

**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**

---

**December 9, 2008**

---

The Emily City Council met for a regular meeting on Tuesday, December 9, 2008, in the Council Chambers and was called to order by Mayor George Pepek at 7:00 PM. Council members Joan Hite, Kent Rees, Gary Hanson, and Dan Barrett were present. Also present was Chuck Marohn of Community Growth, Chad Katzenberger of S.E.H. and Patricia Kestner, City Clerk.

**COUNCILMEMBER REES MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED WITH THE ADDITIONS OF THE ANNOUNCEMENT OF KENT REES PRESENTATION OF A PLAQUE, OPEN THE CROWN VIC BIDS, DISCUSS A CONSENT AGENDA, APPROVE PAYMENT OF REPAIR OF THE FURNACE IN THE FIRE HALL, AND APPROVE PURCHASE OF A PROGRAMMABLE THERMOSTAT FOR THE CLERK'S OFFICE. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE A MOTION TO APPROVE THE MINUTES FROM THE NOVEMBER 7, 2008 CANVASS BOARD MEETING, NOVEMBER 12, 2008 REGULAR COUNCIL MEETING, NOVEMBER 19, 2008 SPECIAL MEETING, AND DECEMBER 1, 2008 PUBLIC HEARING TRUTH IN TAXATION. COUNCILMEMBER HITE SECONDED. MOTION CARRIED.**

**COUNCILMEMBER HANSON MADE A MOTION TO APPROVE THE NOVEMBER, 2008 FINANCIAL REPORTS, GENERAL SAVINGS \$163,901.12, SPECIAL SAVINGS \$274,995.14, INVESTMENTS \$441,090.43, TOTAL OF \$879,986.69. COUNCILMEMBER HITE SECONDED. MOTION CARRIED.**

Kathy Stenberg spoke to the Council regarding the land exchange requested by Crow Wing County. Kathy and Scott are the property owners of the parcel of land that Crow Wing County would like to use. The Stenberg's would like the tax forfeited property by Buchite Lake. The Stenberg's understand that it will be their responsibility to ask for easements from property owners. **COUNCILMEMBER REES MADE THE MOTION TO APPROVE CROW WING COUNTY'S PROPOSED LAND EXCHANGE INVOLVING TAX FORFEITED LAND ON THE SOUTHEAST SIDE OF BUCHITE LAKE, IN THE CITY OF EMILY, GOV'T LOTS 1 & 2 SECTION 29-T138-R26. COUNCILMEMBER BARRETT SECONDED.** The new owners will have to follow local ordinances. **MOTION CARRIED.**

Chad Katzenberger of S.E.H. reported that the County Road 1 drainage work will start in the Spring of 2009. **COUNCILMEMBER REES MADE THE MOTION TO APPROVE THE REQUIRED DRAINAGE EASEMENT AND 50 FOOT RIGHT OF WAY NECESSARY FOR THE IMPROVEMENT OF THE STORMWATER DRAINAGE. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

**1<sup>ST</sup> RESPONSE:** Chief Guentzel reported there were three calls in November. **COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE TANYA PIERSON AS A 1<sup>ST</sup> RESPONDER PENDING BACKGROUND CHECK, PHYSICAL AND DRUG TEST. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**FIRE DEPARTMENT:** Chief Moritz reported that the fire hall needed a new furnace and explained the additional items that were needed for the new truck. The pull tabs should help with these miscellaneous items. A new grant was sent in for turnout gear. The fire hall also needs a hook up for an electric range and outside lights on the south end of the building.

**PLANNING AND ZONING:** Chuck Marohn presented Resolution 08-25, an Ordinance Amendment addressing signs in residential districts. This resolution adds the following language: In addition to other signs exempted under this Ordinance, a temporary sign is allowed to be placed on private property within, and directly adjacent to, newly platted subdivision for 24 months following final plat approval, or until land use permits have been obtained on 50% of the parcels within the subdivision, whichever comes sooner. The property owner may request a 12 month extension for the temporary sign, to be granted at the discretion of the Planning Commission. Signs erected under this Section shall require a permit and shall not exceed 32 square

December 9, 2008

2

feet in any zone. **COUNCILMEMBER REES MADE THE MOTION TO APPROVE RESOLUTION 08-25. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO PUBLISH THE SUMMARY OF THE SIGN AMENDMENT. COUNCILMEMBER HITE SECONDED.** Fences were brought up for discussion and the permit require for a fence is so the property owner comes in to discuss what is acceptable. **MOTION CARRIED.**

Mr. Marohn also explained the Park Dedication fee that was imposed on Roosevelt Shores was according to State Statue and the City will need to address their policy during the update of the comp plan. Regarding the septic notices that were sent; there are 912 properties to track and the City had no record of 300 of the properties. Now there are only 30 with no record. Of the 270 properties, 15% were non-conforming septic systems.

