



**Freeport City Council  
Regular Meeting Agenda  
Freeport City Hall  
September 24, 2013 - 7:00 p.m.**

Public Hearing: Xcel Variance Requests (lot size & setbacks)

1. Call to Order
2. Open Public Forum
3. Consent Agenda
  - a. Approval of the agenda; and
  - b. Approval of August 27, 2013 regular meeting minutes; and
  - c. Approval of September 17, 2013 special meeting minutes; and
  - d. Approval of claims distributed: August 26, 2013 (\$13,550.15); September 3, 2013 (\$29,070.34); September 9, 2013 (\$14,095.19); and September 16, 2013 (\$5,014.82)

***Action: Motion to approve consent agenda***
4. Reports (Informational Only)
  - a. Engineer
  - b. Public Works Director
  - c. Clerk-Treasurer (include EDA August meeting minutes)
5. Old Business
  - a. 2011 Insurance Claim
  - b. Famo Feed, Inc. Tax Abatement Default Update
6. New Business
  - a. Resolution 2013-021 (allow creation of a lot less than 10 acres in size)  
***Action: Motion to approve Resolution 2013-021***
  - b. Resolution 2013-022 (minor subdivision of a single lot into two lots)  
***Action: Motion to approve Resolution 2013-022***
  - c. Resolution 2013-023 (allow construction in front setback)  
***Action: Motion to approve Resolution 2013-023***
  - d. Xcel Distribution Plans (presentation by Mark Osendorf, Xcel Community Relations)
  - e. 2012 Audit presentation (audit report distributed last month, bring along to this meeting)  
***Action: Motion to accept the 2012 Audit Report***
  - f. City Code 500.45 (regarding fences)  
***Action: Motion authorizing an ordinance to be prepared and a public hearing to be scheduled***
  - g. Wellhead Protection Plan Proposals  
***Action: Motion to accept the proposal submitted by (Insert Company Name)***
  - h. Purchasing Policy (no information in packet, to be provided during meeting)
  - i. Quarterly Financial Report
  - j. Closed Session (Employee Performance Evaluation of Clerk-Treasurer, Mason Schirmer)  
***Action to close meeting: Motion to close the meeting in accordance with MN Statue 13D.01***  
***Subd. 3 to evaluate the performance of Clerk-Treasurer Mason Schirmer***

*Action upon reopening meeting: "Council evaluated the performance of Clerk-Treasurer Mason Schirmer and found his performance to be (Insert Comment)."*

7. Adjournment

Upcoming Meeting(s):

Budget Workshop Special Meeting - October 8, 2013 at 6:00 PM

Regular City Council Meeting – October 29, 2013 at 7:00 PM

FREEPORT CITY COUNCIL  
REGULAR MEETING MINUTES  
August 27, 2013

A regular meeting of the Freeport City Council was convened at 7:00 P.M. by Mayor Matt Worms with Council Members Carrie Goebel, Ron Ritter, Ken Goebel and Rodney Atkinson present.

Also in attendance: Carol Moorman, Jon Beste (Famo Feed, Inc.), Matthew Beste, Mike Brethorst (MAOSC Board Member), Fritz Laing, and Gerald Meyer (Mid Central Heating & AC).

Staff in attendance: Mason Schirmer and Jon Stueve.

The Pledge of Allegiance was said by those in attendance.

OPEN PUBLIC FORUM

No public comment was provided.

CONSENT AGENDA

C. Goebel asked for Approval of Claims be removed from the consent agenda and discussed during the Clerk's Report. Schirmer recommended the following agenda changes: 1) Move-up Public Works Director's report to follow Public Hearing; and 2) Move-up Michael Brethorst presentation to follow Public Works Director's report. C. Goebel moved and Ritter seconded a motion to approve the consent agenda with the above agenda corrections. Motion carried 5-0.

PUBLIC HEARING (Variance requested at 300 Industrial Drive)

Worms moved and K. Goebel seconded a motion to open the public hearing. Motion carried 5-0. Public hearing opened at 7:02 PM.

Schirmer presented a variance request from Gerald Meyer (dba Mid Central Heating & AC) to allow a nine-foot (9') high fence at 300 Industrial Drive. Schirmer said the applicant wants to construct a fence using wood poles and sheet steel. Schirmer said Freeport City Code 500.45 limits fence height to eight feet (8') high. Schirmer presented a memo from Cynthia Smith-Strack of Municipal Development Group, Inc. (MDG) recommending denial of the variance request. Meyer said the additional height would ensure his service vehicles are concealed.

Worms said that there is no guarantee that a future service vehicle will not exceed nine feet in height. Meyer said he also stores scrap steel and other recyclables of value on the property, and that the fence would deter theft. In referring to the memo from MDG, Schirmer said Minnesota Statute requires communities to consider if the plight of the landowner is due to circumstances unique to the property not created by the landowner. Atkinson said he is in favor of nine-foot, ten-foot, or even twelve-foot high fences in I-1 Industrial Zones. Atkinson suggested that the ordinance is out of date and should be reviewed. Worms said a solid fence made of wood and sheet steel will be significantly impacted by wind. Worms said he is not in favor of eight-foot high solid fences now. Worms said eight feet is too tall for a fence since it obstructs views and changes the essential character of an area.

C. Goebel moved and K. Goebel seconded a motion to close the public hearing. Motion carried 5-0. Public hearing closed at 7:20 PM.

#### ITEMS MOVED-UP ON AGENDA

##### Report from Public Works Director

Stueve said he received an estimate of \$5,000 to repair portions of the street surfaces on 3<sup>rd</sup> Ave NE, 7<sup>th</sup> St SE, Main St W, and 2<sup>nd</sup> AVE NE. Stueve said he also received an estimate of \$6,327.50 to repair the service road between 4<sup>th</sup> Ave SW and the new water tower, an expense that would be paid for with remaining USDA funding. C. Goebel moved and Atkinson seconded a motion to authorize the street repairs of \$5,000 and service road repairs of \$6,327.50. Motion carried 5-0.

##### Presentation from Mike Brethorst, MAOSC Board Member

Brethorst presented information on the mission of Minnesota Association of Small Cities. Brethorst shared a list of member cities and emphasized that the focus of the MAOSC is to support communities with populations of 5,000 or less. Council agreed to include the membership fee in the upcoming 2014 budget workshop discussion.

#### OLD BUSINESS

##### Fire Hall Door Replacement

Schirmer said that during the previous meeting the City had received estimates from two companies for the replacement of the Fire Hall overhead doors. Schirmer said that following the previous council meeting, he found that the estimates were for doors with slightly different r-factors (insulation rating). Schirmer asked Council which door they prefer; further, Schirmer said if Council would like to add a second window to each door they could do so at a cost of \$400 since this would not be covered by insurance (it would be an enhancement). C. Goebel moved and K. Goebel seconded a motion approving the proposal submitted by Heartland Door Sales with the addition of a second window to each door. Motion carried 5-0.

#### NEW BUSINESS

##### Gerald Meyer Variance Request

Worms moved and K. Goebel seconded a motion to deny the variance request to construct a fence nine-foot in height at 300 Industrial Drive. Motion carried 5-0.

##### Famo Feed Tax Abatement Default

Worms said he is abstaining from discussion and decision. Worms said his business (Worms Ready Mix) received payment from Famo Feed, Inc. for services provided related to the new improvement in question. Worms left the room.

Schirmer said Famo Feed, Inc.(aka the company) is in default according to the tax abatement agreement entered into with the City of Freeport July 27, 2010. Schirmer presented Article V Section 5.1 stating, "the company agrees that the minimum improvements shall be a minimum value for taxation purposes of at least \$336,000 upon completion." Schirmer presented the 2013 property tax statement for the property which shows improvements totaling \$308,700. Schirmer said he confirmed with Rinke Noonan Law Firm, that the company is in default. Schirmer

presented Article VIII Section 8.2 regarding remedies on default and said according to Rinke Noonan law firm the City does not need to negotiate with the company and can take any action the City believes is appropriate. J. Beste said the building construction cost exceeded \$400,000. Schirmer said the agreement states “value for taxation purposes,” not project cost. Schirmer recommended reducing tax abatement by an amount equal to the decrease in tax liability from building a lesser valued building. Schirmer said Stearns County Senior Appraiser Steve Chmielewski estimated the lesser value building resulted in the company having a decrease in tax liability of \$1,221; as a result, Schirmer recommended decreasing the yearly \$4,000 tax abatement by \$1,221 to \$2,779 resulting in a total tax abatement of \$27,790 instead of \$40,000. Atkinson moved and K. Goebel seconded a motion to approve amending the tax abatement agreement stating a reduction in total tax abatement to \$27,790. Motion carried 4-0. Atkinson said he feels more information is needed. C. Goebel agreed that more information would be appreciated. Atkinson moved and K. Goebel seconded a motion to rescind the previous motion and schedule a special meeting to discuss the matter on Tuesday, September 17, 2013 to begin at 7pm in the Freeport City Hall. Motion carried 4-0. Previous motion null.

Worms returned to the meeting.

#### Wellhead Protection

K. Goebel moved and C. Goebel seconded a summary motion to: 1) appoint Public Works Director Jon Stueve and Clerk-Treasurer Mason Schirmer co-wellhead protection managers; 2) appoint Jon Stueve (Public Works Director), Mason Schirmer (Clerk-Treasurer), Matt Worms (Mayor), Rodney Atkinson (Councilor) and Drinking Water Supply Management Area (DWSMA) volunteers Jon Wilwerding, Pete Welle and Dennis Heidgerken to the Wellhead Protection Committee; and 3) authorize a request for proposals (RFP) to be used in the selection of a qualified consulting firm to assist the City with completing a wellhead protection plan. Motion carried 5-0.

#### 2014 Proposed Budget and Tax Levy

Schirmer presented a proposed 2014 budget and tax levy. Atkinson asked how much money is the City certified to receive in Local Government Aid (LGA). Schirmer said the city is certified to receive \$108,215; however the proposed budget only includes \$71,650 (66%) to help account for any potential decreases that may occur. C. Goebel moved and K. Goebel seconded a motion to approve Resolution 2013-020 A Resolution Adopting Proposed 2014 Budget and Ordering Certification of Proposed 2014 Tax Levy To County Auditor. Motion carried 5-0.

Schirmer suggested scheduling a budget workshop meeting. Council approved scheduling a special meeting to discuss the 2014 budget and tax levy on October 8, 2013 to begin at 6 PM at the Freeport City Hall.

#### Fire Department, Chief Position

Schirmer said Chief Noah Van Beck announced he will not be seeking re-appointment as Chief.

#### Old Water Tower

Schirmer presented comments received from the public regarding the old water tower. Schirmer said almost all comments expressed strong support for keeping the water tower. Schirmer said he

is still waiting for direction on what to do with the old water tower. Atkinson suggested creating a committee of volunteers to help fundraise. Council agreed to leave the old water tower standing.

#### LBAE Training

Schirmer said Local Board of Appeal and Equalization training will be held 11/13/13 in Waite Park if anybody is interested in attending.

#### Other

Atkinson said he did not agree with how the City presently pays bills. Atkinson said he does not agree with paying bills before council approves them. Atkinson said there was an instance in the past when a bill was paid that should not have been. Schirmer asked council if the claim in question was approved. Worms said the claim was approved. Atkinson said he knows the claim was approved; however, he feels it should not have been and said he wants to know what would happen if a claim was paid yet not approved. Schirmer said he has asked the League of Minnesota Cities (LMC) for information on how other cities pay their bills. Atkinson said it needs to change now and that the City does not need to wait for the LMC to do so. Schirmer reminded council that the advice from the LMC is free and that the discussion was not on the agenda. Schirmer said it is his recommendation to wait for more information before taking action on such a sensitive matter. Worms said past councils reviewed each line item on all the bills before approving payment; as a result, council meetings would last until midnight and all bills would be approved anyways. Worms said it is a responsibility of the Clerk-Treasurer to review all bills before paying. Atkinson said he just doesn't think it is right and it should be changed. Schirmer asked Atkinson if a decision must be made immediately, or can it wait until more information is received. Worms asked if a list of vendors and the funds used to pay each could be created. C. Goebel asked if bills could be preapproved for certain purchases but other purchases would need council review. Schirmer said he would look into the bill paying process.

#### REPORTS

##### Clerk-Treasurer

Schirmer said the workers compensation audit was completed earlier this month, as well as the 2012 Audit. Schirmer presented council with a copy of the audit and the management letter and said Steve from Abdo, Eck and Meyer (the auditing firm) will be at the September regular City Council meeting to answer any questions. Schirmer recommended reviewing the document prior to the meeting. Schirmer presented the minutes of the July Economic Development Authority meeting.

C. Goebel moved and Ritter seconded a motion to approve claims distributed 7/31/13 through 8/12/13. Motion carried 5-0.

#### CLOSED SESSION

K. Goebel moved and Atkinson seconded a motion to close the city council meeting on advice from council. Motion carried 5-0. Meeting closed at 10:15 P.M.

C. Goebel moved and Ritter seconded a motion to reopen the city council meeting. Motion carried 5-0. Meeting reopened at 10:29 P.M.

ADJOURNMENT

Worms moved and C. Goebel seconded a motion to adjourn. Motion carried 5-0. Meeting adjourned at 10:30 P.M.

---

Mason Schirmer, City Clerk

---

Matthew H. Worms, Mayor

UNOFFICIAL

FREEPORT CITY COUNCIL  
SPECIAL MEETING MINUTES  
September 17, 2013

A special meeting of the Freeport City Council was convened at 7:00 P.M. by Mayor Matt Worms with Council Members Carrie Goebel, Ron Ritter, Ken Goebel and Rodney Atkinson present.

Also in attendance: Carol Moorman (Melrose Beacon), Jim Hemker (EDA), Andy Welle (EDA) and Todd Hagen (Ehlers).

