

**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**

August 11, 2009

The Emily City Council met for a regular meeting on Tuesday, August 11, 2009, in the Council Chambers and was called to order by Mayor George Pepek at 6:00 PM. Councilmember Gerhart Hanson, Daniel Barrett, Russ Gustafson, and Bob Swanson were present. Also present was Jeff Ledin of S.E.H. and City Clerk, Patricia Kestner.

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

COUNCILMEMBER BARRETT MADE A MOTION TO APPROVE THE CONSENT AGENDA WHICH INCLUDED THE MINUTES FROM THE JULY 14, 2009 REGULAR COUNCIL MEETING AND THE AUGUST 4, 2009 COUNCIL WORKSHOP; THE FINANCIAL REPORT FROM JULY, 2009, GENERAL SAVINGS \$415,678.50, SPECIAL SAVINGS \$316,393.86, INVESTMENTS \$430,716.97, TOTAL \$1,162,789.33; PAYMENT OF CITY BILLS: \$95,361.65 WITH TRANSFER OF FUNDS GENERAL SAVINGS \$55,000.00 AND SPECIAL SAVINGS \$5,736.59 (358.00 SCHOOL, \$378.59 FIRE, \$3,000.00 SEWER, \$2,000.00 RECYCLING,) TO CHECKING. COUNCILMEMBER GUSTAFSON SECONDED. MOTION CARRIED.

FIRE: Chief Randy Moritz reported the July meeting had 20 of 24 fire fighters in attendance. The fire association donated \$1,500.00 to the 1st Responders. (City Clerk stated the office has not received as of 8/11/09) **COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE SPENDING UP TO \$4,100.00 FOR (24) TURN OUT FLASH LIGHTS IN THE AMOUNT OF \$720, (5) HELMET FLASH LIGHTS IN THE AMOUNT OF \$155, (10) SPANNER WRENCHES IN THE AMOUNT OF \$170, (5) EQUIPMENT BAGS IN THE AMOUNT OF \$200, (3) I.D. TAGS IN THE AMOUNT OF \$30, A GEAR CART IN THE AMOUNT OF \$825.00, A GAS DETECTOR UP TO \$1,500, LETTERS FOR HELMETS IN THE AMOUNT OF \$200 AND THE PALISADE FIREMEN'S COMPETITION \$300.00. COUNCILMEMBER SWANSON SECONDED. GUSTAFSON, SWANSON AND BARRETT VOTED AYE AND HANSON ABSTAINED BECAUSE HE DID NOT HEAR THE WHOLE LIST.**

1ST RESPONSE: Mariann Guentzel reported the 1st Responders will use the donation from the Fire Association to purchase equipment bags. **COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE 1ST RESPONDERS TO PURCHASE TEN EQUIPMENT BAGS FROM BOUNDTREE SPENDING UP TO \$2,500.00. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.**

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO APPROVE THE 1ST RESPONDERS TO PURCHASE FOUR JACKETS AND FOUR GOLF SHIRTS FOR THE NEW RESPONDERS SPENDING UP TO \$340.00. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.

POLICE: Chief Bernhjelm reported the big event for the Emily Day and there is a meeting set for August 17, 2009 with Personnel to discuss the radios.

ROADS: Jeff Ledin of S.E.H. reported the Roads Committee meeting took place before the Council meeting. The Culvert work on County Road 1 is in progress. The extra fill from this project is to be moved to the Lake Emily Dam and bridge area. **COUNCILMEMBER SWANSON MADE THE MOTION TO APPROVE SPENDING \$1,512.50 FOR THE INSTALLATION OF THE SILT FENCE ON DAM ROAD. COUNCILMEMBER BARRETT SECONDED AND MOTION CARRIED.**

Mr. Ledin is looking at other funds to cover the cost of the bridge repair for the bridge at Blue Lake Road. Next month there will be a report on the financing for the sewer extension. Mr. Ledin suggested looking at traffic flow and safety at County Road 1 and Highway 6. Mayor Pepek will speak to Ken Larson of MNDOT. The area along Shadow Point will be corrected by making it shallow.

PUBLIC FORUM: Councilmember Gustafson received comments regarding the white truck that is parked on private property on County Road 1 and has been there for years. Also, wondering if the sign at Yost Road regarding the Wastewater construction could be removed.

PLANNING & ZONING: Bob Swanson reported the Planning Commission held two public hearings in August and forwarded to the council the Final Plat of Starry Acres. The City received a copy of the title opinion from Mr. Starry's Attorney but have not heard from the City Attorney. This was the only condition and since it was not met can not recommend approval. Discussion will be included at the Special Meeting for the budget.

WASTEWATER: Russ Gustafson reported there was a meeting of the committee in July. There is a broken pipe that needs to be fixed at the North 3 RIB. Meetings will be the last Wednesday of every month.

SCHOOL: Russ Gustafson reported the school is fund raising especially at Redding's Sport and Spirit.

