



## **CITY OF FREEPORT**

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### **April 22, 2014 - City Council Meeting Minutes**

A special meeting of the Freeport City Council was convened at 7:03p.m. by Mayor Matt Worms with Councilmembers Ken Goebel, Ron Ritter and Rodney Atkinson present. Carrie Goebel arrived after meeting was convened.

Staff in attendance: Clerk-Treasurer Mason Schirmer, Public Works Director Jon Stueve, Insurance Agent Fritz Hoeschen and Stearns County Assessors Jeff Johnson and Kathryn Korte.

Public in attendance: Carol Moorman (Melrose Beacon), Ben Ertle (312 1<sup>st</sup> Ave N), Alice Fuechtmann & Judy Beuning, and Gabrielle Goebel.

#### LOCAL BOARD OF APPEAL & EQUALIZATION (LBAE)

Worms opened the LBAE meeting at 7:03p.m.

On behalf of Fuechtmann, Beuning asked Johnson and Korte why parcel 54.32074.0000 (211 2<sup>nd</sup> St NE) is taxed differently than parcel 54.32076.0000 (207 2<sup>nd</sup> St NE). Korte said combining the lots would make the entire property eligible for homestead classification. Schirmer invited Beuning and Fuechtmann to meet with him to start the process of combining the lots.

Johnson presented a request from Tim Hennen (DBA Hennen Lumber) for reduced valuation on parcel 54.32066.0050 (north of 115 3<sup>rd</sup> St NE) and parcel 54.32129.0112 (204 Main St E). Council compared the request to other per square foot valuations, including Hennen Flooring and a comparable sale in Belgrade.

C. Goebel arrived at 8:05p.m.

Worms moved and K. Goebel seconded a motion to 1) reduce valuation of the warehouse and shop building on parcel 54.32066.0050 from \$107,300 to \$100,500; and 2) reduce the value of the storage and light commercial warehouse on parcel 54.32129.0112 from \$324,100 to \$294,500. Motion carried 4-0 (C. Goebel abstained due to late arrival).

Worms closed the LBAE meeting at 8:10p.m and immediately called a temporary recess. Worms called the meeting back to order at 8:14p.m.

#### OPEN PUBLIC FORUM

Ertle said the new City website looks good.

## APPROVE AGENDA

Schirmer recommended adding 'c. Resolution 2014-011' and 'd. Old Plow Truck' to New Business and adding claims 1403-1405 to the Consent Agenda. K. Goebel moved and Ritter seconded a motion to approve the agenda with the additions. Motion carried 5-0.

## CONSENT AGENDA

K. Goebel moved and Ritter seconded a motion to approve the consent agenda consisting of: a) approval of 3/25/14 meeting minutes; b) approval of 4/2/14 meeting minutes; and c) approval of claims 1362-1405 (\$77,876.56). Motion carried 5-0.

## REPORTS

### Clerk-Treasurer

Schirmer said the final zoning code review meeting will be 6pm May 7<sup>th</sup>.

Schirmer said Alan Williams (308 2<sup>nd</sup> Ave NW) is asking the City to repave the alley adjacent to his property. K. Goebel said adjacent property owners paid to pave the alley on their own. C. Goebel moved and Ritter seconded a motion to deny the request by Alan Williams. Motion carried 5-0. Worms asked Stueve if sewer mains are under the alley. Steve said yes and that it would save money to replace or reline the clay mains before the surface is repaved.

Schirmer said the fence at 300 Industrial Drive violates city ordinance, which limits height to 8 feet. Schirmer asked if Council wanted the ordinance enforced. Worms asked why have an ordinance if you don't enforce it? Schirmer said property owner claims the fence is only 8 feet. Schirmer said he would confirm fence height with the building inspector before enforcing the ordinance.

Schirmer said 1) EDA minutes are in the packet; 2) the public nuisance ordinance will be enforced soon; 3) the 2013 Audit is done; 4) he received a \$200 scholarship to attend the MN Municipal Clerk's Institute; 5) early-registration discount to attend the LMC Annual Conference ends May 1<sup>st</sup>; 6) K. Goebel, Ritter and himself attended Skywarn training in Holdingford recently; 7) the website is up-and-running; 8) the Mayor's Proclamation was mentioned in the Melrose Beacon; 9) he discontinued LogMeIn.com, a service used by a previous Clerk to access City computers while offsite (a savings of \$69.95 per year); 10) he is working on the site plan that would be used in redeveloping the Creamery site and that the owner of 316 Main St W expressed interest in exchanging the property for a townhome unit. Council directed Schirmer to look into potentially increasing the size of the site plan to include the neighboring property; 11) he will be attending SCDP training in Alexandria on June 4<sup>th</sup>; 12) Kurt Ritter passed the criminal background check; and 13) Worms has the last irrigation meter to be replaced; 14) Council directed Schirmer to prepare a house moving ordinance for future review; 15) Council directed Schirmer to prepare a water and cross-connection ordinance for future review; 16) Schirmer provided an email from Attorney Scott Dymoke on how to raise funds to repaint the smiling water tower and said he will still need direction from Council; 17) the election filing period opens July 29<sup>th</sup>; 18) Todd Hagen of Ehlers is reviewing debt management; and 19) an article entitled "What Symbols Are We Creating" was provided in the packet.