Staff in attendance: Mason Schirmer.

The Pledge of Allegiance was said by those in attendance.

FAMO FEED, INC. TAX ABATEMENT DEFAULT

Worms said Famo Feed, Inc. did not meet obligations agreed to within a tax abatement agreement entered into with the City of Freeport July 27, 2010, in-turn rendering Famo Feed, Inc (aka The Company) in default. Worms said the special meeting was called to address the default. Worms said his company (Worms Ready Mix) was hired by Famo and was involved in the construction of the building addition. Worms said he would abstain from discussion and voting on the matter. Worms left the council table and sat in the audience. C. Goebel became presiding officer.

Schirmer said that during the Monday, September 16, 2013 regular meeting of the Freeport Economic Development Authority (EDA), the EDA unanimously approved (with Mayor Matt Worms abstaining) a motion to recommend to the City of Freeport termination of the tax abatement agreement with Famo Feed, Inc.

Hagen introduced himself and provided a brief explanation on what tax abatement is and how it compares to tax increment financing. Hagen said he worked on the original tax abatement analysis for the agreement being discussed. Hagen said he was volunteering his time on this matter.

K. Goebel asked Hagen if tax abatement fluctuates. Hagen said a fixed amount is typically agreed-upon; however, the abatement will decrease if valuation for taxation purposes decreases.

Hemker introduced himself and Welle, stating they are present on behalf of the Freeport Economic Development Authority (EDA). Hemker asked Hagen if cities use policies and procedures for evaluating tax abatement requests. Hagen said is aware of other communities that have such a policy.

Hemker said the EDA wants to ensure the tax abatement process is thorough, consistent and appropriate. Hagen said a policy can range from simple to complex. Hagen said he would provide the city with a model template for review. Hagen said business subsidies must use a policy.



Hemker asked how financial need is determined. Hagen said he uses a 'beyond the but-for test' to analyze an application to determine an amount that is large enough to meet the applicants needs but not excessive.

C. Goebel read the city's three options, as per Article VIII Section 8.2 of the tax abatement agreement. K. Goebel moved and Ritter seconded a motion to provide Famo Feed, Inc. with a notice of default and to terminate the tax abatement agreement if the event of default has not been cured by the Company within thirty (30) days. Atkinson asked to use a roll call vote. Schirmer read the name of each council member and recorded their responses as follows: Atkinson-aye, C. Goebel-aye, K-Goebel-aye, Ritter-aye, and Worms-abstained. Motion carried.

#### ADJOURNMENT

C. Goebel moved and K. Goebel seconded a motion to adjourn. Motion carried 5-0. Meeting adjourned at 7:36 P.M.

---

Mason Schirmer, City Clerk

---

Matthew H. Worms, Mayor

1069-1078

08/26/13  
10:36:39CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 8/13Page: 1 of 2  
Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line S	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
1078		70 CENTERPOINT ENERGY	32.73					
	08/19/13	Fire Hall	19.24			225 42200	382	10100
	08/19/13	Maintenance Building	13.49			101 43100	382	10100
		Total for Vendor:	32.73					
1069		207 INFRA TECH	4,000.45			<b>415</b> <b>43100</b> <b>510</b>		
	1300316 07/19/13	Locator Kit	4,000.45*			<del>601</del> <del>43225</del> <del>210</del>		10100
		Total for Vendor:	4,000.45					
1070		255 LAWRENCE SHREFFLER	5,024.00					
	628490 08/19/13	Cracksealing	5,024.00*			101 43100	225	10100
		Total for Vendor:	5,024.00					
1076		277 MAYERS EXCAVATING, INC.	1,850.00					
	2947 07/31/13	Dig in manhole and drain line	1,500.00			415 43100	510	10100
	2948 07/31/13	Raise manhole	350.00			415 43100	510	10100
		Total for Vendor:	1,850.00					
1071		294 MID CENTRAL HEATING & A/C, INC.	905.47			<b>409</b> <b>49240</b> <b>366</b>		
	189820 07/31/13	Fire Hall-air conditioner	140.00			<del>225</del> <del>43200</del> <del>382</del>		10100
	189834 08/14/13	Flashing, storm callars, chimne	765.47*			<del>101</del> <del>43100</del> <del>382</del>		10100
		Total for Vendor:	905.47			<b>409</b> <b>49240</b> <b>366</b>		
1072		562 MINNESOTA DEPARTMENT OF HEALTH	450.00					
	08/14/13	Quarterly Connection fee	450.00			601 43225	431	10100
		Total for Vendor:	450.00					
1074		309 MINNESOTA LIFE INSURANCE CO.	4.00					
	08/14/13	Mason Schirmer	2.00			101 41400	131	10100
	08/14/13	Jon Stueve	2.00			101 43000	131	10100
		Total for Vendor:	4.00					
1075		311 MINNESOTA NATIVE LANDSCAPES	1,125.00			<b>602</b> <b>43250</b>		
	9521 08/14/13	Wetland mitigation area monito	1,125.00*			<del>411</del> <del>43100</del>	300	10100
		Total for Vendor:	1,125.00					
1073		336 MUNICIPAL DEVELOPMENT GROUP,	120.00					
	FRE081513 08/15/13	Harms Variance Request Memo	120.00			101 41800	300	10100
		Total for Vendor:	120.00					
1077		567 TRI-STATE PUMP & CONTROL INC	38.50					
	34355B 07/18/13	Revised sales tax	38.50*			602 43250	300	10100
		Total for Vendor:	38.50					
Total:			13,550.15					

Authorized by:



MS

1079-1087

09/03/13  
10:42:19CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 9/13Page: 1 of 2  
Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
1084		6 ABDO, EICK & MEYERS, LLP	21,222.44					
	315153	08/22/13 Audit-single audit act/review	2,614.44			101 41500	301	10100
	315153	08/22/13 Audit-per agreement/converting	18,608.00*			415 43100	300	10100
		Total for Vendor:	21,222.44					
1080		15 ALBANY MUTUAL TELEPHONE	370.81					
	10143411	09/01/13 836-2112	79.59			101 41000	320	10100
	10143508	09/01/13 836-2278	67.08			101 43100	320	10100
	10143990	09/01/13 836-7158	39.81			101 41000	320	10100
	10143568	09/01/13 836-2411/2413	75.51			225 42200	320	10100
	10143412	09/01/13 836-2116	70.93			101 41000	320	10100
	10143740	09/01/13 836-2685	18.95			601 43225	320	10100
	10143740	09/01/13 836-2685	18.94			602 43250	320	10100
		Total for Vendor:	370.81					
1082		560 BOYER TRUCKS	14.98					
	133362R	08/21/13 Ziptie/Sealed BEA	14.98			225 42200	220	10100
		Total for Vendor:	14.98					
1079		76 CENTRAL MINNESOTA CREDIT UNION	1,189.97					
	07/01/13	Beacon	1.15*			101 41000	433	10100
	07/03/13	USPS	118.50			601 43225	200	10100
	07/03/13	USPS	118.50			602 43250	200	10100
	07/08/13	Department of Labor	285.37			101 42050	436	10100
	07/10/13	USPS	7.45			601 43225	200	10100
	07/18/13	Lighting Supply	156.35*			101 41000	220	10100
	07/20/13	Albany Fleet-Saw Chain	25.61			101 43100	220	10100
	07/25/13	Fedex-Brochure	95.78			300 46500	430	10100
		AmericInn	311.52*			101 43000	330	10100
	07/30/13	USPS	10.37			601 43225	200	10100
		Target- Ink	59.37*			225 42200	430	10100
		Total for Vendor:	1,189.97					
1086		572 ENGINE 11 COMPANY	5,000.00					
	308	08/23/13 Argus MI-TIC 160x120 3 button	5,000.00*			225 42200	210	10100
		Total for Vendor:	5,000.00					
1087		219 JOANN TIMP	136.80					
	09/03/13	Office Cleaning	136.80*			101 41000	300	10100
		Total for Vendor:	136.80					
1085		268 MARC	138.32					
	0504078-IM	08/22/13 Melt-a-way	138.32			101 43100	210	10100
		Total for Vendor:	138.32					

9/03/13  
10:42:19

CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 9/13

Page: 2 of 2  
Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
1081		437 STAR PUBLICATIONS LLC	883.08					
	129134	08/29/13 Public Hearing-Aug 27, 2013	38.88			101 41800	350	10100
	129134	08/29/13 Beacon Legal Ad	844.20*			101 41000	350	10100
		Total for Vendor:	883.08					
1083		510 VERIZON WIRELESS	113.94					
	9710150665	08/19/13 Cell Phone	113.94			101 43100	320	10100
		Total for Vendor:	113.94					
		Total:	29,070.34					
			29,070.34					

Approved by: 

MS

09/09/13  
13:35:49

CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 9/13

Page: 1 of 3  
Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
1088		25 AMERIPRIDE LINEN & APPAREL	46.71					
	2200421041	09/06/13 Monthly Service	46.71*			101 41000	<del>410</del> 300	10100
		Total for Vendor:	46.71					
1090		76 CENTRAL MINNESOTA CREDIT UNION	951.10					
	08/31/13	USPS	21.90			601 <del>42000</del>	200	10100
	08/31/13	Schmidty's-fuel	58.02			101 43100	215	10100
	07/31/13	Schmidty's-multch	149.48*			101 45200	210	10100
	08/31/13	Beacon	1.35*			101 41000	433	10100
	08/31/13	Fleet Farm-Boots	169.98			101 43000	240	10100
	08/31/13	USPS	99.00			601 43225	200	10100
	08/31/13	USPS	99.00*			602 43250	200	10100
	08/31/13	Fire Dept-Galls Intern	219.98*			225 42200	210	10100
	08/31/13	Albany Fleet-Cleaning Supplies	44.13			101 41000	<del>220</del> 220	10100
	08/31/13	Fleet Farm-Fire Dept cleaning	15.87*			225 42200	<del>220</del> 220	10100
	08/31/13	USPS	2.92			601 <del>43225</del>	200	10100
	08/31/13	Albany Fleet-mowing supplies	53.35*			101 45200	220	10100
	08/31/13	Interest Charge	16.12			101 41000	430	10100
		Total for Vendor:	951.10					
1089		107 DANNY'S DISPOSAL & RECYCLING,	420.89					
	09/01/13	Fire-Trash & Recycling	29.09			225 42200	383	10100
	09/01/13	City Hall-Reshingling dumpster	295.80*			409 49240	366	10100
	09/01/13	City-Trash & Recycling	96.00*			101 43100	383	10100
		Total for Vendor:	420.89					
1091		145 FINKEN WATER CENTERS	16.03					
	2705592	09/01/13 Metered Rental Water Softener	16.03			101 41000	410	10100
		Total for Vendor:	16.03					
1092		174 GOPHER STATE ONE CALL, INC.	27.55					
	78391	08/31/13 Email Tickets	27.55			601 43225	300	10100
		Total for Vendor:	27.55			13.78 13.77 602	43250 300	
1093		184 HACH COMPANY	105.95					
	8463882	09/04/13 Fluoride/Accuvacs	105.95*			601 43225	210	10100
		Total for Vendor:	105.95					
1094		189 HEALTH PARTNERS	1,395.40					
	09/05/13	Mason Schirmer	729.60			101 41400	130	10100
	09/05/13	Jon Stueve	665.80			101 43000	130	10100
		Total for Vendor:	1,395.40					

09/13  
13:35:49


CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 9/13

Page: 2 of 3  
Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$	PO #	Fund Org Acct	Object Proj	Cash
		Invoice #/Inv Date/Description	Line \$					Account
1095		194 HENNEN LUMBER CO, INC.	6,662.90					
		08/31/13 City Hall	6,662.90*					
		Total for Vendor:	6,662.90					
1096		257 LEAGUE OF MN CITES INSURANCE	384.00					
		25795 08/29/13 Final Audit	384.00					
		Total for Vendor:	384.00					
1097		336 MUNICIPAL DEVELOPMENT GROUP,	140.00					
		FRE090413 09/03/13 Service regard fence/pole s	140.00*					
		Total for Vendor:	140.00					
1098		604 PLUNKETT'S PEST CONTROL	122.91					
		3803310 07/31/13 stinging insect control	122.91*					
		Total for Vendor:	122.91					
1099		377 PREFERRED CONTROLS CORP.	343.34					
		1478 09/03/13 Replaced UPS @ Tower Well	343.34					
		Total for Vendor:	343.34					
1100		387 RAHNS OIL & PROPANE, INC	409.93					
		08/31/13 Fire Dept Fuel	203.82					
		08/31/13 City Fuel	170.45					
		08/31/13 EDA	35.66					
		Total for Vendor:	409.93					
1101		418 SEH, INC.	1,336.35					
		272126 08/20/13 Engineering	1,336.35*					
		Total for Vendor:	1,336.35					
1102		525 XCEL ENERGY	1,732.13					
		382153912 09/04/13 302188142	320.05*					
		09/04/13 302252262	59.12					
		09/04/13 302290398	296.23*					
		09/04/13 302679657	48.13					
		09/04/13 302700297	23.51					
		09/04/13 302947004	281.17*					
		09/04/13 303193187	19.40					
		09/04/13 303616049	83.46					
		09/04/13 303936749	37.94					
		09/04/13 303956738	304.96					
		09/04/13 303963984	197.06					
		09/04/13 303985901	30.12					
		09/04/13 304083816	13.05					
		09/04/13 304098414	17.93					
		Total for Vendor:	1,732.13					

Total: 14,095.19

Approved by: 

MS

1104-1107

09/16/13  
08:59:20CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 9/13Page: 1 of 1  
Report ID: AP100

\* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$				Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account
1104	228 JON STUEVE	2.46					
	09/09/13 Distilled Water-water sampling	2.46*			601 43225	210	10100
1105	596 MASON SCHIRMER	181.23					
	UofM Mtg & Budget to county	108.08*			101 41400	335	10100
	Robert's Rules of Order	17.85			101 41000	210	10100
	food reimb	7.85*			101 41400	335	10100
	Water & waste water samples	3.73*			602 43250	200	10100
	Water & waste water samples	3.72			601 43225	200	10100
	Verizon-June	10.00			101 41000	320	10100
	Verizon-July	10.00			101 41000	320	10100
	Verizon-August	10.00			101 41000	320	10100
	Verizon-Sept	10.00			101 41000	320	10100
1106	440 STEARNS CO AUDITOR/TREASURER	4,740.50					
	00000042 06/12/13 Assessing Fees	4,740.50			101 41550	304	10100
1107	525 XCEL ENERGY	90.63					
	380222480 08/19/13 Water Tower	90.63*			601 43225	381	10100
Total:		5,014.82					
		5,014.82					

Authorized by: 

MS

FREEPORT EDA BOARD MINUTES  
REGULAR MEETING  
August 26, 2013

The regular meeting of the Freeport EDA Board was called to order by President Matt Worms at 12:15 P.M. with members Carrie Goebel, Mason Schirmer and Andy Welle present. Members Jim Hemker and Bud Heidgerken were absent.

