bank checks #61814 to #61903 and automatic withdrawals #330832 to #330838; Investments \$407,810.64; Total Checking/Investments \$1,612,085.32. **COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE CONSENT AGENDA. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**PUBLIC FORUM:** Jan Mosman and Kathy Hachey, Cochairs, GoNorthMN, attended the meeting to present a donation of \$856.12 for the Emily Lakes and Rivers water quality fund from donations received at the Sketches of Minnesota event. Donations were also made to the Emily Food Shelf and to the GoNorthMN project for electrification of the historic post office and log cabin. GoNorthMN will be holding a Lantern Festival on the winter solstice on December 21, 2024 which will be open to everyone. The event will begin at the City Hall parking lot and then participants with lanterns will walk to the Ballfield Park Pavilion where there will be treats, lights, and a bonfire.

Gary Hanson thanked City voters for the record turnout and stated he is proud of the community.

**FIRE AND RESCUE DEPARTMENT:** Council Liaison Butcher reported the October Fire and Rescue Department meeting was held with 14 members present and reported 1 fire call. All equipment and SCBAs were checked. There was a big turnout for the Trunk or Treat Event.

**COUNCILMEMBER KOCH MADE THE MOTION TO CLOSE THE MEETING REGARDING A PERSONNEL MATTER FOR PRELIMINARY CONSIDERATION OF ALLEGATIONS OF MISCONDUCT AGAINST AN INDIVIDUAL SUBJECT TO THE CITY COUNCIL'S AUTHORITY UNDER MINNESOTA STATUTE 13D.05, SUBD. 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 6:09 p.m.

The meeting re-opened at 6:30 p.m.

Council Liaison Hemphill reported the November First Response meeting was held with 9 members in attendance and reported 11 calls in October. Trainings were held on cardiology and strokes and how to control different types of bleeds. Some First Responders will be attending quarterly education.

**LAW ENFORCEMENT:** Development of the Northern Outpost for use by the Crow Wing County Sheriff's Office is complete. The total costs for development were \$32,500.

**WASTEWATER: COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE REVISED S.E.H. AGREEMENT FOR PROFESSIONAL SERVICES FOR THE WWTP INFLUENT CONTROL STRUCTURE REPAIR FOR \$6,000 INCLUDING THE SITE VISIT THAT WAS CONDUCTED AND A MEMO DESCRIBING S.E.H.'S RECOMMENDATIONS FOR THE MPCA. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

The City's Wastewater Operator reported the rapid infiltration basin distribution lines have been repaired and all fill sand has been brought in and leveled. The MPCA's required repair of the rapid infiltration basins are complete.

**COUNCILMEMBER KOCH MADE THE MOTION TO ADOPT RESOLUTION 24-51 REGARDING UNPAID SEWER CHARGES TO ASSESS A TOTAL OF \$5,577.87 IN UNPAID SEWER CHARGES TO PROPERTY TAXES AS IDENTIFIED AT THE INTEREST RATE OF 12% PER ANNUM PER CITY CODE 50.28 SECTION C. COUNCILMEMBER HANSON SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**PLANNING & ZONING: Ordinance No. 2024-06 Adding Section 154: Cannabis Businesses was approved at the last meeting, but a summary for publication was not approved at that time. COUNCILMEMBER KOCH MADE THE MOTION TO APPROVE THE SUMMARY OF ORDINANCE NO. 2024-06 ADDING SECTION 154: CANNABIS BUSINESSES FOR PUBLICATION. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**ATTORNEY: City Attorney Pearson reported the executed Purchase Agreement for the purchase of two lots from Pennie Plesnicar has been sent to the title company to conduct the closing. MAYOR JONES MADE THE MOTION TO APPROVE THE ALTA COMMITMENT FOR TITLE INSURANCE THROUGH FIRST AMERICAN TITLE INSURANCE COMPANY FOR AN OWNER'S TITLE INSURANCE POLICY FOR \$150 FOR THE PURCHASE OF TWO LOTS FROM PENNIE PLESNICAR. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Crow Wing County had notified the City that a portion of Anna Drive was tax forfeited. City Attorney Pearson stated when the property was platted the Anna Drive property remained private. Anna Drive is a paved City road. Pearson reported the City should request Crow Wing County to deed the tax forfeited portion of Anna Drive to the City for public use. Pearson reported a public use declaration for that portion of Anna Drive must not have been recorded at the time the property was platted. Anna Drive is the City's road because it has been maintained by the City.