### Public Works Director

Stueve said he likes the new plow truck, and that it's easier to plow Main Street and cul-de-sacs. Schirmer said the City of Hugo was easy to work with. Stueve said the well pumps have been replaced and streets have been swept. Stueve said Public Works Assistant Sam Eichers has been doing well and is flexible with his time, saying recently Eichers came-in from 9pm to Midnight to help sweep streets.

## OLD BUSINESS

### “No-Fault” Sewer Backup Insurance

Schirmer said during the 3/25/14 meeting, Council was notified that the City can purchase “No-Fault” Sewer Backup Insurance; however, questions were raised about how it works with homeowners insurance. Hoeschen said properties with sewer coverage on their homeowner’s policy do not qualify for “no-fault” and recommended not purchasing the insurance. Council agreed unanimously to not purchase the insurance.

### Wellhead Protection (WHP) Plan Update

Worms asked Atkinson if the Plan is done. Atkinson said he was having problems with formatting. Atkinson said he is confused because he thought Karen Voz (MDH) already approved the plan. Schirmer said Dave Neiman (MN Rural Water Assoc.) assists with plan review, not Voz. Schirmer said Councilmembers have asked for months when the Plan would be done and that Atkinson said it could be done the next day.

Schirmer presented a doodle, drawn by Atkinson, and said Atkinson took time to 1) doodle, 2) scan it into a computer, 3) save it as an image, and 4) upload it into the Plan. Schirmer said Atkinson then delivered the Plan to the MDH, Stearns County, and local Townships. Schirmer said the plan had not been approved for distribution. Schirmer said the Atkinson’s attention to detail is poor and that Atkinson doodles instead of correcting errors. Schirmer said Atkinson is failing the City and the deadline is fast-approaching. Schirmer said the Plan should be available now, to give Council a month to review. Schirmer said the Committee still has to approve the Plan before Council can accept it.

Worms said he was disappointed that Atkinson did not ask for more time. Worms said he called Neiman and was told the Plan is neither the worst nor the best; however, Schirmer is doing his best to ensure the document is professional since it represents the City for the next 10 years. Worms said he is very disappointed Atkinson did not send an email as directed. Atkinson asked what email. Schirmer said Atkinson was directed by the committee to email Neiman the newest version of the Plan by Noon 4/17. Schirmer said Atkinson did not do as directed, and the 4/18 committee meeting was cancelled since there was nothing to review.

Atkinson said he asked for help previously and did not receive it. Schirmer said Atkinson’s comment at a previous Council meeting was “that Hennen girl could finish it.” Schirmer said at that time he told Atkinson the Administrative Assistant is his assistant and the Plan is Atkinson’s responsibility. Atkinson said all he has left is making tables and adding spaces and that “it’s the stupidest damn thing.” Schirmer said Atkinson was directed to delete the copyright; however, Atkinson refused to do it.

Atkinson said he was led to believe the 60-day comment period was open. Schirmer said Atkinson disregards direction. Atkinson said the Committee was ready to approve the Plan. Schirmer said the Committee did not give Atkinson any such direction. Worms said he spoke with Neiman and was told the Plan has not been approved. Atkinson said he spoke personally with Pete Welle, Dennis Heidgerken, Jon Wilwerding, and himself.

Schirmer asked why neither Worms nor he was contacted, since they are also Committee members. Schirmer said Atkinson circumvented the Committee and the City Council. Schirmer said Committee Member Wilwerding came to City Hall under the impression the Plan was done; however, when he saw the Plan, he thought the doodle was ridiculous. Atkinson said changes can be made during the 60-day comment period. Worms said the Plan has to be accepted by Council first, and that the Plan is not ready yet.

Atkinson said Neiman’s email account doesn’t accommodate. Worms said it is Atkinson’s responsibility to make certain his computer is compatible with Neiman’s. Atkinson said everything will be dealt with at the next Committee meeting. Worms said the Plan should be done now.

Schirmer recommended that Council fire Atkinson from the position of Technical Writer of the Wellhead Protection Plan. Worms said he wants to fire Atkinson as well as ask Council to ask Atkinson to reimburse the City \$7,000 for his inappropriate actions (see Resolution 2014-007). Worms asked if taxpayers have to pay for that. Atkinson said no, he would not reimburse the City.

