



CITY OF FREEPORT

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July 29, 2014 - Meeting Minutes

A regular meeting of the Freeport City Council was convened at 7:01p.m. by Mayor Matt Worms with Councilmembers Ken Goebel, Ron Ritter, Carrie Goebel and Rodney Atkinson present.

Staff in attendance: Clerk-Treasurer Mason Schirmer, Administrative Assistant Adrianna Hennen, Public Works Director Jon Stueve, Engineer Dave Blommel (SEH, Inc.), Dave Neiman and Ruth Hubbard (MN Rural Water Association)

Residents in attendance:

Mark Middendorf (711 Main Street E)

Ron Gruber (517 1st Ave N)

Steve Notch (Stearns County Commissioner)

Tom Hiltner (304 2nd St NW)

Troy Frieler (313 2nd St NW)

Vernon Fuchs & Andrea Ramacher (720 1st Av N)

Wendy Atkinson (310 8th St SE)

Others in attendance: Carol Moorman (Melrose Beacon), Melissa Murphy (125th St SW, Melrose)

Public Hearing on the Adoption of Business Subsidy Policy & Criteria

Worms moved and K. Goebel seconded a motion to open the public hearing. Motion carried 4-0 (R. Atkinson made no sign). Public hearing opened at 7:01pm.

Schirmer provided a summary of how the document originated and the EDA's involvement. Schirmer said the policy would only be used when a business asks for \$150,000 or more in financial assistance, when a business requests less than \$150,000, the city can use the policy as a guide.

Gruber asked if business assistance would be capped at \$150,000. Schirmer said no, once a request reaches \$150,000 the policy would need to be followed.

Gruber asked how TIF works. Schirmer explained what the increment is and how a payment is made back to the property owner and what those funds would be used for.

Gruber asked what the city does to bring employers here. Schirmer said the policy is not a new program, it provides guidelines businesses must meet and outlines how the process works.

Gruber asked if the city can require employers to stay. Worms explained that there are often employment terms. Schirmer said such terms can be negotiated within a development agreement.

Worms moved and C. Goebel seconded a motion to close the public hearing. Motion carried 5-0. Public hearing closed at 7:12pm.

Public Hearing on Approval of Wellhead Protection Plan

Worms moved and C. Goebel seconded a motion to open the public hearing. Motion carried 5-0. Public hearing opened at 7:12pm.

Neiman said the Minnesota Rural Water helped facilitate the development of a wellhead protection plan and provided a summary of how the plan was developed. Neiman said part II contains goals for the next ten years as well as identifies issues, threats and opportunities and establishes management strategies. Neiman said Stearns County did provide recommended changes. Neiman said tonight council must ask the public for comment and then be expected to take action to approve part II of the plan and submit to the Minnesota Department of Health for approval.

Schirmer asked Neiman if he had an opinion regarding the city's May decision to remove the line from the plan which addressed trying to reduce the use of private wells. Neiman said he suggested that line be part of the plan from the start.

Schirmer asked Neiman how property owners could obtain funds to connect to city water. Neiman said that so long as a line is included within the plan that address the city trying to reduce the number of private wells in operation in the city, the MDH provides source water protection grants up to \$10,000 to help pay for the projects which helps achieve goals within the wellhead protection plan. Neiman said MDH also provides a 50% cost-share matching grant for projects that do not help achieve goals in the wellhead protection plan; however the city would be required to pay for the other 50%.

Gruber said he should have a right to have a private well and asked why it should be taken away from him. Worms said it is not going to get taken away from you. Gruber said if the city passes such an ordinance, then it would. Schirmer said if it's not in the plan (referring to reducing the use of private wells within the city), that doesn't mean the city can't consider passing such an ordinance in the future, it just means there will be no money available for you to pay for costs; however, if you do have it in the plan there would be money there to help you.

Ramacher asked if the grant funds are guaranteed. Neiman said you are not guaranteed; however, the grant dollars are available twice a year and each grant period all the grant dollars are expended and the unfunded projects tend to go to the front-of-the-line for the next grant round. Neiman said once a grant is funded, the city can continue applying for grants without a limit.

R. Atkinson asked if the grants would be available to township residents. Neiman said the grants would only be available to projects within the wellhead protection area. R. Atkinson said Fuchs and Ramacher would then not get any money since they are not in the wellhead protection area. R. Atkinson said only Ron and Darlene Gruber and Mike and Jean Renneker reside in the wellhead protection area. Neiman said there are other grant programs and low-interest loan programs available as well.

Worms moved and Ritter seconded a motion to close the public hearing. Motion carried 5-0. Public hearing closed at 7:35pm.