APPROVAL OF THE AGENDA

Goebel moved and Schirmer seconded a motion to approve the agenda. Motion carried 4-0.

APPROVAL OF THE MINUTES

Welle moved and Goebel seconded a motion to approve the July 15, 2013 minutes. Motion carried 4-0.

NEW BUSINESS

Community Survey

Schirmer presented ideas for a survey mailing. Members made suggestions on content and design.

Initiative Foundation Request

Schirmer said the City recently received a request from the Initiative Foundation for a donation towards their 2014 budget. Schirmer said Council passed on the offer and suggest it go before the EDA. Members suggested only providing after the Initiative Foundation has helped a business or organization within the City.

OLD BUSINESS

Industrial Park Post Cards Mailed

Schirmer said the majority of the cards came back as return-to-sender. Schirmer said the addresses on the list (originally obtained by previous Clerk) were old; many of the business had relocated since. Schirmer said he is working with Adrianna Hennen on developing a new list.

NEXT MEETING

Schirmer said the next meeting will be Monday, September 16, 2013 at noon in City Hall.

ADJOURN

Worms moved and Goebel seconded a motion to adjourn the meeting at 1:02 P.M. Motion carried 4-0.

---

Matthew Worms, President

---

Mason Schirmer, Secretary



# Memo

---

From: Mason Schirmer, Clerk-Treasurer

To: Freeport City Council

Date: September 19, 2013

Re: 2011 Insurance Claim

---

During the August 27, 2013 regular city council meeting, council member Rodney Atkinson announced his concern regarding a claim paid in 2011 to Service Master for damages caused by a sewer backup.

## What is this claim?

On 2/7/11 the sewer backed-up into the Freeport Floral building. The City was under the impression that the League of MN Cities Insurance Trust (LMCIT) would be reimbursing the city for clean-up expenses. The City paid for clean-up expenses then submitted a Property Liability claim to the LMCIT. The claim was denied.

## Why was the claim denied?

According to the LMCIT, the Property Liability insurance covers damages the City would be legally liable for. In this instance, the LMCIT denied the claim stating that the City of Freeport would not have been legally liable, since the City upholds its duty to perform reasonable care of the sewer system. Reasonable care includes jetting sewer mains every 3-5 years.

Since last council meeting, I researched if any potential options remain to remedy the situation. The city does have Municipal Bond Insurance to protect the City from harm caused by an employee. I discussed the policy and its potential relation to the claim in question.

## How does this policy pertain to Freeport?

As per Section I #1, the City would need to declare the actions of the Clerk-Treasurer to be malfeasance. In Webster's Dictionary, the term is defined as wrongdoing.

## Why would the League not pay-out such a claim?

After two 1-hour conversations with Mark Evenson and Brian Pulczinski at the League, they both remained firm on their opinion, stating that the League would not pay-out on such a claim. According to them, the League defines malfeasance as illegal or completely wrong. The League would likely interpret any questionable actions by the Clerk-Treasurer as mistakes (not illegal and/or intentional); furthermore, the League does not pay-out for mistakes. The insurance is to protect the city from intentional acts, such as a municipal liquor store manager that steals money from the cash register.

Even though the City has been advised that a Municipal Bond Claim would not be paid-out, **does the City want to submit a claim?** Keep in mind: As per Section V #5 of the Policy, if a claim was paid-out, the League would have Independent Right of Recovery against the employee. Furthermore, if the claim adjuster determined that the Council was at fault, the League could pursue Recovery against the members of the council.

It is my recommendation to discontinue all discussion and/or activities related to the property liability claim with a date of loss of February 7, 2011.

I will have a copy of the policy available at the meeting for your review.



COPY

**CITY OF FREEPORT**

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112 – FAX 320-836-2116  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service - [www.freeportmn.org](http://www.freeportmn.org)

September 18, 2013

Famo Feed, Inc.  
Attn: Thomas Beste  
446 Industrial Drive  
PO Box 7  
Freeport, MN 56331

Re: Tax Abatement Agreement

During the September 17, 2013 special meeting of the Freeport City Council, the City Council (with Mayor Matt Worms abstaining from discussion and voting) unanimously approved a motion to provide written notice to the Company (Famo Feed, Inc.) of the event of default and to terminate the agreement after thirty (30) days.

As per Article VIII Section 8.2 (ii) of the agreement: "The City may take any one or more of the following actions after providing written notice to the Company of the Event of Default and the Event of Default has not been cured within thirty (30) days after the notice of the Event of Default: (a) Terminate this Agreement."

Famo Feed, Inc. hereby has thirty (30) days from the date of this letter to bring the Company into compliance with Article V Section 5.1 of the agreement, "The Company agrees that the Minimum Improvements shall have a minimum value for taxation purposes of at least \$336,000."

To discuss this matter, you may contact me directly at (320) 836-2112.

Sincerely,

Mason Schirmer, Clerk-Treasurer

# Memo

---

From: Mason Schirmer, Clerk-Treasurer

To: Freeport City Council

Date: September 19, 2013

Re: Xcel Energy

---

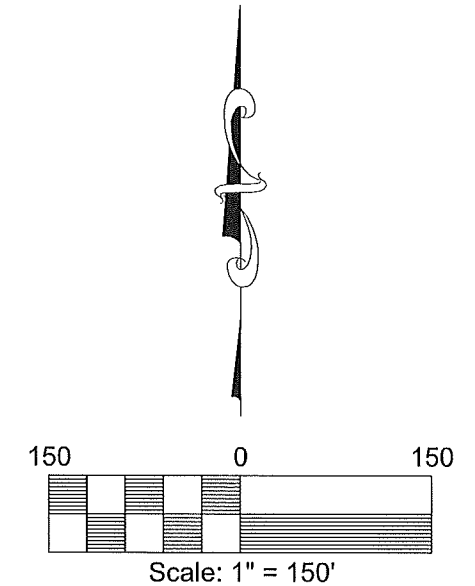
Excel energy is planning to construct a new substation on the end of town, adjacent to Al Beste's property. Al recently sold slightly more than 2 acres to Xcel Energy. To steps Xcel must go through with the City are the following:

1. Get a variance from the city that would allow Xcel to develop a lot less than 10 acres in size. According to the city planning and zoning (included with this memo) a lot must be a minimum of 10 acres; and
2. Once a variance has been approved, Xcel will need to request a minor subdivision. The minor subdivision will divide the 2 acre lot out of the existing larger lot; and
3. Once the lot has been created by minor subdivision, Xcel will need to request a variance to build within the front setback of the lot.

The public hearing notice published in the Melrose Beacon included a potential variance regarding fencing; however, after further planning, Xcel does not need any such variance.

# CERTIFICATE OF SURVEY

PART OF THE NW1/4 OF THE SE 1/4,  
SECTION 3, T.125 N., R 32 W., CITY OF FREEPORT,  
STEARNS COUNTY, MINNESOTA.



FOR THE PURPOSE OF THIS SURVEY THE WEST LINE  
OF THE NW1/4 OF THE SE1/4 OF SECTION 3, T.125N.,  
R.32W., BEARS N°00°36'19"E AS REFERENCED TO THE  
STEARNS COUNTY COORDINATE SYSTEM.

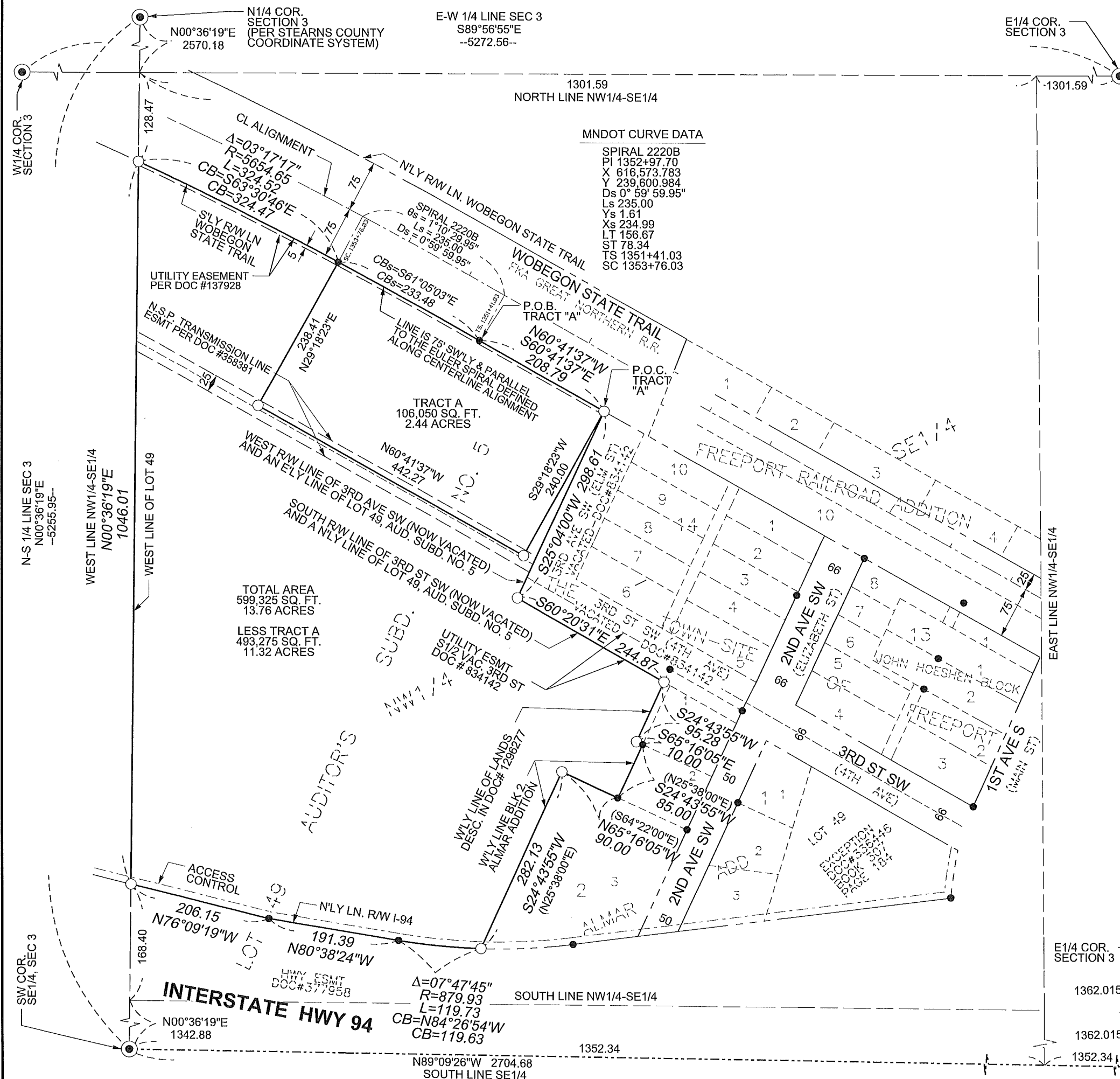
## LEGEND

- = COUNTY MONUMENT (C.I.M. FND)  
(UNLESS NOTED)
- = 1/2" X 14" IRON PIPE SET  
(R.L.S. CAP 43806)
- = FOUND MONUMENT
- ( ) = RECORD BEARING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY  
ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED  
LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Todd M. Hendershott* 8/14/13  
TODD M. HENDERSHOTT, LIC. NO. 43806 DATE

THIS MAP/DOCUMENT IS A TOOL TO ASSIST EMPLOYEES IN THE PERFORMANCE OF THEIR JOBS. YOUR PERSONAL SAFETY IS PROVIDED FOR BY USING SAFETY PRACTICES, PROCEDURES AND EQUIPMENT AS DESCRIBED IN THE SAFETY TRAINING PROGRAMS, MANUALS AND SPARS.	
CONFIDENTIAL: DO NOT COPY OR DISTRIBUTE TO OTHERS WITHOUT EXPRESS WRITTEN CONSENT FROM XCEL ENERGY	
NSP OPERATING AREA SURVEY/MAPPING Minneapolis, MN	SUB WOBEGON TRAIL CITY OF FREEPORT, STEARNS COUNTY, MINNESOTA (TRACT "A" TO BE PURCHASED BY N.S.P.)
Xcel Energy	SCALE 1" = 150'
NH - 254862	REV A



CERTIFICATE OF SURVEY

PART OF THE NW1/4 OF THE SE 1/4,  
SECTION 3, T.125 N., R 32 W., CITY OF FREEPORT,  
STEARNS COUNTY, MINNESOTA.