Worms moved and C. Goebel seconded a motion to fire Atkinson from the position of Technical Writer of the Wellhead Protection Plan. Atkinson said 1) the Plan is the finest document as far as content goes and that he worked on it for six months; 2) it was hard to understand all the changes he was directed to make; and 3) some of the things in the Plan would not otherwise exist if it was not for him, such as information on the well from 1967. Worms said Neiman said all that is not needed in the Plan. Atkinson said he does not agree with Neiman because if you have twelve feet of pea rock in your hole and a screen with twenty feet of pipe between the next screen that would probably mean increased vulnerability since its not according to well code. Atkinson said, "I would appreciate if you want to fire me, its fine with me, but don't make me look bad because of all the hard work I did." Schirmer held-up a copy of the doodle. Atkinson said "you can stick that one where." C. Goebel said Atkinson talks in circles and that Atkinson still has not talked about the status of the Plan. Worms said the City does not need a sketch of the water tower with broken legs. Worms said 1) he is disappointed that three months ago, Atkinson would say "it could be done tomorrow;" 2) Atkinson disregards Neiman; and 3) the City can't help if Atkinson is not computer literate.

Atkinson said he thought the deadline was Noon 4/18 and that he is not told when Committee meetings are. Schirmer said Atkinson is told when next meetings will be. Worms said Atkinson should have been calling the meetings anyways, every time a new draft was ready to be reviewed.

K Goebel said that during the last Council meeting, he asked Atkinson if he needed help and that the newspaper quoted him word-for word, and Atkinson did not ask for any. Atkinson said he does not remember very well. Worms said Atkinson tried to have the Administrative Assistant finish it; however, she is Schirmer's assistant, not Atkinson's. Worms said Atkinson should have found someone with the skills necessary to help him finish. Atkinson said the plan is a great report approved by Voz. Worms said the plan has not been approved since Council has not even accepted it or held the 60-day public comment period.

Atkinson said the Plan is done, he set a copy on the Council table, and said he did not know about the 4/18 deadline because he was "busy making notes on maggot changes." Schirmer said Atkinson still has not removed the copyright as directed and Atkinson doesn't make corrections as directed. Motion carried 4-1 (Atkinson opposed).

Worms moved and C. Goebel seconded a motion to ask Atkinson to repay the City \$7,000 for legal fees, staff time and other expenses associated with his actions (see Resolution 2014-007). Motion carried 4-0 (Atkinson abstained by making no sign).

Worms moved and K. Goebel seconded a motion to ask Atkinson to resign from City Council. Motion carried 4-0 (Atkinson abstained by making no sign).

### Snow Plow Truck Purchase

Schirmer said during the 3/25/14 meeting, Council approved purchasing a plow truck from the City of Annandale; however, after the meeting Stueve found the City of Hugo was accepting bids for a better truck. Stueve said Hugo's truck is better than Annandale's because it: 1) is 4 years newer; 2) has fewer miles; 3) has a stainless steel sander; 4) has joystick control; and 5) has a stock belly scraper that automatically lifts when the truck is shifted into reverse (Annandale's is aftermarket and needs to be lifted separately). Stueve said 'it's a great piece of equipment, nearly the exact same truck the state uses.'" K. Goebel moved and

Ritter seconded a motion to rescind the 3/25/14 motion to approve purchasing the Annandale truck. Motion carried 5-0. K. Goebel moved and Ritter seconded a motion to purchase the Hugo truck (see claim #1378). Motion carried 5-0.

#### City Hall Water Softner

Schirmer said Joe Finken provided information on the rate being charged to the City to lease the City Hall water softner. Schirmer said the City appreciates Phil Osendorf giving an estimate in a timely manner. Worms moved and C. Goebel seconded a motion to leave the softner arrangement as is. Motion carried 5-0.

#### NEW BUSINESS

##### Pay Plan

In the interest of time, Worms tabled 'Pay Plan' until next council meeting.

##### Asbestos Consultant

In the interest of time, Worms tabled 'Asbestos Consultant' until next council meeting.

##### Resolution 2014-011 (Code of Conduct)

Schirmer said during the 10/22/13 meeting, Council asked for a code of conduct to be prepared. Schirmer provided Resolution 2014-011 Code of Conduct. Worms moved and Ritter seconded a motion to approve Resolution 2014-011 Code of Conduct. Motion carried 5-0.

##### Old Plow Truck Disposal

Stueve recommended selling the old plow truck by accepting bids, with a \$10,000 minimum. Stueve said he often sees \$13,000 to \$16,000 for similar. Stueve said the truck would be advertised on the LMC's website. Worms moved and C. Goebel seconded a motion to authorize taking bids for the potential sale of the old plow truck with a minimum suggested bid of \$10,000. Motion carried 5-0.

#### ADJOURN

Worms moved and C. Goebel seconded a motion to adjourn. Motion carried 5-0. Meeting adjourned at 10:00p.m.

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Mason Schirmer, City Clerk

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Matthew H. Worms, Mayor