Resolution 24-22 Adopting Modified Conditions for Existing Final Plat (Application Number 09-3327) from 2009 on Behalf of Northern Lights Over Roosevelt Homeowner's Association (HOA) to modify the original conditions was approved in May pending City Attorney review and conditioned on a Conditional Use Permit (CUP) being applied for, granted, and the CUP being recorded with Crow Wing County. Research was completed and a CUP adopting the original conditions for Northern Lights Over Roosevelt cannot be found. Therefore, Pearson requested the HOA to submit a CUP application, which was a condition of approval of Resolution 24-22. The proposed modified conditions as approved in May per Resolution 24-22 would be included in the CUP. The CUP approval process was discussed. Lynn Kosloske, HOA, reported the HOA completed the trail access from the plat per the Minnesota Department of Transportation's requirements and dock storage has been completed as specified in the proposed modified conditions for the plat.

**CODIFICATION: City Attorney Pearson will provide a proposed revision for Chapter 33: Public Safety, Police Department because the City no longer has a Police Department and law enforcement coverage is provided by the Crow Wing County Sheriff's Office. Pearson will also provide a proposed revision for Chapter 92: Animals with possible removal of animal licensing while keeping dangerous dogs requirements. Pearson reported an Animal Control Enforcement Officer would be required to enforce the dangerous dogs ordinance requirements. Pearson reported the City could contract with the Animal Control Enforcement Officer in the County or a resident of the City could be appointed.**

**ROADS: COUNCILMEMBER KOCH MADE THE MOTION TO NOT APPROVE THE MNDOT 2024/2025 SNOW CONTROL AGREEMENT FOR STATE HIGHWAY 6 WITHIN EMILY. COUNCILMEMBER BUTCHER SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

Determination of roads to include in the 2025 Road Improvement Project to be included with Crow Wing County (CWC) Highway Department's planned 2025 rehabilitation project was tabled until next month. There was a discussion about possibly including rehabilitation of Par West with the project. The City will inform CWC Highway Department that S.E.H. will be doing the plans and inspection for the City's portion of the project. S.E.H. will provide the plans in December, although the exact streets to include in the project have not been determined yet.

The Council approved removing damage to Blue Lane East pavement by contractors from the agenda. There was a discussion regarding including a requirement in the land use permit process to submit a picture of the road adjacent to the property before any construction project and for Maintenance personnel to monitor progress and take a picture of the same road after the project to provide the City with proof if the road is damaged during construction.

**MAINTENANCE:** Maintenance Supervisor Brian Foster reported cutting and chipping trees, putting things away for winter, servicing snow equipment, putting plows on, and general maintenance. Foster reported salt sand has been purchased.

**CITY HALL:** The City Hall underground oil storage tank passed the tank tightness test. The tank size is 6,000 gallons and the tank needs to be tested every five years.

**CEMETERY:** No report.

**PARKS:** No report.

**LIBRARY:** No report.

**PERSONNEL:** **MAYOR JONES MADE THE MOTION TO APPOINT ANNA BATTISTINI TO THE 125<sup>TH</sup> ANNIVERSARY CELEBRATION COMMITTEE. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**EMILY WATERS:** The Clerk's Office will contact the area lake associations and improvement district regarding the Department of Natural Resources (DNR) 2025 invasive aquatic plant management grant application period. Only one grant application per lake is allowed.

**ECONOMIC DEVELOPMENT:** No report.

**UNFINISHED BUSINESS:** Rick Sandri, North Star Manganese (NSM), provided a report. Sandri reported NSM continued its work on engineering and process optimization, including flowsheet development, to advance towards a Scoping Study/Preliminary Economic Assessment. 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 planned activities by NSM and are 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. Sandri reported this activity will be ongoing in 2025.