LEGAL DESCRIPTION PROVIDED BY FIRST AMERICAN TITLE INSURANCE CO. FILE NO. 1310742:

Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

LESS AND EXCEPT: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence Northwesterly on the South line of said 4th Avenue, 255.5 feet; thence Southwesterly 238 feet to the Northwest corner of Lot 48 in said Auditor's Subdivision No. 5; thence East along the North line of said Lot 48 a distance of 261.30 feet to the West line of Main Street; thence Northeasterly on said West line of Main Street to the place of beginning.

ALSO LESS AND EXCEPT: That part of vacated 4th Street of the Original Townsite of Freeport described as follows: Commencing at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64° 22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25°38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles), the centerline of said vacated 4th Street and to the point of beginning of the land to be described; thence continue North 25°38' 00" East 13.05 feet to the centerline of said vacated 4th Street; thence South 59° 29' 00" East along said centerline 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25° 38' 00" West along said line 13.05 feet to its intersection with a line which lies 13.00 feet Southwesterly of said centerline (as measured at right angles); thence North 59°29' 00" West along said centerline 120.44 feet to the point of beginning.

ALSO LESS AND EXCEPT: All that part of the following described tract: Lot 49 of Auditor's Subdivision No. 5 except the following: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence running Northwesterly along said South line a distance of 255.5 feet; thence running in a Southwesterly direction a distance of 238 feet to the Northwest corner of Lot 48 of Auditor's Subdivision No. 5; thence Easterly along the Northerly line of said Lot 48 a distance of 261.3 feet to the West line of Main Street; thence Northeasterly to the point of beginning; which lies Southerly of a line run parallel with and distant 75 feet Northerly of the following described line:

From a point on the East line of said Section 3 distant 741.9 feet North of the Southeast corner thereof, run Northwesterly at an angle of 74°30' 15" with said East section line for 2717.59 feet; thence deflect to the right at an angle of 90° for 64 feet to the point of beginning of the line to be described; thence deflect to the right at an angle of 85°34' 15" for 336.67 feet; thence deflect to the left on a 06° 00' curve (delta angle 16°34' 15") for 276.18 feet; thence on tangent to said curve for 400 feet and there terminating.

ALSO LESS AND EXCEPT: A part of Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport described as follows: A strip 50 feet in width having as its Easterly line the following: Commencing at the Southwesterly corner of Block 13, Original Townsite of Freeport; thence Northwesterly along the Northwesterly extension of the Southwesterly line of said Block 13 a distance of 18.57 feet; thence Southwesterly by an angle of 85°07' as measured from Southeast to Southwest 66.25 feet to the Southwesterly right of way line of 4th Avenue and the point of beginning; thence continued Southwesterly on aforesaid line extended 305.43 feet to the Northerly right of way line of Interstate Highway 94 and there terminating.

ALSO LESS AND EXCEPT: That part of Lot 49, Auditor's Subdivision No. 5 described as follows: Commencing at the intersection of Southwesterly right of way line of 4th Street, Village of Freeport, with Northwesterly right of way line of Stearns County Road # 19 as now widened, said point being 33 feet Southwest of centerline of said Fourth Street and 50 feet Northwesterly of centerline of said County Road # 19; thence North 59°29' West on said South right of way line of 4th Street a distance of 243.64 feet for point of beginning; thence South 17° 51' West 94.46 feet; thence North 64°22' West 87.64 feet; thence North 25°38' East 100.00 feet to said Southwesterly right of way line of Fourth Street; thence South 59°29' East on said right of way line 74.13 feet to the point of beginning.


ALSO LESS AND EXCEPT: Land platted as Almar Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

ALSO LESS AND EXCEPT: That part of Lot 49 of Auditor's Subdivision No. 5 and that part of vacated 4th Street of the Original Townsite of Freeport described as follows: Beginning at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64°22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25° 38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles) the centerline of said vacated 4th Street; thence South 59°29' 00" East along said line 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25°38' 00" West along said line 20.07 feet to the Northeast corner of said Lot 1; thence Northwesterly along the Northeasterly line of said Lot 1 to the Northwest corner of said Lot 1; thence Southwesterly along the Northwesterly line of said Lot 1 to the point of beginning.

TRACT A:

Commencing at the intersection of the southerly right of way line of the Wobegon State Trail (FKA the Great Northern R.R.) and the west right of way line of 3rd Avenue SW now vacated (FNA Elm Street) as shown on the Map of The Town-Site of Freeport according to record plat thereof, Stearns County, Minnesota; thence North 60 degrees 41 minutes 37 seconds West, along said southerly right of way of the Wobegon State Trail, 208.79 feet to the point of beginning of the parcel to be described; thence South 60 degrees 41 minutes 37 seconds East, along said southerly right of way line of the Wobegon State Trail, 208.79 feet to said intersection of said southerly right of way line of the Wobegon State Trail (FKA the Great Northern R.R.) and said west right of way line of 3rd Avenue SW now vacated (FNA Elm Street); thence South 29 degrees 18 minutes 23 seconds West, 240.00 feet; thence North 60 degrees 41 minutes 37 seconds West, 442.27 feet; thence North 29 degrees 18 minutes 23 seconds East, 238.41 feet to said southerly right of way line of said Wobegon State Trail; thence southeasterly along said southerly right of way line to the point of beginning.

Containing 2.44 acres, more or less.

THIS MAP/DOCUMENT IS A TOOL TO ASSIST EMPLOYEES IN THE PERFORMANCE OF THEIR JOBS. YOUR PERSONAL SAFETY IS PROVIDED FOR BY USING SAFETY PRACTICES, PROCEDURES AND EQUIPMENT AS DESCRIBED IN THE SAFETY TRAINING PROGRAMS, MANUALS AND SPARS.			
CONFIDENTIAL-DO NOT COPY OR DISTRIBUTE TO OTHERS WITHOUT EXPRESS WRITTEN CONSENT FROM XCEL ENERGY			
NSP OPERATING AREA SURVEY/MAPPING Minneapolis, MN		SUB WOBEGON TRAIL CITY OF FREEPORT, STEARNS COUNTY, MINNESOTA (TRACT "A" TO BE PURCHASED BY N.S.P.)	
		SCALE	REV
NH - 254862		SHEET 2 OF 2 A	

## **500.23 - “A” agricultural/rural residence district**

### **Subdivision 1**

The agricultural/rural residence district is established to preserve area for low density residential without permitting intensified development that would require the provision of municipal facilities and services, and further allow agricultural uses in this district.

### **Subd. 2 - Permitted uses**

1. Agriculture, including farm dwellings and agricultural related buildings and structures subject to Minnesota pollution control standards, but not including commercial feed lots or similar commercial operations.
2. Single-family dwellings.
3. Public parks, recreational areas, wildlife areas, and game refuges.
4. Nurseries and tree farms.
5. Essential services.
6. Slaughtering, limited to livestock raised on the farmstead.
7. One mobile home per existing far, yard for use as a residence by a person directly connected with the daily operation of the farm.
8. Roadside stands for the sale of agricultural products.

### **Subd. 3 - Permitted accessory uses**

1. Operation and storage of vehicles, machinery, and equipment which is incidental to permitted or conditional uses allowed in this district.
2. Boarding or renting of rooms to not more than two persons.
3. Living quarters for persons employed on the premises.
4. Home occupations.
5. Signs as regulated within the residential district.

### **Subd. 4 - Conditional uses**

The following uses require a conditional use permit based on the procedures set forth in subsection 500.67 of this code:

1. Governmental and public utility buildings and structures necessary for the health, safety, and general welfare of the community.
2. Commercial outdoor recreational areas including golf courses, club houses, swimming pools and similar facilities.
3. Processing and packaging of agricultural products, including livestock, cold storage plants, fertilizers plants, livestock farming, and livestock feed lots and sales yards, subject to all applicable pollution control standards.
4. Kennels and animal hospitals, fur farming , stables and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial and industrial districts.

5. Churches, schools, and similar uses.
6. Uses deemed by the city council to be similar to those listed in the zoning district.

**Subd. 5 - Lot, yard, and area**

- 1.

Lot, yard, and area

**Lot Areas Lot Width Side Yards Front Yard Rear Yard**

10 Acres 250 ft. 60 ft. 100 ft. 100 ft.

**CITY OF FREEPORT, MINNESOTA  
RESOLUTION 2013-021**

**A RESOLUTION APPROVING A VARIANCE OF EIGHT ACRES REDUCING THE  
REQUIRED TEN ACRE MINIMUM LOT SIZE TO TWO ACRES IN THE AGRICULTURAL  
DISTRICT TO ALLOW CONSTRUCTION OF ESSENTIAL SERVICES AT LOT FORTY-NINE  
AUDITOR'S SUBDIVISION NUMBER FIVE**

WHEREAS, Xcel Energy (Applicant) has submitted a request for a variance of eight acres (8), reducing the ten acre (10) minimum lot size to two acres (2) in the Agricultural District at Lot Forty-Nine (49) Auditor's Subdivision No. 5 to allow for construction of essential services; and,

WHEREAS, Lot 49 of Auditor's Subdivision No. 5 Legal Description: Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

LESS AND EXCEPT: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence Northwesterly on the South line of said 4th Avenue, 255.5 feet; thence Southwesterly 238 feet to the Northwest corner of Lot 48 in said Auditor's Subdivision No. 5; thence East along the North line of said Lot 48 a distance of 261.30 feet to the West line of Main Street; thence Northeasterly on said West line of Main Street to the place of beginning.

ALSO LESS AND EXCEPT: That part of vacated 4th Street of the Original Townsite of Freeport described as follows: Commencing at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64° 22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25°38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles), the centerline of said vacated 4<sup>th</sup> Street and to the point of beginning of the land to be described; thence continue North 25°38' 00" East 13.05 feet to the centerline of said vacated 4th Street; thence South 59° 29' 00" East along said centerline 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25° 38' 00" West along said line 13.05 feet to its intersection with a line which lies 13.00 feet Southwesterly of said centerline (as measured at right angles); thence North 59°29' 00" West along said centerline 120.44 feet to the point of beginning.

ALSO LESS AND EXCEPT: All that part of the following described tract: Lot 49 of Auditor's Subdivision No. 5 except the following: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence running Northwesterly along said South



line a distance of 255.5 feet; thence running in a Southwesterly direction a distance of 238 feet to the Northwest corner of Lot 48 of Auditor's Subdivision No. 5; thence Easterly along the Northerly line of said Lot 48 a distance of 261.3 feet to the West line of Main Street; thence Northeasterly to the point of beginning; which lies Southerly of a line run parallel with and distant 75 feet Northerly of the following described line:

From a point on the East line of said Section 3 distant 741.9 feet North of the Southeast corner thereof, run Northwesterly at an angle of  $74^{\circ}30'15''$  with said East section line for 2717.59 feet; thence deflect to the right at an angle of  $90^{\circ}$  for 64 feet to the point of beginning of the line to be described; thence deflect to the right at an angle of  $85^{\circ}34'15''$  for 336.67 feet; thence deflect to the left on a  $06^{\circ}00'$  curve (delta angle  $16^{\circ}34'15''$ ) for 276.18 feet; thence on tangent to said curve for 400 feet and there terminating.

ALSO LESS AND EXCEPT: A part of Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport described as follows: A strip 50 feet in width having as its Easterly line the following: Commencing at the Southwesterly corner of Block 13, Original Townsite of Freeport; thence Northwesterly along the Northwesterly extension of the Southwesterly line of said Block 13 a distance of 18.57 feet; thence Southwesterly by an angle of  $85^{\circ}07'$  as measured from Southeast to Southwest 66.25 feet to the Southwesterly right of way line of 4th Avenue and the point of beginning; thence continued Southwesterly on aforesaid line extended 305.43 feet to the Northerly right of way line of Interstate Highway 94 and there terminating.

ALSO LESS AND EXCEPT: That part of Lot 49, Auditor's Subdivision No. 5 described as follows: Commencing at the intersection of Southwesterly right of way line of 4th Street, Village of Freeport, with Northwesterly right of way line of Stearns County Road # 19 as now widened, said point being 33 feet Southwest of centerline of said Fourth Street and 50 feet Northwesterly of centerline of said County Road # 19; thence North  $59^{\circ}29'$  West on said South right of way line of 4th Street a distance of 243.64 feet for point of beginning; thence South  $17^{\circ}51'$  West 94.46 feet; thence North  $64^{\circ}22'$  West 87.64 feet; thence North  $25^{\circ}38'$  East 100.00 feet to said Southwesterly right of way line of Fourth Street; thence South  $59^{\circ}29'$  East on said right of way line 74.13 feet to the point of beginning.

ALSO LESS AND EXCEPT: Land platted as Almar Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

ALSO LESS AND EXCEPT: That part of Lot 49 of Auditor's Subdivision No. 5 and that part of vacated 4th Street of the Original Townsite of Freeport described as follows: Beginning at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North  $64^{\circ}22'00''$  West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North  $25^{\circ}38'00''$  East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles) the centerline of said vacated 4th Street; thence South  $59^{\circ}29'00''$  East along said line 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South  $25^{\circ}38'00''$  West along said line 20.07 feet to the Northeast corner of said Lot 1; thence Northwesterly along the Northeasterly line of said Lot 1 to the Northwest corner of said Lot 1; thence Southwesterly along the Northwesterly line of said Lot 1 to the point of beginning; and,

WHEREAS, A notice of the time, place and purpose of a hearing on the proposed variance was published once in the official newspaper of the municipality at least ten (10) days before the day of the hearing with a copy of the notice posted for public viewing; and,

WHEREAS, A copy of the application of the proposed variance was available at the City Offices for public review; and,

WHEREAS, The property is zoned Agricultural; and,

WHEREAS, the City Council is the Board of Adjustment in Freeport (a separate Planning Commission doesn't exist); and,

WHEREAS, A public hearing was conducted by the City Council on September 24, 2013 to accept public input on the variance; and,

WHEREAS, The City Council has reviewed and considered the variance request in accordance with the following finding:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.