Approve Agenda

Schirmer recommended adding 'Compensating Change Order' to new business and claims 1525-1532 to the consent agenda. Ritter moved and C. Goebel seconded a motion to approve the agenda with the proposed additions. Motion carried 5-0.

Consent Agenda

R. Atkinson asked Schirmer if there were any claims he intended to bill to him. Schirmer asked R. Atkinson if he was referring to claims from the attorney for reviewing his behavior. R. Atkinson said yes. Schirmer said those claims are not billed to R. Atkinson, rather they are just kept record of. Schirmer said claim 1522 is in regards to R. Atkinson's actions. Schirmer said that due to accusations made by R. Atkinson within an email, the email was sent to the city attorney for review. Schirmer said the email was included along with the clerk-treasurer report. Schirmer said the claim also included time the attorney spent helping staff prepare statements for the Stearns County Sheriff's Office in regards to a dispute between R. Atkinson and a neighboring resident. R. Atkinson said he has no dispute with no neighbor. Schirmer said Stearns County Detective Shirley Zwack came to the city investigating an issue that involved R. Atkinson and asked for statements. Schirmer said before issuing any statements, the city attorney was contacted for guidance and proofing of statements. R. Atkinson said he thinks the bill should go to the Birrs. R. Atkinson moved and Ritter seconded a motion to approve the consent agenda without claim 1522. Motion failed 2-3 (C. Goebel, K. Goebel and Worms opposed). C. Goebel moved and Ritter seconded a motion to approve the consent agenda that includes a) 6/24/14 meeting minutes; b) claim 1456 – 1465; and c) claim 1491 – 1532. Motion carried 4-0 (R. Atkinson made no sign).

Reports

Clerk-Treasurer

Schirmer said a memo was provided in the agenda packet. Schirmer asked if the City is interested in purchasing portrait pictures from Weber Printing for city hall. C. Goebel said no, citing cost as the reason for her objection. Council agreed not to purchase portrait pictures from Weber Printing.

Schirmer said the last project to be repaired from the 2012 hail storm is the fire department brush truck. Schirmer provided a memo regarding a recent meeting with Mark Scherping regarding obtaining an estimate for paint-less dent removal on the fire department brush truck. Schirmer said the speakers along main street were discovered to have damage from the same storm; however, their replacement is not covered by the LMCIT since they were never listed as being owned by the city.

Schirmer said 1) new above ground lights were installed at the base of the flag poles at city hall and now the flags are being treated with respect by having them lit at night and 2) the city received \$1,621 from the county as reimbursement for the county commissioner special election last year.

Schirmer said he received a request from a realtor regarding a property owner's interest in having an easement which encompasses his entire property more narrowly defined. Blommel said a fifteen (15) foot easement should be sufficient along the southern property line. Worms said he thought this was done years ago. Schirmer said if it was, it was not recorded at the county. Worms moved and K. Goebel seconded a motion to prepare the documentation necessary to reduce the blanket easement to fifteen feet. Motion carried 5-0.

C. Goebel said the senior center webpage has a picture of the community center. C. Goebel asked for more information regarding the brush truck and Mark Scherping. C. Goebel said the city needs to support local businesses and that fire trucks should not be leaving town without permission from the fire department. C. Goebel said fire department vehicles should be managed by the fire department. Schirmer said if a vendor refuses to provide an estimate, the city is forced to look elsewhere since they are the city's vehicles.

Murphy asked where in Schirmer's report did Scherping refuse to provide an estimate. Schirmer said Scherping provided an estimate then took it back and said to have somebody else do it.

W. Atkinson asked why he thought Scherping did that. Schirmer explained the interaction between he and Scherping and that it concluded with Scherping saying to have somebody else do the work.

C. Goebel said she would still like to see Scherping do the work and that the city needs to give him the business back. Schirmer said the city didn't take it away and that Scherping said to have somebody else do it.

Murphy asked Schirmer if he felt he had any responsibility for what happened.

Worms said outbursts from the public will no longer be tolerated and that prior to speaking a person must stand, state their name and what they want to talk about.

Schirmer said according to city code members of the public are limited on how to address council and that meeting times are reserved for debate between council members.

Murphy said she is asking if Schirmer feels he has anything to do with his behavior as to why he [Scherping] is that upset. Murphy said Scherping should not feel threatened and that apparently there are a lot of people that have issues with the Clerk-Treasurer and the way he chooses to talk to people. Worms asked Murphy is her point is against Schirmer. Murphy said yes, her point is against Schirmer. Murphy said the city should look into how Schirmer addresses people and talks to them. Worms said Murphy's issue is not on the agenda and directed that the meeting move on.

