

**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 8, 2009

The Emily City Council met for a regular meeting on Tuesday, December 8, 2009, in the Council Chambers and it was called to order by Mayor George Pepek at 6:00 PM. Councilmembers Gerhart Hanson, Daniel Barrett, Russ Gustafson, and Bob Swanson were present. Also present was Jeff Ledin of S.E.H., City Attorney Steve Qualley, and City Clerk Patricia Kestner.

COUNCILMEMBER GUSTAFSON MADE A MOTION TO APPROVE THE AGENDA AS PRESENTED. COUNCILMEMBER BARRETT SECONDED. MOTION CARRIED.

COUNCILMEMBER SWANSON MADE A MOTION TO APPROVE THE CONSENT AGENDA WHICH INCLUDED THE MINUTES FROM THE NOVEMBER 10, 2009 REGULAR COUNCIL MEETING; THE FINANCIAL REPORT FROM NOVEMBER 2009, GENERAL SAVINGS \$255,958.62, SPECIAL SAVINGS \$319,403.02, INVESTMENTS \$431,259.24, TOTAL \$1,006,620.91; PAYMENT OF CITY BILLS: \$78,003.94 WITH TRANSFER OF FUNDS GENERAL SAVINGS \$50,000.00 AND SPECIAL SAVINGS \$44,050.00 (\$5,000.00 SEWER PLUS FUNDS RECEIVED FROM PROPERTY TAX \$37,000.00, \$2,050.00 RECYCLING,) TO CHECKING. COUNCILMEMBER GUSTAFSON SECONDED. MOTION CARRIED.

POLICE: Chief Bernhjelm reported there was a meeting in Brainerd, November 12th, to discuss the ARMER radio system and they are working on a radio count for the area. Officer Chad Sherack completed his six month probation. **COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE CHAD SHERACK AS A PERMANENT PART TIME POLICE OFFICER AND TO BRING HIS PAY TO THE SAME AS THE OTHER OFFICERS, \$15.45. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.**

COUNCILMEMBER HANSON MADE A MOTION TO APPROVE THE PURCHASE OF TIRES FOR THE POLICE EXPLORER SPENDING UP TO \$600.00. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE A \$.30 PER HOUR PAY INCREASE TO THE BASE PAY FOR THE POLICE OFFICERS. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO RECESS THE COUNCIL MEETING FOR AN EDA MEETING. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO RECONVENE THE COUNCIL MEETING FROM THE EDA MEETING AT 6:28 P.M. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

FIRE: Dan Barrett read the report written by Chief Moritz.

1ST RESPONSE: Chief Guentzel reported there was one call and the van had a recall and has been repaired. **COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE KEN OFTEDAHL ATTEND THE ARROWHEAD EMS CONFERENCE IN DULUTH AT THE COST OF \$304.00 PLUS TAXES, MEALS AND MILEAGE REIMBURSEMENT. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.** Chief Guentzel also discussed the mandatory requirement of the use of ResQPOD and is working at receiving them at no cost through Take Heart Minnesota.

ROADS: Gary Hanson and Jeff Ledin reported there was a special meeting with MNDOT and Crow Wing County Highway Department regarding vehicles cutting through the café property on the corner of Highway 6 and County Road 1. Jeff Ledin will speak to Planning and Zoning regarding the approve use of that property. MNDOT and CWC Highway will send information regarding crosswalks with the signs on the road like Crosby. Mayor Pepek spoke to the representative from the County and it was decided to wait with the "As Built" for the pond until after this season's snow melts. If there is not a problem the "As Built" drawings do not need to be redrawn.

PUBLIC FORUM: This was also set for the Truth in Taxation. Property owner, Joe Datzman, questioned his 58% increase. The Council explained that Crow Wing County sets the Market Value and that was why his went up so much.

PLANNING & ZONING: Bob Swanson reported there will be a Planning and Zoning Special Meeting on January 6, 2010 at 6:00 P.M. to discuss the comprehensive plan. The on-line survey was used by 51 individuals.

SCHOOL: Russ Gustafson reported a new administrator was hired by the school, there is a leaky roof over the school gym and new students are needed.

CITY HALL: George Pepek reported the new furnace is still coming.

WASTEWATER: Russ Gustafson reported there was a meeting December 2, 2009 and future meetings will be held every other month starting February 15, 2009 at 4:00 P.M.

CEMETERY: Bob Swanson reported there were two lots sold and one burial, Albert Broucek.

PERSONNEL: No report.

