



## **CITY OF FREEPORT**

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112 – FAX 320-836-2116  
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### **October 29, 2013 – City Council Meeting Minutes**

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

Public in attendance: Carol Moorman (Melrose Beacon), Natascha Hennen (107 3<sup>rd</sup> St NW), Ben Ettle (312 1<sup>st</sup> Avenue North) and Lisa Schirmer.

Staff in attendance: Mason Schirmer and Dave Blommel.

The Pledge of Allegiance was said by those in attendance.

#### OPEN PUBLIC FORUM

No comments received.

#### APPROVE AGENDA

Schirmer recommended the following items be removed from the agenda: 1) Report - Public Works Director; 2) New Business - Closed Meeting; 3) New Business - Land Sale; and 4) New Business – Employee Benefits. Schirmer provided an updated list of claims to be paid totaling \$45,926.35. C. Goebel moved and K. Goebel seconded a motion to approve the agenda as amended. Motion carried 5-0.

#### CONSENT AGENDA

Ritter moved and C. Goebel seconded a motion to approve the consent agenda (9/24/13 regular meeting minutes; 10/15/13 special meeting minutes; claims paid 10/17/13 totaling \$18,294.49; claims paid 10/21/13 totaling \$5,431.15; and claims to be paid totaling \$45,926.35). Motion carried 5-0.

#### REPORTS

##### Clerk-Treasurer

Schirmer provided council members with a print-out of email messages and a memo regarding council member actions. Schirmer said he received inappropriate emails from Council Member Atkinson. Schirmer presented an email and pointed-out how it was intentionally created to be misleading, and pointed-out where Atkinson admitted how he [Atkinson] had created an email contact named 'all council' then emailed Schirmer and carbon copied (cc:) the 'all council' contact with a message saying he [Atkinson] was going to make a motion and described his reasoning for the motion. Schirmer said Atkinson's apparent attempt to discuss city business outside of a public meeting would have been a violation of the open meeting law. Schirmer said he forwarded the message to legal counsel for advice. Schirmer said he received direction from legal counsel then emailed other council members with instruction not to participate in Atkinson's discussion, so as to prevent an open meeting law violation. Schirmer said he then received another email from Atkinson saying that the initial email was a "test" and that he did not send his initial message to any council members because the 'all council' email contact was actually his own personal email account.

Schirmer said the email he received also included Atkinson saying that if there is an open meeting law violation, that he places the blame on Schirmer since Schirmer had emailed the other council members. Schirmer asked if Council had given Atkinson direction to send those inappropriate emails. Schirmer said Atkinson's actions were a misuse of staff time and cost the city money in legal services. Schirmer said the city's attorney Adam Ripple was concerned about Atkinson's actions, since Atkinson's actions directly contradict the information provided to Atkinson and all other council members during the recent special city council meeting regarding meeting management techniques and council conduct, held October 22, 2013.

Worms said he stands behind Schirmer 100%. Worms said Schirmer was hired to conduct the city's business in a professional way. Worms said Atkinson's actions should stop immediately, and that all Councilmembers should let Atkinson know his actions were a waste of time. Worms said Atkinson should respect Schirmer; Schirmer is the City Clerk, don't waste Schirmer's time and don't bring the city into a liability issue.

C. Goebel expressed her support of Schirmer bringing Atkinson's actions to the attention of all Councilmembers by saying she hopes Schirmer continues to rely on Council to help resolve such issues.

K. Goebel said he thought the matter was a dispute between property owners. Schirmer said the issue is the misuse of staff time. K. Goebel shook his head indicating he did not approve of Atkinson's actions.

To express his disapproval of Atkinson's actions and express an understanding of the position Atkinson put Schirmer in, Ritter described personal experience his family had with employer intimidation.

Worms said he hoped Atkinson's disruptive behavior stops so Schirmer can make better use of his time and city funds. Worms thanked Schirmer for bringing the issue to Council's attention.

Atkinson said he had tried repeatedly to get zoning policy information from Schirmer, and to have zoning specifically put onto a meeting agenda. Schirmer said no such request was ever submitted.