**NEW BUSINESS:** **COUNCILMEMBER BUTCHER MADE THE MOTION TO ADOPT RESOLUTION 24-49 ACCEPTING DONATION TO THE CITY FROM GONORTHMN/SKETCHES OF MINNESOTA (TOWN OF FAIRFIELD RESPONSIBLE AUTHORITY) FOR \$856.12 FOR EMILY LAKES AND RIVERS PROTECTION. 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 2024-48 TO CERTIFY RESULTS OF THE TUESDAY, NOVEMBER 5, 2024 ELECTION (CANVASSING OF THE GENERAL ELECTION). COUNCILMEMBER KOCH SECONDED THE MOTION. Discussion included the following results:**

Mayor	Tracy Jones	436
	Roger "Buddy" Lund	252
	Write-in	9

Council Member	Daniel Brennan	353
	Gerhart "Gary" Hanson	349
	Bryce L. Butcher	257
	Brent Nolby	181
	Write-in	5

The official election results for the office of Mayor for the term of 2025-2026 shall be Tracy Jones. The official election results for the offices of Council Member for the term of 2025-2028 shall be Daniel Brennan and Gerhart "Gary" Hanson. **ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**MAYOR JONES MADE THE MOTION TO APPROVE THE 2024 APPLICATIONS FOR HIGHWAY 6, LLC DBA THE LOG CABIN FOR ON SALE INTOXICATING, OFF SALE, AND SUNDAY LIQUOR LICENSES PENDING BACKGROUND CHECK, RECEIPT OF APPLICABLE RESTAURANT LICENSE FOR FOOD AND BEVERAGE SERVICE, AND ALL INSURANCE REQUIREMENTS (PAID PRORATED LIQUOR LICENSE FEES FOR ONE QUARTER). 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 24-34, AMENDED, REGARDING AMERICAN RESCUE PLAN ACT FUNDS USE. MAYOR JONES SECONDED THE MOTION. Discussion included the resolution was amended with the final costs of projects. All American Rescue Plan Act funds have been spent. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**MAYOR JONES MADE THE MOTION TO ADOPT RESOLUTION 24-46 REVISING THE 2024 ADOPTED BUDGET. 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 ADOPT RESOLUTION 24-47 TO APPROVE INTERNAL REINVESTMENT OF FUNDS, INCLUDING MOVING FUNDS BETWEEN INVESTMENT ACCOUNTING FUNDS AND TRANSFERRING BETWEEN CHECKING ACCOUNT ACCOUNTING FUNDS. MAYOR JONES 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 24-50 REGARDING UNPAID ADMINISTRATIVE CIVIL PENALTIES TO ASSESS A TOTAL OF \$3,625 IN UNPAID ADMINISTRATIVE CIVIL PENALTIES TO PROPERTY TAXES AS IDENTIFIED. 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 THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST WORKERS' COMPENSATION COVERAGE PREMIUM OPTION TO REMAIN AT A \$500 DEDUCTIBLE PER OCCURRENCE. 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 24-52 APPROVING A LAWFUL GAMBLING PERMIT AND APPROVING USE OF CITY PARK, PARADE, AND FIREWORKS FOR EMILY DAY WITH NO WAITING PERIOD FOR THE GAMBLING PERMIT. COUNCILMEMBER KOCH SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**COUNCILMEMBER BUTCHER MADE THE MOTION TO MAKE AN INTERIM RULE ABOLISHING THE POSSESSION AND CONSUMPTION OF ALCOHOL ON ALL CITY PROPERTY, EFFECTIVE IMMEDIATELY, AND EXTENDING UNTIL THE PLANNED CITY CODE AMENDMENT AND DEVELOPMENT OF A WRITTEN POLICY ARE APPROVED. COUNCILMEMBER HEMPHILL SECONDED THE MOTION. ROLL CALL VOTE – JONES, BUTCHER, HANSON, HEMPHILL, AND KOCH VOTED AYE. THE MOTION CARRIED.**

**CORRESPONDENCE:** Discussion included Office of the State Auditor regarding Volunteer Fire Relief Association Investment Report Card, MnDOT Fiscal Year 2028/2029 Local Partnership Program Solicitation, Local 49 Union regarding health and welfare premium increase of \$90 to \$1,565 per union employee per month on March 1, 2025, CWC regarding proposed revisions to CWC Land Use Ordinance, CWC regarding proposed property tax rates, CWC regarding public input request on Hazard Mitigation Plan updates, Initiative Foundation regarding thank

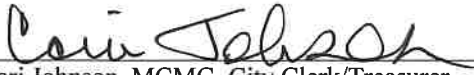
you for the donation, Sourcewell regarding becoming an AscendRural pilot partner, and LMC regarding Regional Safety Group training.


SCHEDULED UPCOMING MEETINGS: 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 7:22 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