**PUBLIC FORUM:** No one present to speak.

**POLICE DEPARTMENT:** Chief Bernhjelm reported the department needs a digital recorder, digital camera and vests. Also he will need to go for three hour training on death investigation presented at Breezy Point on December 11, 2008 and firearm qualification. **COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE PURCHASE OF THE VESTS AND AMMO NEEDED FOR THE FIREARM QUALIFICATION. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER HITE MADE THE MOTION TO APPROVE THE PURCHASE OF THE DIGITAL RECORDER AND CAMERA IN JANUARY, 2009. COUNCILMEMBER REES SECONDED AND MOTION CARRIED.**

The bids were opened for the purchase of the 1999 Crown Victoria with a minimum bid of \$1,000.00. The following bids were received:

1. Gary Hite \$1,125.00
2. Al Jensen \$1,005.00
3. D.J. Kertzman \$1,328.92
4. Mark Werner \$1,350.00

**COUNCILMEMBER HITE MADE THE MOTION TO ACCEPT THE BID OF MARK WERNER IN THE AMOUNT OF \$1,350.00 FOR THE PURCHASE OF THE 1999 CROWN VICTORIA. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.**

**ATTORNEY:** No report.

**SCHOOL:** Councilmember Hite stated due to the change of time and date of the board meetings she can not attend and requested Mayor Pepek to assign someone else. The school will need a new sponsor next year.

**COUNCILMEMBER BARRETT MADE THE MOTION TO WAIVE THE FEE FOR RENTAL OF THE CITY'S TABLE AND CHAIRS FOR THE EMILY SCHOOL PARENT GROUP WHO WILL BE HOLDING A TURKEY BINGO. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.**

**CEMETERY:** Councilmember Hite reported there were two lots sold and one burial, Joseph Cowden. Joan Hite will check into costs for a gate to the new cemetery so no more damage will occur.

**CITY HALL:** George reported that Crow Wing Power reported the lights in City Hall were updated in 2002 and they will be writing a heating recommendation.

**PARKS:** Nothing to report.

**WASTEWATER:** Councilmember Kent Rees reported a letter was sent to Ritter and Ritter asking for help in pinpointing where the additional grease from at the time of the jetting in 2009. **COUNCILMEMBER REES MADE THE MOTION TO ACCEPT THE WASTEWATER COMMITTEE INTERPRETATIONS OF THE SEWER ORDINANCE REGARDING SECTIONS 1.34, 1.37, 1.39, & 1.45 AND THE REQUIREMENT OF A GREASE INTERCEPTOR FOR ALL NEW FACILITIES WITH THE INTERCEPTOR LOCATED OUTSIDE OF THE BUILDING. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO WAIVER THE ADDITIONAL CHARGE ON THE FRANK MARTIN SEWER BILL IN THE AMOUNT OF \$22.20 DUE TO POSSIBLE METER ERROR. COUNCILMEMBER REES SECONDED AND MOTION CARRIED.**

**ROADS:** **COUNCILMEMBER GARY HANSON MADE THE MOTION TO ACCEPT SHADOW POINT AS A CITY ROAD WITH SEEDING TO BE DONE IN THE SPRING OF 2009 BY DAN MILLER. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**PERSONNEL:** Will meet with Chuck Marohn before the next Council meeting.

EDA: Business owners are having meetings.