Schirmer reminded Council that on the current agenda under 'Other' is '316 8<sup>th</sup> St SE,' which was added at the request of Atkinson. Schirmer said the present discussion is about the abuse of staff time and that zoning questions would be out-of-order at this point in time.

#### Engineer

Blommel said the sidewalk panel in front of the Credit Union should be repaired soon.

#### OLD BUSINESS

##### Answers to Budget Workshop Questions

Schirmer presented a memo answering questions council members asked during the budget workshop meeting.

##### Errors & Omissions Insurance Statement

Schirmer presented a memo prepared by the city's Insurance Agent regarding errors and omissions coverage; the memo said such coverage could be purchased by the individual council member under their own personal umbrella coverage.

##### DEED Grant Application Status

Schirmer said the grant application submitted to DEED for funds to redevelop the Freeport Creamery site was rejected. Schirmer said the DEED representative said the decision was due to a poorly prepared application. Schirmer said the application was prepared by Heidi Pepper of SEH, the city's engineering firm. Schirmer said Pepper apologized and said she will put more effort into the next attempt. Schirmer said he will review the application himself prior to resubmitting.

#### Famo Feed, Inc. Tax Abatement Termination

K. Goebel moved and C. Goebel seconded a motion to terminate the tax abatement agreement with Famo Feed, Inc. Motion carried 4-0 (Worms abstained).

#### NEW BUSINESS

##### Resolution 2013-025

Worms moved and C. Goebel seconded a motion to approve Resolution 2013-025 Capitalization Policy. Motion carried 5-0.

##### Resolution 2013-026

C. Goebel moved and Ritter seconded a motion to approve Resolution 2013-026 Resolution Appointing Election Judges For Special Primary Election. Motion carried 4-0 (K. Goebel abstained).

##### Annual Limited Liability Coverage Waiver Renewal

Atkinson moved to waive monetary limits on tort liability and increase from \$500,000 to \$1.5 million. C. Goebel said that is not an option. Schirmer explained the liability coverage waiver form and said the city has traditionally chosen not to waive monetary limits on tort liability. Atkinson said he wants to waive monetary limits on tort liability and purchase excess liability coverage. Worms said that since the more insurance the city purchases, the more the city can be sued for, why not just leave the limits in place? Atkinson cited an incident at Holidazzle in Minneapolis as the reasoning for his desire to purchase excess liability coverage, so that injured parties could have more money if they sued. Schirmer said Atkinson's reasoning sounded personal. Lisa Schirmer asked if the decision is in the best interest of the City. Worms said purchasing more insurance is just spending more city money. Atkinson said it is the right thing to do. Worms asked if the decision is being made to protect the city's funds and assets, since you're still spending the city's money to buy the excess insurance. Schirmer suggested asking the city's insurance agent for more information if needed. Worms said with no second the motion by Atkinson dies. K. Goebel said the decision should be tabled until next meeting.

##### Fire Department Officer Appointments

Ritter moved and C. Goebel seconded a motion to approve the appointments of Dean Jungles to Chief, Natascha Hennen to First Assistant Chief, and Jason Hoppe to Second Assistant Chief effective 1/1/2014 for a term of two years as per Resolution 2013-009. Motion carried 5-0.

#### OTHER

##### Letter regarding activities for children

Schirmer presented a letter received anonymously asking that the City consider adding more things to the community for children to do.

##### 316 8<sup>th</sup> St SE (as requested by Council Member Rodney Atkinson)

Atkinson said he was concerned about house repairs being done using an expired building permit. Atkinson said he was also concerned over how the property owner acted towards Schirmer. Atkinson said he questioned the likelihood that the repairs were due from the same storm event. Atkinson said he is concerned about property owners not following the rules and getting permits as necessary and that he is concerned about how the City enforces building permits.

Worms said the City has Dan Marthaler as the Building Official and that the City Council relies on Marthaler's opinion. Worms said Marthaler had no objection to the work being done at 316 8<sup>th</sup> St SE.

ADJOURNMENT

Worms moved and K. Goebel seconded a motion to adjourn. Motion carried 5-0. Meeting adjourned at 7:59 P.M.

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Mason Schirmer, City Clerk

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Matthew H. Worms, Mayor