Gruber asked Schirmer if he is a part of the Chamber of Commerce and if he knows all the businesses here in town. Gruber said to Schirmer you're the city clerk and I sure hope you do. Schirmer said he is appointed to be at chamber meetings and that he can provide reports. Schirmer said he does not know every business in town; however, he did call Scherping. Gruber said "yea, but you missed Ivan's." Schirmer agreed and said the work has not been done anywhere yet and the city still can. Gruber said to Schirmer "you still have a change to reprieve yourself."

W. Atkinson said this is the third time she's attended a city council meeting in the city she's lived in for 27 years and this is the first time she's felt disrespected every single time. W. Atkinson said she's a tax paying citizen she thinks she has a right to her opinion and to her feedback.

Worms suggested having the fire department handle the repair and they can provide the estimate.

Public Works Director

Stueve said the new water pumps recently added air to the lines that has since been corrected, manholes are being inspected and the new plow truck has been decaled. Stueve said there have been no offers to buy the old plow truck yet. Schirmer said its advertised on the LMC Marketplace, Craigslist, and GovDeals.com. Worms recommended parking it to face the interstate and put a for sale sign on it.

R. Atkinson recommended advertising in the dairyland peach. Schirmer said that it may be more appropriate to use a chamber member, such as the classified section within the Melrose Beacon.

Engineer

Blommel said contractor J.R. Ferche submitted their final paperwork for closeout of the 2nd avenue and 3rd street water system improvement project. R. Atkinson asked if Sammy Kraemer is all done. Blommel said that's the County Road 11 project. R. Atkinson asked what project they are talking about. Blommel said the 2nd avenue and 3rd street project. R. Atkinson apologized. Worms told R. Atkinson to pay attention. C.

Goebel moved and K. Goebel seconded a motion to approve pay application #6 (final) in the amount of \$13,304.06. Motion carried 5-0.

Blommel said he obtained estimates to add rip-wrap and liner to sections of wastewater pond walls that are sinking into the peat moss below. Blommel explained granite will be used in lieu of river rock. Blommel explained that the problem will likely continue but the repair is cheaper than rebuilding the pond. K. Goebel moved and Ritter seconded a motion to approve accepting the estimate provided by Mayer Excavating of Melrose to add rip-wrap and liner to sections of the wastewater pond walls. Motion carried 5-0.

Old Business

Rodney Atkinson Asked to Resign & Pay Restitution

W. Atkinson asked why Schirmer uses the city attorney and asked why Schirmer is not using the League of Minnesota Cities' free legal service. Worms said the LMC is not the appointed legal counsel of the city. W. Atkinson asked if it's okay that Schirmer spent that much money where it could have possibly been free. Schirmer said legal advice would never have been free and told W. Atkinson that she can contact the League of Minnesota Cities herself to verify. W. Atkinson asked Schirmer if he had contacted the LMC regarding these issues. Schirmer said the LMC may provide recommendations; however, they do not provide legal advice because they are not the appointed legal representative. W. Atkinson asked Schirmer if he contacted the LMC recently. Schirmer said he has used the LMC in the past and is familiar with the services they provide. W. Atkinson said "about this Mason, you know what I'm talking about." Worms said the city appoints a legal representative at the beginning of the year. W. Atkinson asked if that is the specific direction that's given to someone typically, to keep calling the lawyer whenever he feels it's necessary; he doesn't have to ask you guys about anything? Worms said no, he's the Clerk-Treasurer. W. Atkinson said now you want Rodney to pay for it. Worms said the city council asked. W. Atkinson asked if the city council asked or Mason suggested it. Worms said the city council asked. C. Goebel said the LMC provides a very general overview of issues and doesn't go into specifics. W. Atkinson said that would have been a place to start. Worms said Schirmer's been there and knows that. W. Atkinson said she is not so certain. R. Atkinson said the best advice would have come from the office of administration, which is free also. Schirmer provided copies of letters sent in April and July informing R. Atkinson of the council's asking and then following-up. Schirmer said the city received no response to either of the letters. R. Atkinson asked Schirmer if he had received no response. Schirmer said R. Atkinson has not responded to either letter.

05/27/14 Meeting Minutes

Schirmer said he met with Darlene Gruber, who helped verify some of the statements made in the minutes as well as identified other statements which were not her own. Worms moved and C. Goebel seconded a motion to approve the 05/27/14 meeting minutes without the comments where there is uncertainty regarding who made a comment. R. Atkinson said he wants include that Schirmer said "everyone was wasting their time" and that "there was no decision being made." Worms asked when those comments were made. Schirmer said the minutes read "Schirmer said nothing in the plan requires hook-ups and that the plan just includes that the City may consider such a requirement." Worms said that is sufficient. Worms called for a vote. R. Atkinson asked if the vote would be to also include his request for the addition. Worms said no. Motion carried 4-1 (R. Atkinson opposed).