*The proposed project involves an electrical substation upgrade which is an essential service as defined under Section 500.05, Subd. 14 of the City Code as follows: "The erection, construction, alteration, or maintenance by public utilities or municipal departments of commissions, of underground or overhead gas, electrical, communication, steam or water transmissions, or distribution systems, including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare". The subject parcel is proposed for minor subdivision to accommodate the essential service. The minimum lot size of 10 acres is excessive for the substation.*

2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return is not in itself deemed sufficient to warrant a variance.

*The purpose of the agricultural/rural residence district is to preserve area for low density residential without permitting intensified development that would require the provision of municipal facilities and services, and further allow agricultural uses in this district. The proposed electrical substation will not require water or sewer service. The electrical substation is required for service to properties of all zoning types. Electrical substations are essential services allowed in all zoning districts.*

3. That the authorizing of such variance will not be substantial detriment to adjacent property and will not materially impair the intent and purpose of this code or the public interest.

*Electrical substations are essential services allowed in all zoning districts.*

4. That the condition or situation of specific piece of property, or the intended use of said property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

*Electrical substations are placed so as to provide maximum benefit and specific engineering results. The location of the substation is not arbitrary decision nor in the location for a substation appropriate for all areas. The location has been proposed by electrical engineers from Xcel Energy as regulated by the Public Utilities Commission.*

5. That in the case of a solar collection variance, the applicant is unable to utilize solar energy systems under the provisions of this code.

*This does not apply.*

6. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this code for the property in the district where the affected person's land is located.

*The proposed use is an allowed use under the zoning code of the City.*

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FREEPORT THAT: The variance reducing minimum lot size eight acres (8) from ten acres (10) to two acres (2) in the Agricultural District is hereby approved.

DATED THIS 24TH DAY OF SEPTEMBER, 2013

Motion by:

Second by:

Council members voting in favor:

Opposed or abstained:

---

Matthew Worms, Mayor

ATTEST:

---

Mason Schirmer, Clerk-Treasurer

Drafted by: Mason Schirmer, Clerk-Treasurer  
City of Freeport, MN, 125 Main Street East, PO Box 301, Freeport, MN 56331

**CITY OF FREEPORT, MINNESOTA  
RESOLUTION 2013-022**

**RESOLUTION APPROVING SUBDIVISION OF LOT FORTY-NINE AUDITOR'S  
SUBDIVISION NUMBER FIVE**

WHEREAS, Xcel Energy (Applicant) submitted a request for a minor subdivision to separate Tract "A" from Lot 49 of Auditor's Subdivision No. 5; and,

WHEREAS, Tract "A" Legal Description: Commencing at the intersection of the southerly right of way line of the Wobegon State Trail (FKA the Great Northern R.R.) and the west right of way line of 3rd Avenue SW now vacated (FNA Elm Street) as shown on the Map of The Town-Site of Freeport according to record plat thereof, Stearns County, Minnesota; thence North 60 degrees 41 minutes 37 seconds West, along said southerly right of way of the Wobegon State Trail, 208.79 feet to the point of beginning of the parcel to be described; thence South 60 degrees 41 minutes 37 seconds East, along said southerly right of way line of the Wobegon State Trail, 208.79 feet to said intersection of said southerly right of way line of the Wobegon State Trail (FKA the Great Northern R.R.) and said west right of way line of 3rd Avenue SW now vacated (FNA Elm Street); thence South 29 degrees 18 minutes 23 seconds West, 240.00 feet; thence North 60 degrees 41 minutes 37 seconds West, 442.27 feet; thence North 29 degrees 18 minutes 23 seconds East, 238.41 feet to said southerly right of way line of said Wobegon State Trail; thence southeasterly along said southerly right of way line to the point of beginning. Containing 2.44 acres, more or less,

WHEREAS, Lot 49 of Auditor's Subdivision No. 5 Legal Description: Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

LESS AND EXCEPT: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence Northwesterly on the South line of said 4th Avenue, 255.5 feet; thence Southwesterly 238 feet to the Northwest corner of Lot 48 in said Auditor's Subdivision No. 5; thence East along the North line of said Lot 48 a distance of 261.30 feet to the West line of Main Street; thence Northeasterly on said West line of Main Street to the place of beginning.

ALSO LESS AND EXCEPT: That part of vacated 4th Street of the Original Townsite of Freeport described as follows: Commencing at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64° 22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25°38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as

measured at right angles), the centerline of said vacated 4<sup>th</sup> Street and to the point of beginning of the land to be described; thence continue North 25°38' 00" East 13.05 feet to the centerline of said vacated 4th Street; thence South 59° 29' 00" East along said centerline 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25° 38' 00" West along said line 13.05 feet to its intersection with a line which lies 13.00 feet Southwesterly of said centerline (as measured at right angles); thence North 59°29' 00" West along said centerline 120.44 feet to the point of beginning.

ALSO LESS AND EXCEPT: All that part of the following described tract: Lot 49 of Auditor's Subdivision No. 5 except the following: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence running Northwesterly along said South line a distance of 255.5 feet; thence running in a Southwesterly direction a distance of 238 feet to the Northwest corner of Lot 48 of Auditor's Subdivision No. 5; thence Easterly along the Northerly line of said Lot 48 a distance of 261.3 feet to the West line of Main Street; thence Northeasterly to the point of beginning; which lies Southerly of a line run parallel with and distant 75 feet Northerly of the following described line:

From a point on the East line of said Section 3 distant 741.9 feet North of the Southeast corner thereof, run Northwesterly at an angle of 74°30' 15" with said East section line for 2717.59 feet; thence deflect to the right at an angle of 90° for 64 feet to the point of beginning of the line to be described; thence deflect to the right at an angle of 85°34' 15" for 336.67 feet; thence deflect to the left on a 06° 00' curve (delta angle 16°34' 15") for 276.18 feet; thence on tangent to said curve for 400 feet and there terminating.

ALSO LESS AND EXCEPT: A part of Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport described as follows: A strip 50 feet in width having as its Easterly line the following: Commencing at the Southwesterly corner of Block 13, Original Townsite of Freeport; thence Northwesterly along the Northwesterly extension of the Southwesterly line of said Block 13 a distance of 18.57 feet; thence Southwesterly by an angle of 85°07' as measured from Southeast to Southwest 66.25 feet to the Southwesterly right of way line of 4th Avenue and the point of beginning; thence continued Southwesterly on aforesaid line extended 305.43 feet to the Northerly right of way line of Interstate Highway 94 and there terminating.

ALSO LESS AND EXCEPT: That part of Lot 49, Auditor's Subdivision No. 5 described as follows: Commencing at the intersection of Southwesterly right of way line of 4th Street, Village of Freeport, with Northwesterly right of way line of Stearns County Road # 19 as now widened, said point being 33 feet Southwest of centerline of said Fourth Street and 50 feet Northwesterly of centerline of said County Road # 19; thence North 59°29' West on said South right of way line of 4th Street a distance of 243.64 feet for point of beginning; thence South 17° 51' West 94.46 feet; thence North 64°22' West 87.64 feet; thence North 25°38' East 100.00 feet to said Southwesterly right of way line of Fourth Street; thence South 59°29' East on said right of way line 74.13 feet to the point of beginning.

ALSO LESS AND EXCEPT: Land platted as Almar Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

ALSO LESS AND EXCEPT: That part of Lot 49 of Auditor's Subdivision No. 5 and that part of vacated 4th Street of the Original Townsite of Freeport described as follows: Beginning at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64°22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25° 38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles) the centerline of said vacated 4th Street; thence South 59°29' 00" East along said line 120.44 feet to its intersection with the

Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25°38' 00" West along said line 20.07 feet to the Northeast corner of said Lot 1; thence Northwesterly along the Northeasterly line of said Lot 1 to the Northwest corner of said Lot 1; thence Southwesterly along the Northwesterly line of said Lot 1 to the point of beginning; and,

WHEREAS, the proposed subdivision is illustrated in the Certificate of Survey attached hereto as EXHIBIT A; and,

WHEREAS, Section 11 of the Freeport Subdivision Ordinance provides for minor subdivisions of real property; and,

WHEREAS, a the Applicants proposes a 'minor subdivision' in that (a) only two (2) lots will result from the combination, (b) the minor subdivision will not involve a new street or road, and (c) the minor subdivision will not precipitate the extension of municipal facilities or public improvements; and,

WHEREAS, minor subdivisions are exempt from platting requirements contained in the Freeport Subdivision Ordinance; and,

WHEREAS, the Freeport Subdivision Ordinance allows the City Council to consider approval of a minor subdivision following a review and recommendation of the Planning Commission; and,

WHEREAS, the City Council is the planning authority in Freeport (a separate Planning Commission doesn't exist); and,

WHEREAS, the City Council has reviewed the minor subdivision request and has made the following findings:

1. The resulting lots will be located within the Agricultural District.
2. The proposed minor subdivision does not result in additional demand for public roadways and/or utility extensions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FREEPORT THAT: The City Council of the City of Freeport hereby approves minor subdivision of TRACT "A" from Lot 49 Auditor's Subdivision No. 5 as illustrated on the Certificate of Survey attached hereto as "EXHIBIT A" and dated August 14, 2013.

BE IT FURTHER RESOLVED the minor subdivision of 'TRACT A' from Lot 49 Auditor's Subdivision No. 5 is hereby approved, contingent on the Property Owner recording the subdivision at the Stearns County Recorder's Office.

DATED THIS 24<sup>th</sup> DAY OF SEPTEMBER, 2013

Motion by:

Second by:

Council members voting in favor:

Opposed or abstained: None

---

Matthew Worms, Mayor

ATTEST:

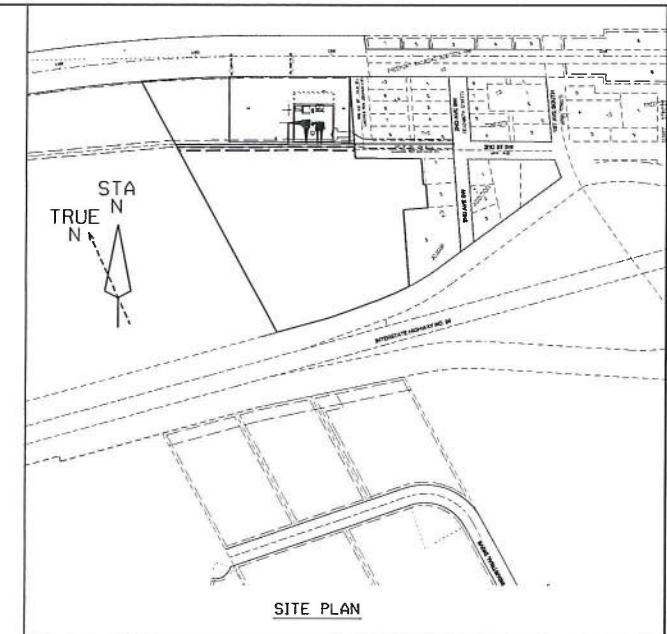
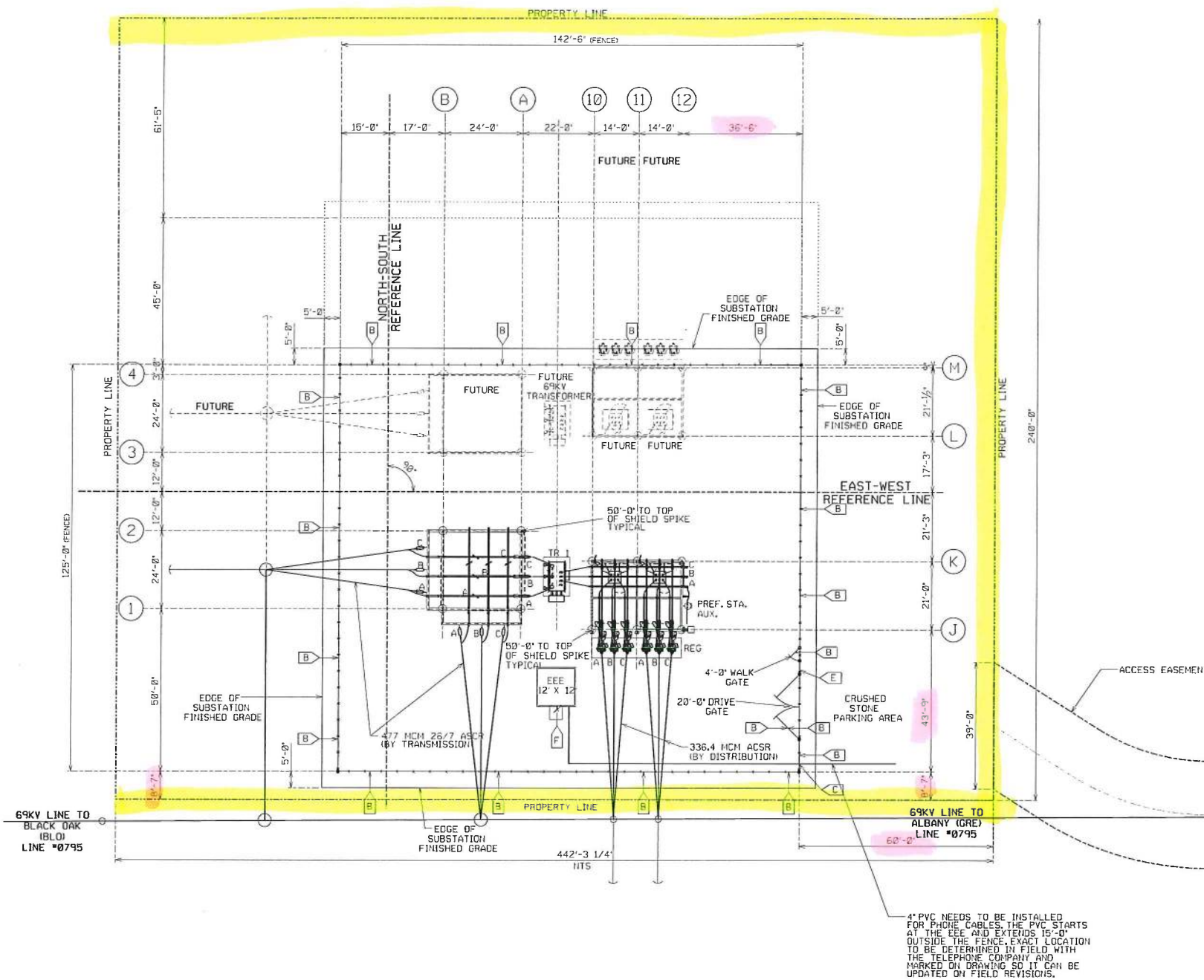
---