**NEW BUSINESS: COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE RESOLUTION 08-24, ADOPTING THE FINAL TAX LEVY COLLECTIBLE IN 2009.**

<b>GENERAL FUND</b>	<b>\$654,780.00</b>
<b>SEWER FUND</b>	<b>\$ 88,751.00</b>
<b>G.O. PERMANENT IMPROVEMENT</b>	
<b>BOND SERIES 2005A</b>	<b>\$ 23,000.00</b>
<b>G.O. SEWER REVENUE BOND</b>	<b>\$ 64,600.00</b>

**FINAL CERTIFIED PRELIMINARY LEVY TOTAL \$ 831,131.00**  
**COUNCILMEMBER REES SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER HANSON MADE THE MOTION TO CARRY FORWARD ALL ACCUMULATED VACATION TO 2009 FOR TONY STOCKARD DUE TO THE TRAINING OF NEW PERSONNEL. COUNCILMEMBER REES SECONDED. MOTION WAS AMENDED AND SECONDED TO INCLUDED THE VACATION WILL BE CARRIED FOR SIX MONTHS; ON JULY 1, 2009 ANY THAT IS NOT USED WILL BE FORFEITED. MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE CITY CLERK, PAT KESTNER ATTEND THE ALCOHOL AND GAMBLING ENFORCEMENT FREE TRAINING REGARDING LIQUOR LICENSING ON JANUARY 15, 2009 IN ROSEMOUNT WITH REIMBURSEMENT OF MILEAGE. COUNCILMEMBER REES SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER REES MADE THE MOTION TO APPROVE CLOSING ALL CITY OFFICES DECEMBER 26, 2008 AND JANUARY 2, 2009 WITH THE EMPLOYEE OPTION TO USE VACATION PAY FOR THOSE DAYS. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE DEPUTY CLERK, CHRISTA ANDREWS TO ATTEND THE FREE AFTERNOON SESSION OF SYSTEM PLANNING & MANAGEMENT REGARDING THE WASTEWATER SYSTEM HELD IN LITTLE FALLS ON JANUARY 7, 2009 WITH MILEAGE REIMBURSEMENT. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE SENDING NEWLY ELECTED RUSS GUSTAFSON TO THE LEAGUE OF MINNESOTA CITIES LEADERSHIP CONFERENCE IN NISSWA ON JANUARY 9 AND 10, 2009 IN THE AMOUNT OF \$285.00 AND REIMBURSEMENT OF MILEAGE. COUNCILMEMBER REES SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER REES MADE THE MOTION TO TRY A CONSENT AGENDA FOR THREE MEETINGS AND THEN DECIDE IF IT SHOULD BE PERMANENT. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER REES MADE THE MOTION TO APPROVE PAYMENT OF THE HIGH EFFICIENCY BOILER FOR THE FIRE HALL IN THE AMOUNT OF \$6,930.00. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER REES MADE THE MOTION TO APPROVE THE PURCHASE OF A PROGRAMMABLE THERMOSTAT FOR THE CLERK'S OFFICE. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE PAYMENT OF CITY BILLS TOTALING \$215,745.56 WITH FUNDS FROM THE GENERAL FUND TOTALING \$72,000.00 AND SPECIAL SAVINGS TOTALING \$16,085.64 WITH \$10,598.28 COMING FROM SCHOOL SAVINGS, \$2,487.36 FROM FIRE SAVINGS AND \$3,000.00 FROM SEWER FUNDS, ALL TO BE DEPOSITED IN CHECKING. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER REES MADE THE MOTION TO APPROVE THE PURCHASE OF CERTIFICATES OF DEPOSITS FOR FUTURE CITY DEV. FROM THE ECONOMIC DEVELOPMENT CAP. OUTLAY IN THE AMOUNT OF \$3,000, CEMETERY IN THE AMOUNT OF \$1,000.00, SEWER EQUIPMENT REPLACEMENT \$5,000, WITH THE TOTAL CD'S OF \$9,000.00, AMOUNT TO BE TRANSFERRED FROM GENERAL FUND TO CHECKING TO PURCHASE CD'S. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE CASE SENSITIVE DISBURSEMENTS FOR THE YEAR END 2008. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

**COUNCILMEMBER REES MADE THE MOTION TO ADJOURN THE REGULAR COUNCIL MEETING. COUNCILMEMBER HITE SECONDED AND MOTION CARRIED.**

December 9, 2008

4

Meeting adjourned at 10:40 P.M.

Respectfully submitted,

Patricia Kestner  
City Clerk