



CITY OF FREEPORT

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July 30, 2013 – City Council Meeting Minutes

A regular meeting of the Freeport City Council was convened at 7:00 P.M. by Council Member Carrie Goebel (Presiding Officer) with Council Members Ron Ritter, Ken Goebel and Rodney Atkinson present. Mayor Matt Worms was not in attendance.

Also in attendance: Carol Moorman, Keith Fischer (109 3rd Street SW), Al Williams (308 2nd Ave NW), Cecil & Lucile Harms (208 2nd Ave NW), Arnie Hoeschen (309 2nd Ave NW), Dave Nieman (Minnesota Rural Water Association) and LeRoy Hoeschen (116 3rd St NW).

Staff in attendance: Mason Schirmer, Jon Stueve and Dave Blommel.

The Pledge of Allegiance was said by those in attendance.

OPEN PUBLIC FORUM

No public comment was provided.

CONSENT AGENDA

Schirmer suggested the following corrections and additions to the agenda: 1) Move Adjournment to item ten (X); 2) Add item nine (IX) Closed Session; and 3) Rename item seven (VII) A: Harms Variance Request. K. Goebel moved and Ritter seconded a motion to approve the additions and corrections. Motion carried 4-0. Atkinson asked for item C (claims) be removed from the consent agenda and discussed during the Clerk's Report. K. Goebel moved and Ritter seconded a motion to approve the consent agenda item A (agenda) and item B (minutes from the June 25, 2013 regular meeting). Motion carried 4-0.

PUBLIC INFORMATIONAL MEETING (Public review of wellhead protection plan)

Dave Nieman, of Minnesota Rural Water Association, presented an overview of the steps the city has taken thus far as well as the next steps in the process. Nieman said a scoping meeting will be taking place tomorrow, during which time the city will receive further details on the next step in the process.

PUBLIC HEARING (Variance requested at 208 2nd Ave NW)

K. Goebel moved and Ritter seconded a motion to open the public hearing. Motion carried 4-0. Public hearing opened at 7:25 PM.

Schirmer presented a variance request from Cecil Harms for potential dwelling and garage additions at 208 2nd Ave NW. Al Williams asked what the variance request is for. Schirmer said the variance being requested is to allow the property owner to infringe the side yard setback and the front yard setback for the construction of a new dwelling and garage addition. Williams said fifty foot (50') lots are difficult to work with and that the city needs to work with property owners. Schirmer said the lot at 208 2nd Ave NW does not have access to an alley. Schirmer presented a memo from Municipal Development Group stating they do not support the request. Williams asked if the garage could be constructed on the rear of the property. Schirmer said the

property does not have access to an alley. K. Goebel and C. Goebel both said they were not comfortable permitting construction up-to three (3) feet from the property line. Cecil Harms said his property line is twelve feet (12') from the edge of the city street. Atkinson commented that the lines on the certificate of survey indicate property lines, not street. Atkinson said the distance from the property line to the street provides the city options, such as installing sidewalks. Schirmer said the distance also provides space for street reconstruction. Williams asked what the setback distances are. Schirmer said the property is within the R-1 Residential Zone with a thirty foot (30') front setback and a six foot (6') side yard setback. Harms said the new garage additional would be used to store two (2) vehicles and provide extra shop and storage space.

Ritter moved and K. Goebel seconded a motion to close the public hearing. Motion carried 4-0. Public hearing closed at 7:35 PM.

OLD BUSINESS

2012 Hail Storm Insurance Claim Status

Schirmer provided a memo detailing what has been happening with the process. Schirmer said he identified more hail damage than was originally recorded by the insurance adjuster. Schirmer said he worked closely with Carol Kelly with the League of Minnesota Cities Insurance Trust (LMCIT). Schirmer said the city has been notified that insurance will cover the cost of replacing all of the fire halls overhead doors for \$16,993.00 (provided by St. Cloud Overhead Door). Schirmer said the LMCIT has also authorized replacing the panels on the roof, west wall and south wall of the Maintenance Building for \$20,511.19.

Other

In referring to the minutes of the previous city council meeting (June 25, 2013) regarding New Business: EDA Appointments, Atkinson asked if the term 'ex-officio' had been defined. Schirmer said the term refers to holding one position by way of another position. Schirmer said he had received information from the League of Minnesota Cities as well as from Atkinson regarding the terms definition.

K. Goebel asked for EDA meeting minutes to be included within the city council meeting packets. Schirmer said he will include the minutes with future packet materials.