Mason Schirmer, Clerk-Treasurer

Drafted by: Mason Schirmer, Clerk-Treasurer  
City of Freeport, MN, 125 Main Street East, PO Box 301, Freeport, MN 56331



setback to front = 98.6'  
setback to side = 52.6'



#### GENERAL NOTES

1. FOR LOCATION OF BENCH MARK SEE CONTOUR & GRADING LAYOUT.
2. FOR SUBSTATION ROUGH GRADE SEE CONTOUR & GRADING LAYOUT.
3. SUBSTATION AREA ENCLOSED BY FENCE AND EXTENDING 5'-0" OUTSIDE.
4. FENCE - 7'-0" HIGH STEEL CHAIN LINK FABRIC AND 1'-0" HIGH VERTICAL HEIGHT BARBED WIRE ON TOP, MOUNTED AT A 45° ANGLE POINTED OUTSIDE OF SUBSTATION, IN ACCORDANCE WITH ENG & DSGN STD ED 4.09.03.
5. SEE STRUCTURAL STEEL DRAWINGS FOR LOAD REQUIREMENTS OF EXTERNAL AND INTERNAL STRAINS.
6. U.G. POWER DUCTS PASS UNDER FENCE MIDWAY BETWEEN FENCE POSTS AND, WHERE POSSIBLE, NOT LESS THAN 2'-6" BELOW GRADE.

#### LEGEND

- [A] OLD FENCE SIGN WORDED "WARNING, HAZARDOUS VOLTAGES INSIDE, KEEP OUT, CAN SHOCK BURN OR CAUSE DEATH". (THIS SIGN CAN NO LONGER BE ORDERED)
- [B] FENCE WARNING SIGN (ITEM 708), PER ENG & DSGN STD ED 4.10.01. THE SIGNS ARE TO BE MOUNTED 5'-0" FROM GRADE TO TOP OF SIGN, 30'-0" - 45'-0" APART AND NO MORE THAN 15'-0" FROM THE CORNERS. ONE SIGN SHOULD BE PLACED ON THE OUTSIDE OF EACH WALK GATE. TWO SIGNS SHOULD BE MOUNTED ON EACH DRIVE GATE, ONE ON THE INSIDE AND ONE ON THE OUTSIDE, BACK TO BACK ON THE LEFT SIDE OR DRIVERS SIDE PANEL OF THE DOUBLE GATES.
- [C] BURIED CABLE SIGN (ITEM 706), PER ENG & DSGN STD ED 4.10.06. THE SIGNS ARE TO BE MOUNTED ON EACH SIDE OF FENCE FABRIC, BACK TO BACK AND APPROXIMATELY 3'-6" FROM GRADE TO TOP OF SIGNS.
- [D] BURIED CABLE SIGN (ITEM 706), MOUNTED ON POST (BY FIELD), PER ENG & DSGN STD ED 4.10.06.
- [E] SUBSTATION IDENTIFICATION SIGN (ITEM 718), PER ENG & DSGN STD ED 4.10.02 (TOP) ADDRESS SIGN (ITEM 716) PER ENG & DSGN STD ED 4.10.03 (BOTTOM). THE TOP SIGN MOUNTED 5'-0" FROM GRADE TO TOP OF SIGN AND LOCATED ADJACENT TO WALK OR DRIVE GATES.
- [F] BATTERY WARNING SIGN (ITEM 707), PER ENG & DSGN STD ED 4.10.04. THE SIGNS ARE TO BE MOUNTED ON THE OUTSIDE OF EACH ELECTRICAL EQUIPMENT ENCLOSURE DOOR, APPROXIMATELY 5'-0" FROM THE BOTTOM OF THE DOOR TO THE TOP OF SIGN.
- [M-1] INDICATES CONCRETE MARKERS FOR DIRECT BURIED CABLE RUNS PER ENG & DSGN STD. ED 4.05.04, ORDERED BY FIELD.
- ◆ INDICATES A YELLOW CONCRETE FILLED BOLLARD (ITEM 299).

FOR DRAWING REFERENCE AND REVISION INFORMATION SEE INDEX SHEET ND-249688

THIS DOCUMENT IS A TOOL TO ASSIST EMPLOYEES IN THE PERFORMANCE OF THEIR JOBS. OUR PERSONAL SAFETY IS PROVIDED FOR BY USING SAFETY PRACTICES, PROCEDURES AND EQUIPMENT AS DESCRIBED IN THE SAFETY TRAINING PROCEDURES, MANUALS AND SPARS.				C DATE/TIME	
INTERNAL INFORMATION: DO NOT COPY OR DISTRIBUTE WITHOUT EXPRESS WRITTEN CONSENT FROM XCEL ENERGY				WCB	
NSP OPERATING AREA ENGINEERING Minneapolis, MN	WOBEGON TRAIL SUBSTATION LOCATION PLAN SUBSTATION ADDRESS: TBD, FREEPORT, MN 56331			FREEDOM OF INFORMATION ACT (FOIA) REQUEST NUMBER WOB	
				3	
				4	
				5A	
				5B	
Xcel Energy		SCALE 1"=20'-0"	NH-249695	REV A	DATE CL



**CITY OF FREEPORT, MINNESOTA  
RESOLUTION 2013-023**

**A RESOLUTION APPROVING A VARIANCE OF FIFTY FEET REDUCING THE REQUIRED  
ONE-HUNDRED FOOT FRONT YARD SETBACK TO FIFTY FEET IN THE  
AGRICULTURAL DISTRICT TO ALLOW CONSTRUCTION OF ESSENTIAL SERVICES ON  
TRACT "A" OF LOT FORTY-NINE AUDITOR'S SUBDIVISION NUMBER FIVE**

WHEREAS, Xcel Energy (Applicant) has submitted a request for a variance of fifty (50) feet, reducing the front yard setback from one-hundred (100) feet to fifty (50) feet on Tract "A" of Lot 49 Auditor's Subdivision No. 5 in the Agricultural District to allow construction of essential services; and,

WHEREAS, Tract "A" Legal Description: Commencing at the intersection of the southerly right of way line of the Wobegon State Trail (FKA the Great Northern R.R.) and the west right of way line of 3rd Avenue SW now vacated (FNA Elm Street) as shown on the Map of The Town-Site of Freeport according to record plat thereof, Stearns County, Minnesota; thence North 60 degrees 41 minutes 37 seconds West, along said southerly right of way of the Wobegon State Trail, 208.79 feet to the point of beginning of the parcel to be described; thence South 60 degrees 41 minutes 37 seconds East, along said southerly right of way line of the Wobegon State Trail, 208.79 feet to said intersection of said southerly right of way line of the Wobegon State Trail (FKA the Great Northern R.R.) and said west right of way line of 3rd Avenue SW now vacated (FNA Elm Street); thence South 29 degrees 18 minutes 23 seconds West, 240.00 feet; thence North 60 degrees 41 minutes 37 seconds West, 442.27 feet; thence North 29 degrees 18 minutes 23 seconds East, 238.41 feet to said southerly right of way line of said Wobegon State Trail; thence southeasterly along said southerly right of way line to the point of beginning. Containing 2.44 acres, more or less,

WHEREAS, Lot 49 of Auditor's Subdivision No. 5 Legal Description: Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

LESS AND EXCEPT: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence Northwesterly on the South line of said 4th Avenue,

255.5 feet; thence Southwesterly 238 feet to the Northwest corner of Lot 48 in said Auditor's Subdivision No. 5; thence East along the North line of said Lot 48 a distance of 261.30 feet to the West line of Main Street; thence Northeasterly on said West line of Main Street to the place of beginning.

ALSO LESS AND EXCEPT: That part of vacated 4th Street of the Original Townsite of Freeport described as follows: Commencing at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64° 22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25° 38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles), the centerline of said vacated 4<sup>th</sup> Street and to the point of beginning of the land to be described; thence continue North 25° 38' 00" East 13.05 feet to the centerline of said vacated 4th Street; thence South 59° 29' 00" East along said centerline 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25° 38' 00" West along said line 13.05 feet to its intersection with a line which lies 13.00 feet Southwesterly of said centerline (as measured at right angles); thence North 59° 29' 00" West along said centerline 120.44 feet to the point of beginning.

ALSO LESS AND EXCEPT: All that part of the following described tract: Lot 49 of Auditor's Subdivision No. 5 except the following: Beginning at the intersection of the South line of 4th Avenue in the Village of Freeport with the West line of Main Street; thence running Northwesterly along said South line a distance of 255.5 feet; thence running in a Southwesterly direction a distance of 238 feet to the Northwest corner of Lot 48 of Auditor's Subdivision No. 5; thence Easterly along the Northerly line of said Lot 48 a distance of 261.3 feet to the West line of Main Street; thence Northeasterly to the point of beginning; which lies Southerly of a line run parallel with and distant 75 feet Northerly of the following described line:

From a point on the East line of said Section 3 distant 741.9 feet North of the Southeast corner thereof, run Northwesterly at an angle of 74° 30' 15" with said East section line for 2717.59 feet; thence deflect to the right at an angle of 90° for 64 feet to the point of beginning of the line to be described; thence deflect to the right at an angle of 85° 34' 15" for 336.67 feet; thence deflect to the left on a 06° 00' curve (delta angle 16° 34' 15") for 276.18 feet; thence on tangent to said curve for 400 feet and there terminating.

ALSO LESS AND EXCEPT: A part of Lot 49 of Auditor's Subdivision No. 5 in the Village of Freeport described as follows: A strip 50 feet in width having as its Easterly line the following: Commencing at the Southwesterly corner of Block 13, Original Townsite of Freeport; thence Northwesterly along the Northwesterly extension of the Southwesterly line of said Block 13 a distance of 18.57 feet; thence Southwesterly by an angle of 85° 07' as measured from Southeast to Southwest 66.25 feet to the Southwesterly right of way line of 4th Avenue and the point of beginning; thence continued Southwesterly on aforesaid line extended 305.43 feet to the Northerly right of way line of Interstate Highway 94 and there terminating.

ALSO LESS AND EXCEPT: That part of Lot 49, Auditor's Subdivision No. 5 described as follows: Commencing at the intersection of Southwesterly right of way line of 4th Street, Village of Freeport, with Northwesterly right of way line of Stearns County Road # 19 as now widened, said point being 33 feet Southwest of centerline of said Fourth Street and 50 feet Northwesterly of centerline of said County Road # 19; thence North 59° 29' West on said South right of way line of 4th Street a distance of 243.64 feet for point of beginning; thence South 17° 51' West 94.46 feet; thence North 64° 22' West 87.64 feet; thence North 25° 38' East 100.00 feet to said Southwesterly right of way line of Fourth Street; thence South 59° 29' East on said right of way line 74.13 feet to the point of beginning.

ALSO LESS AND EXCEPT: Land platted as Almar Addition, according to the plat and survey thereof, now on file and of record in the office of the Stearns County Recorder.

ALSO LESS AND EXCEPT: That part of Lot 49 of Auditor's Subdivision No. 5 and that part of vacated 4th Street of the Original Townsite of Freeport described as follows: Beginning at the Southwest corner of Lot 1, Block 2, Almar Addition; thence on a record bearing of North 64°22' 00" West along the Northwesterly extension of the Southwesterly line of said Lot 1, 10.00 feet; thence North 25° 38' 00" East parallel with the Northwesterly line of said Lot 1, 115.49 feet to its intersection with a line which lies 13.00 feet Southwesterly of and parallel with (as measured at right angles) the centerline of said vacated 4th Street; thence South 59°29' 00" East along said line 120.44 feet to its intersection with the Northeasterly extension of the Southeasterly line of said Lot 1; thence South 25°38' 00" West along said line 20.07 feet to the Northeast corner of said Lot 1; thence Northwesterly along the Northeasterly line of said Lot 1 to the Northwest corner of said Lot 1; thence Southwesterly along the Northwesterly line of said Lot 1 to the point of beginning; and,

WHEREAS, A notice of the time, place and purpose of a hearing on the proposed variance was published once in the official newspaper of the municipality at least ten (10) days before the day of the hearing with a copy of the notice posted for public viewing; and,

WHEREAS, A copy of the application of the proposed variance was available at the City Offices for public review; and,

WHEREAS, The property is zoned Agricultural District; and,

WHEREAS, the City Council is the Board of Adjustment in Freeport (a separate Planning Commission doesn't exist); and,

WHEREAS, A public hearing was conducted by the City Council on September 24, 2013 to accept public input on the variance; and,

WHEREAS, The City Council has reviewed and considered the variance request in accordance with the following finding:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.

*The proposed project involves an electrical substation upgrade which is an essential service as defined under Section 500.05, Subd. 14 of the City Code as follows: "The erection, construction, alteration, or maintenance by public utilities or municipal departments of commissions, of underground or overhead gas, electrical, communication, steam or water transmissions, or distribution systems, including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare". The subject parcel is proposed setback variance to accommodate the essential service substation.*

2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return is not in itself deemed sufficient to warrant a variance.