ATTORNEY: Attorney Qualley reported that Cities are now required to approve a Cartway for a land locked parcel that is five acres or larger but the City has the right to pick where it will be located. The landlocked parcel owner will have to pay for the land used for the Cartway, City costs, and damages. At a future meeting, the petitioners will need to provide proof that the parcel of land is landlocked and five acres or larger. The petitioner will need to pay Attorney and Engineer fees, surveying costs and appraiser fees. **COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE RESOLUTION 09-17, RESOLUTION SETTING A HEARING UPON PETITION REQUESTING THE ESTABLISHMENT OF A CARTWAY. COUNCILMEMBER HANSON SECONDED.** Discussion included that the property owner of the land the petitioner wants the Cartway is out of State and that the City has the right to pick where the Cartway should be located. **MOTION CARRIED.** Hearing was set for January 12, 2010.

COUNCILMEMBER SWANSON MADE THE MOTION TO APPROVE RESOLUTION 09-18, RESOLUTION REQUIRING A BOND OR OTHER SECURITY ON A CARTWAY PROCEEDING IN THE AMOUNT OF \$5,000.00. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO GRANT POTLATCH A 75 FOOT PERMANENT EASEMENT ALONG CITY PROPERTY WHICH IS USED FOR THE WASTEWATER DRAIN FIELDS AT THE COST OF \$175.00 AND POTLATCH WILL FILE AND PAY THE RECORDING FEES. COUNCILMEMBER GUSTAFSON SECONDED. Discussion included why they need the easement if Potlatch already has an easement from Crow Wing County to the corner of the property. **VOTE TAKEN WITH HANSON, GUSTAFSON AND SWANSON AYE AND BARRETT NAY. MOTION CARRIED BUT NOT UNANIMOUSLY.**

Attorney Qualley does not have a response to the Koch Violation yet. Two Councilmember's met with Tek-Car Metals owners who are optimistic.

MANGANESE: No report.

PARKS: No report.

UNFINISHED BUSINESS: Regarding the bridge maintenance the City should check with the State and County engineers who they use for bridge repairs and have Anderson Brothers correct the dip going downhill to the bridge.

NEW BUSINESS: COUNCILMEMBER SWANSON MADE THE MOTION TO APPROVE RESOLUTION 09-16 A RESOLUTION ADOPTING FINAL TAX LEVY RESOLUTION APPROVING 2009 TAX LEVY, COLLECTIBLE IN 2010. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED. THE FINAL CERTIFIED PRELIMINARY LEVY TOTAL \$839,309.00.

COUNCILMEMBER HANSON MADE THE MOTION TO DENY LAKE COUNTY FOODS THE RENEWAL OF THE 3.2 LIQUOR LICENSE DUE TO THE FACT THE RENEWAL APPLICATION WAS NOT COMPLETE AND THE POLICE CHIEF WOULD NOT SIGN THE FORM. COUNCILMEMBER GUSTAFSON SECONDED. Discussion included Lake County could reapply if they wanted but they would also need the correct dates on the Liquor Liability Certification of Insurance. **VOTE TAKEN WITH HANSON, GUSTAFSON AND SWANSON AYE AND BARRETT ABSTAINED DUE TO A CONFLICT OF INTEREST.**

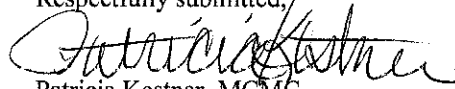
COUNCILMEMBER SWANSON MADE THE MOTION TO APPROVE THE PURCHASE OF THE YEAR END CD'S TOTALING \$48,800.00. FUTURE CITY DEV. FROM THE ECONOMIC DEVELOPMENT CAP. OUTLAY IN THE AMOUNT OF \$3,000.00, CEMETERY IN THE AMOUNT OF \$5,000.00, CITY HALL IN THE AMOUNT OF \$5,000.00, POLICE IN THE AMOUNT OF \$7,000.00, SHOP IN THE AMOUNT OF \$5,000.00, ROADS IN THE AMOUNT OF \$5,500.00, SEWER EQUIPMENT REPLACEMENT \$17,500.00, PARKS \$800.00 (FROM THE GENERAL FUND). COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE CASE SENSITIVE DISBURSEMENTS FOR THE YEAR END 2009. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED. These disbursements are all payables dated 2009 and should be paid in 2009.

COUNCILMEMBER BARRRETT MADE THE MOTION TO ADJOURN AND COUNCILMEMBER HANSON SECONDED. MOTION CARRIED.

Meeting adjourned at 8:17 P.M.

Respectfully submitted,



Patricia Kestner, MCMC
City Clerk