CEMETERY: Bob Swanson reported there were two burials, Rex Stiner and George Heglund. **COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE INSTALLATION OF A PAIR OF GATES WITH A LOCKING MECHANISM PURCHASED FROM OBERG FENCING IN THE AMOUNT OF \$475.00. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.** Councilmember Swanson also thanked the maintenance department for the upkeep of the Cemetery.

PERSONNEL: There will be a meeting August 17, 2009 at 4:00 P.M.

PARKS: George Pepek reported the dugouts have been painted by Sentence to Serve. **COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE THE PURCHASE OF A REPLACEMENT SIGN FOR THE EMILY PARK AND A SECOND SIGN FOR THE WEST SIDE OF EMILY PARK FROM SIGNSPOT IN THE AMOUNT OF \$1,100.00. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.**

COUNCILMEMBER HANSON MADE THE MOTION TO APPROVE THE PURCHASE OF TEN (10) 6 FOOT RESIN POLYPROPYLENE PICNIC TABLES FROM ONE STOP SHOP CATALOG IN THE AMOUNT OF \$1,949.99. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED. Sales tax forms will need to be filed.

COUNCILMEMBER BARRETT MADE THE MOTION TO RESCIND THE JUNE 9, 2009 MOTION TO PURCHASE TWO (2) ADA TABLES. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO PURCHASE FIVE (5) TRASH CONTAINERS FROM HIGHLAND PRODUCTS GROUP AT THE COST OF \$134.00 EACH, PLUS SHIPPING. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED. Sales tax forms will have to be filed.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE CHERYL SWANSON TO OBTAIN FINAL ESTIMATES FOR AN ASPHALT PATHWAY AROUND AND THROUGH THE EMILY CITY PARK USING PARK DEDICATION FUNDS. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

EDA: No report.

ATTORNEY: No report.

CITY HALL: George Pepek reported the savings from dual fuel does not justify the cost. **COUNCILMEMBER BARRETT MADE THE MOTION TO REPLACE THE OIL FURNACE WITH A PROPANE 85% EFFICIENT FURNACE SPENDING UP TO \$2,200.00. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.** It was suggested to have the peplum rough in for a heater.

MANGANESE: George Pepek stated there was nothing to report. It was suggested the City Clerk attend the committee meetings so minutes could be written.

UNFINISHED BUSINESS: Randy Moritz presented their suggestion for the change to the TIF agreement. Mr. Moritz would like to find some kind of agreement. He claims it was not a 55 and older agreement but was senior housing. Also claimed it is illegal to state an age. After much discussion Mr. Moritz would like to open his TIF development to anyone for the full 26 years. The Council will look at this during the budget meeting to be set at the end of the month of August.

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COUNCILMEMBER SWANSON MADE THE MOTION TO APPROVE THE EMPLOYEE RIGHT TO KNOW POLICY AS A CITY POLICY. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

NEW BUSINESS: Crow Wing county SSTS committee representative, Kent Rees, presented Article 37, a draft rewrite regarding SSTS systems. Comments need to be received by September 15, 2009

The council set the budget meeting dates for August 25, 2009 at 5:00 P.M. and the continuation on August 31, 2009 at 6:00 P.M.

COUNCILMEMBER GUSTAFSON MADE THE MOTION TO WRITE OFF THE INVOICE TO LAURA LECKBAND, HAUSWERKS ARCHITECTS & BUILDERS, DATED AUGUST 13, 2008. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED. The City will write a letter to S.E.H. reminding them to obtain authorization from the City if a resident would like information and S.E.H. plans to invoice the City for the time.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE RESOLUTION 09-12 DECERTIFYING TAX INCREMENT FINANCIAL DISTRICT 1-1, SCOTT'S LAKE COUNTRY FOODS AS OF JULY 31, 2009. COUNCILMEMBER HANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE 40 HOURS OF COMMUNITY SERVICE FOR THE CITY PERFORMED BY ANDREW WIELAND. COUNCILMEMBER SWANSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO SIGN A LETTER STATING THERE WOULD BE NO CONFLICT OF INTEREST FOR KENNEDY & GRAVEN TO REPRESENT CROW WING POWER DEALING WITH THE MANGANESE MINING. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

COUNCILMEMBER BARRETT MADE THE MOTION TO APPROVE PRORATING ALL WORK EARNED ITEMS SUCH AS, VACATION, SICK LEAVE, CITY PAID INSURANCE, AND THE WORK RELATED CLOTHING REIMBURSEMENT, IF AN EMPLOYEE TAKES TIME OFF WITHOUT PAY WHICH WAS NOT CITY REQUESTED. COUNCILMEMBER GUSTAFSON SECONDED AND MOTION CARRIED.

Meeting adjourned at 8:12 P.M.

Respectfully submitted,



Patricia Kestner, MCMC
City Clerk