*The electrical substation is required for service to properties of all zoning types.  
Electrical substations are essential services allowed in all zoning districts*

3. That the authorizing of such variance will not be substantial detriment to adjacent property and will not materially impair the intent and purpose of this code or the public interest.

*Electrical substations are essential services allowed in all zoning districts*

4. That the condition or situation of specific piece of property, or the intended use of said property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

*Electrical substations are placed so as to provide maximum benefit and specific engineering results. The location of the substation is not arbitrary decision nor in the location for a substation appropriate for all areas. The location has been proposed by electrical engineers from Xcel Energy as regulated by the Public Utilities Commission*

5. That in the case of a solar collection variance, the applicant is unable to utilize solar energy systems under the provisions of this code.

*This does not apply.*

6. In granting a variance, the Board of Adjustment may impose conditions to insure compliance and to protect adjacent properties. The Board of Adjustment may not permit as a variance any use that is not permitted under this code for the property in the district where the affected person's land is located.

*The proposed use is an allowed use under the zoning code of the City.*

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FREEPORT THAT: The request for a variance of fifty (50) feet, reducing the front yard setback from one-hundred (100) feet to fifty (50) feet on Tract "A" of Lot 49 Auditor's Subdivision No. 5 in the Agricultural District for construction of essential services is hereby approved.

DATED THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2013

Motion by:

Second by:

Council members voting in favor:

Opposed or abstained:

---

Matthew Worms, Mayor

ATTEST:

---

Mason Schirmer, Clerk-Treasurer

Drafted by: Mason Schirmer, Clerk-Treasurer  
City of Freeport, MN, 125 Main Street East, PO Box 301, Freeport, MN 56331

# Memo

---

From: Mason Schirmer, Clerk-Treasurer  
To: Freeport City Council  
Date: September 19, 2013  
Re: Fence Ordinance Proposed Changes

---

Along with this memo is the City code pertaining to fences (500.45). I have worked closely with Cynthia Smith-Strack of Municipal Development Group to compare Freeport's code to that of other communities. The pages following this memo tracks the changes proposed (which text would be removed and which would be added).

Things to keep in mind:

- As per the State of MN Building Code, any fence exceeding six (6) feet in height is required to have a building permit;
- The fence being constructed in the Southeast area of town has been referred to as an eight (8) foot fence; however, according to our Building Inspector, the fence is slightly more than 7' at its peak (I describe this fence in an effort to help provide prospective).
- Furthermore, as you review these proposed changes, consider the affect a fence has on neighboring properties

Please review the proposed changes. During the council meeting I will be asking Council for authorization to draft a new Fence Ordinance and schedule a public hearing. If you want to discuss any of the content or suggested changes, contact me at the city office.

**500.45 - Development standards: ~~general~~ Fencing, Screening, and Landscaping. ~~and storage~~**

Subdivision 1. Fencing; residential/commercial/landscape.

a) **Permit Required.**

1. All permanent fences require a zoning permit from the City Zoning Administrator.
2. **Fences exceeding six (6) feet in height require approval from the City Zoning Administrator and issuance of a building permit.**

~~All decisions and interpretations of fencing codes are subject for appeal at a regularly scheduled City Council meeting.~~

3. **Permit Application. Application for a zoning and/or building permit shall be on an approved form and shall include:**
  - i. **The name, address (property and mailing), and phone number of the Applicant.**
  - ii. **The name, address, and phone number of the Property Owner, if different than the Applicant.**
  - iii. **A site plan illustrating the proposed location(s) of the fence on the subject property in relation to property lines, existing buildings, and other pertinent information.**
  - iv. **A written description of proposed fence materials.**
  - v. **Applicant and Property Owner signatures.**
  - vi. **A fee as may be specified by the City Council.**

~~The submitted permit application must include a sketch and the dimensions of the proposed fence.~~

~~Zoning permit must specify the materials to be used and the location of the fence~~

~~Zoning permit must specify the materials to be used and the location of the fence...~~

b) **Exemptions. The following are exempt from this Ordinance.**

- i. Snow fences **erected and/or maintained between** ~~are permissible from November 1 and April 10.~~
- ii. ~~Other~~ Temporary fences **associated with short-term events** erected for a maximum of 10 days.
- iii. **Underground fences for animal control.**
- iv. **Fences used for containment of farm animals within the Agricultural/Rural Residential District.**
- v. **Silt fences when required by a Professional Engineer licensed in the State of Minnesota and/or the Building Official.**
- vi. **Ornamental fences composed of typical fence materials and erected solely as a landscaping enhancement and not for containment or screening purposes.**
- vii. **Fences or fence panels not exceeding six (6) feet in length and not reasonably contiguous.**
- viii. **Fences associated with public safety emergencies or operations.**

c) **Prohibited Fences. The following are prohibited fences in any and all zoning districts**

- i. **Fences with** ~~No metal sheathing. fences will be allowed in residential areas.~~
- ii. ~~No Barbed wire,~~ **chicken wire, high tensile, electric wire, woven wire, or other** livestock fencing, **except if the property is zoned Agricultural/Rural Residential District.** ~~will be allowed unless the land adjoins agricultural property.~~
- iii. **A series of gates.**
- iv. **Fences including creosote lumber.**
- v. **Living fences consisting of invasive plant species or harboring pests and/or rodents.**
- vi. **Makeshift, flimsy materials, or material such as paper, twine, rope, tin, webbing, and the like, except when used for traffic control or police security.**

vii. Any fence which is or has become dangerous to the public safety, health, or welfare.

viii. Fences with components not designed or intended for employment as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than 90% opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), and the like.

d) Fence Standards Applicable to All Fences. The following standards apply to fences in all zoning districts.

i. Enclosed fences must have a minimum of two access gates.

ii. ~~The fence may be built on lot lines. Street, alley, and easements setbacks will be required.~~ Unless otherwise defined in this Section, fences shall be located no closer than two (2) feet from any side or rear yard lot line on the property of the person constructing or causing the construction of the fence. The two foot setback is required to allow the owner of the fence sufficient access to maintain both sides of the fence, to include the control of grass and weeds along the fence line.

iii. Fences in the front yard shall meet setback requirements of the applicable zoning district.

iv. Fences in rear abutting alleys shall be place a minimum of five (5) feet from the property line.

v. Height.

1. Fences in residential zoning classifications shall not exceed six (6) ~~eight~~ feet in height and in the case of grade separation, the highest must be determined on the basis of measurement from the average point between the highest and lowest grade.

2. Fences in commercial and/or industrial zoning classifications shall not exceed eight feet in height unless a Conditional Use Permit is issued by the City Council.

vi. Clear Sight Triangle Required. Location.



1. A fence, wall, structure, coniferous tree or obstruction **greater than thirty (30) inches in height** may not be erected, established, or maintained on a corner lot within a designated sight triangle.
  2. **Said sight triangle is defined as being** bounded by lot lines and a line connecting points on each lot line 20 feet from the intersection of the lot lines.
  3. **The sight triangle requirement does not apply to** other than chain link fences with openings of 1-5/8 inches to 2 inches **which do not exceeding** 48 inches in height.
  4. **The sight triangle requirement** does not apply to the “C-1” District.
- vii. **Fences may be placed in a City utility and/or drainage easement at the sole expense of the property owner. In the event access to the easement is required, the City shall reserve the right to remove the fence without notice and solely at the owner’s expense. Replacement of any fence placed in an easement shall be the sole expense of the property owner.** ~~Fences may be placed in City utility, but not road, easements and must be removed at the request of the City Council or City Clerk to conduct easement activities requiring the removal of the fence at the expense of the property owner.~~
- viii. **Living fences shall not exceed six (6) feet in height and shall be maintained by the property owner, except that the owner of adjacent property may trim or prune parts of the living fence that extend onto their property.**
- ix. Fences must be built so the “best side” is facing out. It shall be the property owner’s responsibility to maintain the outer side of the fence, including trimmings of the grass.
- x. Wood fences must be slated so as to allow air flow through the fence.
- xi. Fencing around pool areas, when required, must be a minimum of six feet high. This fence must have two access gates **and the Property Owner is solely responsible for ensuring the gates are** locked when the pool is unattended.
- xii. ~~Fencing used to block offensive materials should be of solid or semi-solid material and must be well maintained at all times. The city reserves the right to investigate complaints against the enclosed area.~~

- e. **Standards Applicable to Fences in Commercial and Industrial Districts. In addition to the standards contained in Chapter 500.45, Subd. 1, Subp(d) as may be amended the following standards apply to fences in Commercial and Industrial Districts.**

- i. Required permanent fencing. In commercial districts (C-1 and C-2) adjacent to residential districts, and not divided by streets, alleys, or roads recognized by the City Council, the commercial property owner must erect and maintain a fence not to exceed eight (8) feet in height or be less than six (6) feet in height and must screen the adjacent residential lot from 80% of the light emitted from cars, signs, or other lights as a direct cause of the commercial property's activities and screen the litter produced by the users of the commercial property. The fence shall be placed from the property line at a distance of two (2) feet or greater, as to achieve compliance, to allow the commercial property owner to maintain the fence and ground from the fence to the adjacent residential district property line. ~~An exemption to this requirement would include walls as a part of the structure of a building that achieve the compliance results as previously described.~~

Subdivision. 2. Screening. **Screening shall be accomplished by fencing, dense vegetative cover, and/or a combination of fencing and vegetative cover**. Materials and equipment, except as provided in the district provisions of this code must be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following.

- a) Usable laundry equipment (clotheslines),  
b) Recreational equipment and vehicles,

~~Construction and landscaping materials.~~

- c) **Materials being used on site for construction, remodeling, or demolition activities that are the subject of a valid, issued building and/or zoning permit.**

- d) **Landscaping material being employed on site during the current growing season.**

Subdivision. 3. Vegetation. In all zoning districts the lot area remaining after provided for parking, driveways, loading, sidewalks, or other requirements must be planted and maintained in grass, sodding, shrubs, or other acceptable vegetation or landscaping techniques.

# Memo

---

From: Mason Schirmer, Clerk-Treasurer

To: Freeport City Council

Date: September 19, 2013

Re: Wellhead Protection

---

During the August 27, 2013 regular city council meeting, council approved a Request for Proposals (RFP) to help find a consultant to be used to prepare Part 2 of the Wellhead Protection Plan. The deadline to submit a proposal to the City of Freeport was September 18, 2013.

The RFP was sent to area engineering firms as well as two small private consultants (recommended by Dave Neiman of Minnesota Rural Water Association).

The City received two (2) proposals, both from the two small private consultants:

\$7,500 Studio E Architects (submitted by Mike Howe, Project Planner)

\$5,162 Bayerl Water Resources (submitted by Marily Bayerl, Water Resources Specialist)

\$2,338 Difference between proposals

Each proposal is included along with this memo. I recommend that the City accept a proposal during the meeting.

September 16, 2013

To: Mason Schirmer/City Clerk

From: Mike Howe, Water Resource Planner, studio e architects, Glenwood, MN

Subject: **PROPOSAL TO CITY OF FREEPORT** in response to written request for proposal for completion of the "rest of the wellhead protection plan" and as specified in the Second Scoping Decision Notice for the City of Freeport from Minnesota Department of Health dated August 23, 2013.

The following is my submittal in response to the materials received from the City for completion of the wellhead protection plan as required of the City by MNRules Parts 4720.5100 to 4720.55590.

Planner Qualifications – for Mike Howe

- Employed by County of Pope as Director of Environmental Services 1972-1998
- Employed by State of Minnesota as Source Water Protection Planner in the Drinking Water Protection program of the Department of Health 1998-2009
- Plans developed as private consultant = City of Granite Falls, City of Brainerd (BPU), City of Hinckley
- Bachelor of Science University of Minnesota 1970
- Currently serving on Board of Directors for Pope County Coalition of Lake Associations, and volunteer Co-Chair on Impaired Waters Implementation Committee for Pope Co. 8 lake TMDL project.

Project Description – for completion of the "rest of the wellhead protection plan"

- Assist the City by writing what is commonly called a "Part 2 Wellhead Protection Plan" for a DWSMA with low vulnerable.
- Said plan will include gathering and assessing data elements as spelled out in the Second Scoping Decision Notice dated August 23, 2013 by MDH;
- development of a potential contaminant source inventory;
- identification of the impact of changes to land and water resources in Freeport's DWSMA (drinking water supply management area);
- identification of issues, problems and opportunities relevant to Freeport's DWSMA;
- development of goals, objectives and an action plan to protect Freeport's drinking water;
- creating an evaluation strategy to determine the effectiveness of the action plan's protection measures
- Development of a contingency strategy to utilize when alternative water supply is needed.
- The final steps will include local review of the draft plan, conduct of public hearing on the draft plan, and submittal of final draft to the Department of Health.

It is the intent of the project planner to promote local ownership of the plan with considerable local input, review and discussion utilizing the City's Wellhead Protection Planning Team which includes local individuals appointed by the City. The plan development process will be will occur over a period of approximately 4-5 months in order to adequately meet the requirements of the MDH and to provide a plan that is appropriate for the City of Freeport. It will be imperative for the City to be an active participant in the plan development process.