NEW BUSINESS

Harms Variance Request

Atkinson said fifty foot (50') lots are difficult to accommodate and that the city should possibly consider special zoning for small lots. K. Goebel said he is not comfortable with permitting development so close to the front property line. Al Williams said the city needs to accommodate property owners.

Atkinson moved and Ritter seconded a motion to deny the variance request for 208 2nd Ave NW. Motion carried 4-0.

Paynesville Mutual Aid Agreement Request

Schirmer said the city received a mutual aid agreement request from the City of Paynesville. Schirmer said Freeport Fire Chief Noah VanBeck recommends not approving the agreement due

to distance; and that Freeport has sufficient agreements with neighboring departments and if the need for additional support arises, he would contact the County and State for help.

Schirmer said that in addition, the document contains a section stating that the City of Paynesville would not be responsible for damage caused to Freeport equipment. Schirmer said that due to the high cost of emergency response equipment, this section may not be in the best interest of the City of Freeport. Schirmer said he had left two voice messages and one email for Renee Eckerly (City Administrator, City of Paynesville) for more information on the origin of the document and the section in question. Schirmer said no response was received.

City council agreed not to approve and sign the agreement.

City Newsletter

Schirmer presented an old version of the city newsletter (Winter 2012) and asked if the city council wants the city to mail residents newsletters again. Council said the newsletter was discontinued after the city incorporated bill cards into utility billing; previously, the newsletter also contained utility bills.

Initiative Foundation 2014 Contribution Request

Schirmer presented a request form the Initiative Foundation of \$500 for their 2014 budget. Council asked for the request to go before the EDA first.

Legislator Recognition (Paul Anderson)

Schirmer presented a memo from the League of Minnesota Cities acknowledging the efforts of State Representative Paul Anderson,

Stearns County Public Hearing Notice

Schirmer presented a notice of public hearing regarding a proposed text change in Stearns County Land Use and Zoning Ordinance.

Financial Report & 2014 Budget

Schirmer presented revenue and expenditure summaries. Schirmer said he is working with Joe Rigdon (KDV) to separate Fund 305 into individual bond funds, which will provide a clearer picture of each bonds cash account balance. Schirmer said General Fund revenues are on pace and Expenditures are less than anticipated at this time of year. Schirmer said he has started budgeting for 2014 and welcomes suggestions for items to be budgeted for. Schirmer said he intends to present a preliminary budget rough draft during the August 27, 2013 regular city council meeting.

REPORTS

City Engineer, S.E.H. – Dave Blommel

Blommel said that after recently inspecting the wasterwater pond wall, he was able to determine that the top of the wall had not settled (which was the initial diagnosis); rather, the rip-rap had settled. Blommel estimated wall repairs as initially diagnosed would have exceeded \$80,000; however, the addition of rip-rap should not exceed \$5,000.

Blommel said the water tower project is nearing completion and is hereby asking final payments be made and project documents be signed. K. Goebel moved and Ritter seconded a motion to: 1) authorize final payment of \$10,000 contingent upon Rural Development's concurrence and staff acceptance of punch list items; and 2) authorize mayor and staff to sign documents finalizing the construction contract with General Construction Services. Motion carried 4-0.

Public Works Director, Jon Stueve

Stueve said he was getting estimates to repair select portions of street throughout town

Clerk-Treasurer, Mason Schirmer

Schirmer presented a memo detailing activities throughout the month. In addition, Schirmer said: 1) a new business is opening on Saturday, August 3rd, next to Uptown Hair; 2) local business Wobegon Fabric & Quilting Supplies recently closed; 3) the city will be addressing properties in violation of the nuisance ordinance; and 4) the city's first quarter 941 filed with the IRS was not initially received correctly by the IRS and as a result the city received a notice of an outstanding balance in excess of \$20,000; however, Schirmer said he worked with the IRS and the problem has since been resolved and no balance remains.

Schirmer answer questions regarding claims paid. Ritter moved and K. Goebel seconded a motion to approve claims distributed June 19, 2013 through July 22, 2013. Motion carried 4-0.

Closed Session

K. Goebel moved and Ritter seconded a motion to close the regular meeting on advice of counsel in association with Keith Fischer assessment appeal. Motion carried 4-0. Meeting closed at 9:10 PM.

K. Goebel moved and C. Goebel seconded a motion to reopen the regular meeting. Motion carried 4-0. Meeting reopened at 9:34 PM.

ADJOURNMENT

K. Goebel moved and C. Goebel seconded a motion to adjourn the regular meeting. Motion carried 4-0. Meeting adjourned at 9:35 PM.