Work Plan – the following schedule and work plan is proposed for this project (each numbered item to be considered a Wellhead Protection Team meeting in Freeport (dates to be determined):

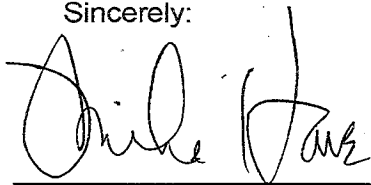
- 1) **Timeline = November, 2013.** Introduction to the WHP process. Discussion of data elements and assessments. Complete in table format keeping continuity with data elements of part 1 report. Start discussion of potential contaminant source inventory (pcsi) and what is needed to meet requirements of MDH. Review known pcsi data items. Discuss risk assessment of the potential contaminants to public water supply.
- 2) **Timeline = December, 2013.** Review draft of data elements, assessment and pcsi part of plan. Determine additional work needed to finalize pcsi, and finalize pcsi risk assessment. Discuss impacts of changes expected to land and water resources inside and around the DWSMA. Discuss issues, problems and opportunities.
- 3) **Timeline = January, 2014.** Review draft plan completed to date. Outline topics of importance for goals, objectives and management strategies. Begin development of management strategies for wellhead protection.
- 4) **Timeline = February, 2014.** Review draft plan completed to date. Determine if there are any missing items in the draft plan. Complete goals, objectives & management strategies. Develop an evaluation strategy for determination of plan effectiveness. Complete contingency strategy template.
- 5) **Timeline = March, 2014.** Review of draft plan. Determine if anything is missing from plan. Finalize draft plan for local governmental unit (LGU) review. Set dates for LGU review. Set tentative date for public hearing.

Final copies of the "final draft plan" and the "final plan" will be provided to City on CD-R disc.

**Responsibilities of the City:** Assign/appoint Wellhead Protection (WHP) Team to work with Consultant for development of this project; provide meeting space for WHP Team; work with Consultant to prepare meeting agenda; send final draft WHP Plan to local governmental units (LGU's) for 60 day local review; conduct public hearing following LGU review; submit final plan to Minnesota Department of Health.

Fee Proposal – total professional service fee to City for project described above is \$7,500. If the City accepts this proposal, a copy will be signed by authorized person representing the City and sent to the consultant. Initial payment in the amount of \$2000 will be required immediately following the initial meeting. Upon completion of step 5) above, payment will be made in the amount of \$4000. Final payment of \$1500 for project will occur upon acceptance of final plan by Minnesota Department of Health. In the event it is necessary for the project to continue beyond item 5) meeting, the project planner may charge for expenses and an additional hourly rate of \$50 per hour.

Sincerely:

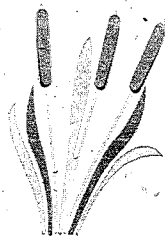


Mike Howe, Project Planner  
studio e architects

Accepted by:

\_\_\_\_\_  
City of Freeport

\_\_\_\_\_  
Date



# **BAYERL WATER RESOURCES**

9083 St. Hwy. 114 SW  
Alexandria, MN 56308  
320-283-6127

**bayerl@runestone.net**

September 4, 2013

Mason Schirmer, Clerk-Treasurer  
125 Main Street East,  
Freeport, MN 56331

## **Subject: Phase 2, Wellhead Protection Plan**

Thank-you for the opportunity to submit a proposal for the completion of the second phase of the City of Freeport's Wellhead Protection Plan. My past work as a County Water Planner has made me acutely aware of the need to protect our resources for future use.

My expertise in wellhead protection includes a workshop I attended through Minnesota Department of Health (MDH), outlining the plan definitions, templates and requirements. I have completed Wellhead Protection Plans for the cities of Richmond, Alexandria, Moorhead, Eden Valley/Watkins, Glenwood, Little Falls, Long Prairie, Barnesville, Battle Lake and Browerville. I have completed a Source Water Protection Plan for the City of Minneapolis and am presently working with them on the implementation of that Plan. I have worked with the City of Melrose on the implementation of their Wellhead Protection Plan. This, along with my background in Water Planning and my working relationship with the MDH and Minnesota Rural Water, assures a plan that will accurately assess the needs and set appropriate goals and implementation strategies for your community.

My work in Local Water Planning included plan writing, grantwriting, and meeting coordination and facilitation. I have enclosed my Resume with this letter to outline my experiences and a listing of references for work I have completed. Please feel free to contact the enclosed references.

The scope of the proposal includes attendance of four meetings, facilitation of discussion at these meetings with incorporation of the team ideas, comments and recommendations into the Plan, and attendance at the final public hearing if requested. All required data elements and assessments, identification of expected changes and their impacts and issues problems and opportunities will be included as required by the MDH. All work will be completed by Marilyn Bayerl, owner, Bayerl Water Resources. Attached please find a proposed timeline for the completion of this project by March of 2014, allowing for local and MDH review and final approval by September 7, 2014.

Existing information will be utilized to write the Plan for the designated wellhead areas. I will summarize this data and incorporate it into the Plan. Draft copies will be provided to the committee either by the City or at actual cost to Bayerl Water Resources. One hard copy and 10 electronic copies of the DRAFT Plan will be provided, as well as 1 final hard copy and up to 25 electronic copies of the completed Plan will be provided as part of this proposal. Printing and reimbursable expenses (phone calls, supplies, etc.) will be billed at actual cost.

I will complete the work on an hourly plus expenses basis. I have included the public hearing as an optional item as the Minnesota Department of Health will usually attend the hearing if requested (saving you the expense of my attendance). My hourly rate is \$75/hour and my estimate of the cost to complete this project (including printing costs for meeting materials and two hard copies and up to 35 CDs of the plan) is as follows:

Task	Estimated Hours	Estimated Cost
Four meetings	14	1,050
Prepare draft plan	30	2,250
Prepare final plan	6	450
Public Hearing (opt)	2.5	188
<b>Subtotal</b>	<b>43</b>	<b>3,750</b>
	(47 w/opt)	(3,938 w/opt)
Mileage for 4 mtgs. (.555/mi.):	372 miles	372
Public Hearing Mileage (Opt)		52
Printing/supplies (Actual cost):		200
Mapping		600
<b>Total</b>		<b>4,922</b>
		(5,162 w/opt)

Bayerl Water Resources will not exceed this estimate in the development of this Plan. All mapping, data compilation and data verification will be provided by Bayerl Water Resources. I will summarize this data and incorporate it into the Plan. Draft copies will be provided (1 printed and 10 digital) as well as Final copies of the completed Plan (1 printed and up to 25 digital).

If you are in agreement with my proposed scope of services, please sign below and return one copy of this letter to me as authorization to proceed.

**Proposed by BAYERL WATER RESOURCES**

*Marilyn E. Bayerl*

Marilyn E. Bayerl

**Accepted by the City of Freeport**

The above proposal is satisfactory and Bayerl Water Resources is authorized to do the work as specified. Payment will be made monthly in accordance with the terms on the above estimate.

\_\_\_\_\_  
Date

Enclosures: Timeline  
Resume  
References

**CITY OF FREEPORT  
WELLHEAD PROTECTION PLAN**



**PART II TIMELINE FOR WORK ITEMS  
October 2013 – September 2014**

**THE FOLLOWING IS A PRELIMINARY TIMELINE FOR COMPLETION OF PART II WHP PLAN.**

**MEETING 1: OCTOBER 2013:**

1. INTRODUCTION OF WHP TEAM AND CONSULTANT TO WRITE PART II OF WHP PLAN.
2. BRIEF REVIEW OF DWSMA AND VULNERABILITY STATUS.
3. DISCUSS/ REVIEW REQUIRED COMPONENTS OF CHAPTERS 1-7 OF THE PLAN (SCOPING LETTER).
4. REVIEW AND CORRECT POTENTIAL CONTAMINANT SOURCE INVENTORY AND DISCUSS MAIN COMPONENTS OF CHAPTER 4.
5. SET NEXT MEETING DATE.

**MEETING 2: early DECEMBER 2013**

1. REVIEW / MODIFY DRAFT CHAPTERS 1-7.
2. REVIEW AND CORRECT PCSI DATA.
3. APPROVE MAPPING REQUIRED FOR PLAN.
4. DISCUSS REQUIREMENTS FOR CHAPTERS 8 AND 9.
5. SET NEXT MEETING DATE.

**MEETING 3: early FEBRUARY 2014:**

1. REVIEW AND APPROVE CHAPTERS 1-8.
2. APPROVE FINAL PCSI MAPS AND DATA.
3. STRATEGIES DISCUSSION FOR CHAPTER 5.
4. CHAPTER 10 – EVALUATION PROGRAM
5. COMPLETE CONTINGENCY PLAN.
6. SET NEXT MEETING DATE.

**MEETING 4: early MARCH 2014:**

1. REVIEW AND APPROVE FINAL DRAFT.
2. APPROVE IMPLEMENTATION TIMELINE.

**BY MARCH 20, 2014:**

1. SUBMIT TO LOCAL GOVERNMENTS FOR 60-DAY REVIEW.
2. SET PUBLIC HEARING DATE AFTER 60-DAY REVIEW PERIOD.

**MARCH 20 – MAY 20, 2014:**

LOCAL GOVERNMENT REVIEW

**EMAIL/PHONE MEETING WITH City of Freeport: May 20, 2014:**

REVIEW LOCAL GOVERNMENT COMMENTS AND PREPARE FOR PUBLIC HEARING.

**MAY 27, 2014:**

HOLD PUBLIC HEARING.

**JUNE 3, 2014:**

SUBMIT PLAN TO MINNESOTA DEPARTMENT OF HEALTH FOR FINAL APPROVAL BY  
SEPTEMBER 7, 2014.

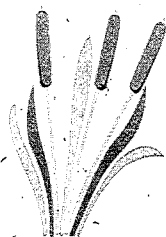


**Marilyn E. Bayerl**  
**Water Resources Specialist**

9083 State Hwy 114 SW  
Alexandria, MN 56308  
320-283-6127  
bayerl@runestone.net

---

<b>EDUCATION</b>	Baccalaureate of Science in Aquatic Biology, St. Cloud State University, 1994
<b>EMPLOYMENT BACKGROUND</b>	Owner, Bayerl Water Resources (2001 – Present) Water Plan Technician, Douglas County Land and Resource Management (1995-2001) Lab Technician, Kraft Foods, Albany, Minnesota (1994-1995) Fisheries Internship, Department of Natural Resources, Glenwood, MN (1993). Seasonal Field Technician, Widseth, Smith, Nolting and Assoc., Alexandria, MN (1992) Lab Technician, St. Cloud State University, St. Cloud State, MN (1992-1994) Seasonal Project, Chain of Lakes Coalition, Alexandria, MN (1992)
<b>MEMBERSHIPS AND AWARDS</b>	Minnesota Waters –board member (2002-2006) North American Lakes Management Society, NALMS (1994-present) MPCA Subsurface Sewage Treatment Systems Advisory Committee (2004-2008) Minnesota Rural Water Association (2002-present) Water Planner of the year, 1999 Outstanding Service Award, Lake Le'Homme Dieu Association, 2001
<b>COMMUNITY INVOLVEMENT</b>	Advisory, Lake Mary Association (1997-present) Advisory Member, Douglas County Lakes Association (1995-present) Kid's Groundwater Festival Planning Committee – Douglas County (1995-present) Volunteer Local Water Management Task Force – Douglas County (2001-present)
<b>PROFESSIONAL EXPERIENCE</b>	Well-rounded problem solver with broad based expertise in areas of local water planning, zoning, water management issues, facilitation, and wellhead protection. <ul style="list-style-type: none"><li>• Completed Comprehensive Watershed Management Plan for the Lac qui Parle – Yellow Bank Watershed District (2009).</li><li>• Completed bacteria Total Maximum Daily Load study and implementation plan for the Pomme de Terre Watershed Joint Powers Board (2008).</li><li>• Facilitated public input, presentations and committee meetings during the Lac qui Parle-Yellow Bank Watershed District Plan update, and the Comprehensive Local Water Management Plan updates for Douglas, Isanti and Otter Tail County.</li><li>• Wrote Comprehensive Local Water Management Plan for Douglas, Otter Tail (2004 and 2009), and Isanti (2006) Counties.</li><li>• Facilitated public input sessions for lake management planning for ten lake associations. Wrote Lake Management Plan for five lake associations.</li><li>• Plan writing and meeting facilitation for Wellhead Protection in numerous communities. Wrote Comprehensive Source Water Protection Plan for the Cities of Minneapolis, St. Paul and St. Cloud (2006).</li><li>• Spent five years planning and implementing Douglas County's Comprehensive Local Water Plan at the local level.</li><li>• Wrote recommendations for Planning Advisory Commission and Board of Adjustment actions. Conducted occasional viewing meetings.</li><li>• Conducted Planning Advisory Commission / Board of Adjustment meetings as needed when director unavailable.</li><li>• Participated in writing / meeting facilitation of Douglas County Subdivision Ordinance.</li><li>• Wrote, obtained, and administered over \$400,000 in grants to fund priority projects.</li><li>• Demonstrated ability to prioritize, balance, and supervise several projects simultaneously.</li><li>• Facilitated meetings between state, local and federal agencies to work cooperatively on priority projects.</li></ul>



## **References for Wellhead Protection**

City of Long Prairie  
**David Venekamp**  
City Administrator / Clerk  
320-732-2167

City of Little Falls  
**Gerald Lochner**  
Public Works Director  
320-616-5500

City of Glenwood  
**Dave Perryman**  
Public Works Director  
320-634-5433

City of Moorhead  
**Cliff McLain**  
Moorhead Public Services  
Water Division Manager  
218-299-5471

City of Barnesville  
**Todd Meyer**  
Water/Wastewater Supt.  
218-354-2264

City of Alexandria  
Completed original plan and am presently completing the 10-year update  
**Scott Deitz**  
Alexandria Light and Power  
Operations Manager  
320-763-6501

City of Browerville  
Completed original plan and 10-year update  
**Chuck Buhl**  
Public Works Director  
320-594-2201

Cities of Eden Valley and Watkins  
**Mona Haig**  
Eden Valley City Clerk  
320-453-5251

City of Richmond  
**Martin Bode**  
City Administrator / Clerk / Treasurer  
320-597-2075

City of Battle Lake  
**Wanda Berg-Vorgert**  
Clerk-Treasurer  
218-864-0424

Green Lake Sanitary Sewer & Water  
**Ron Hagemeier**  
Director  
320-796-4523