Public Nuisances

Schirmer said 515 Main Street East (owned by James Beutz) and 126 7th St SW (owned by Rodney Atkinson) failed to abate public nuisances from their properties by the July 15th deadline. Schirmer said the Stearns County Sheriff's Office issued citations.

Public Works Assistant Position Employment Status

Stueve presented a breakdown of costs with upgrading the part-time position to full-time. Stueve said the position can do more lawn maintenance, including spraying and fertilizing, which eliminates the cost of hiring a lawn contractor, a savings of around \$5,000 over several years. Stueve said benefits with the upgrade include: 1) having another person to be on call for weekends; 2) safety, especially when working on ladders and below-ground in manholes; 3) increases longevity in employment; 4) greater schedule flexibility when attending training and safety meetings; 5) improved snow removal service quality. Stueve said Freeport is growing its population and is larger in area than Holdingford. Stueve said Holdingford employs two full-time employees yet has an additional part-time employee that does 1) main street sidewalk snow removal; 2) grass mowing; 3) cleaning of the maintenance building and 4) maintenance of park bathrooms. Stueve said Public Works Assistant Eichers is doing a great job.

Worms asked if there would be time for the city to look at the 2015 budget. Stueve said Eichers has a wife and that the city likely has no more than six months before Eichers receives his water and wastewater certification and would likely look for a full-time job. Schirmer said cash is available.

R. Atkinson said the additional eight (8) hours per week would cost the city \$80-\$95 per hour for each of those additional eight (8) hours. R. Atkinson said he is going to have a hard time selling it. R. Atkinson asked how much vacation employees receive. Schirmer said the Personnel Policy starts at nine days and part-time employees receive a prorated amount. R. Atkinson if part-time employees receive paid holidays. Schirmer said if an employee is scheduled to work, and that day falls on a holiday, they receive the paid holiday. R. Atkinson said he was not aware of that.

Worms moved and K. Goebel seconded a motion to reschedule discussion for the August 26th city council meeting, during which a proposed 2015 budget will be reviewed. Motion carried 5-0.

Pay Plan Development

Schirmer said all council members provided their opinions regarding which pay plan type to use.

C. Goebel moved and K. Goebel seconded a motion to approve pay plan type 'ranges performance.' Motion carried 4-0 (Worms made no sign).

Creamery Purchase Option

Schirmer provided a description of the interactions between the Freeport Cooperative Creamery Association Board of Directors and the city, including the board's refusal to negotiate.

C. Goebel said asbestos was found in the building and the board should have been willing to negotiate the selling price. C. Goebel moved and Ritter seconded a motion to terminate interest in purchasing 107 Main Street East. Motion carried 4-0 (R. Atkinson made no sign).

New Business

Resolution 2014-017 (Business Subsidy Policy & Criteria)

K. Goebel moved and C. Goebel seconded a motion to approve Resolution 2014-017 a Resolution Adopting Business Subsidy Policy and Criteria. Motion carried 5-0.

Resolution 2014-018 (Wellhead Protection Plan)

K. Goebel moved and Ritter seconded a motion to approve Resolution 2014-018 A Resolution Adopting A Wellhead Protection Plan. Motion carried 5-0.

Resolution 2014-019 (City Code Section 200)

Schirmer said during the June 24th meeting, council passed a motion to limit public comments to two minutes and require individuals to state their name and address prior to speaking. Schirmer said the changes require amending city code section 200. Schirmer provided a copy of the city code section as well as provided other recommended changes. R. Atkinson said five minutes is not a lot of time to speak and that he opposes reducing it to two minutes. K. Goebel moved and C. Goebel seconded a motion to approve Resolution 2014-019 A Resolution Calling For a Public Hearing on Ordinance 2014-003, Entitled “An Ordinance Repealing and Replacing Section 200 of City Code Relating to Council Rules and Procedures.” Motion carried 3-1 (R. Atkinson opposed, Worms made no sign).

Proclamation Policy

Schirmer provided a draft proclamation policy that describes what occurrences would qualify for a proclamation and how they may be requested. Worms said that proclamations are not commonly used. Worms moved and C. Goebel seconded a motion to not approve a proclamation policy. Motion carried 5-0.

Temporary Liquor License Application

R. Atkinson moved and K. Goebel seconded a motion to approve 1) a temporary license commencing July 26th and terminating midnight July 27th; and 2) a temporary license commencing August 1st and terminating midnight August 2nd. Motion carried 4-0 (Worms made no sign).

Administrative Assistant Job Description

Worms moved and Ritter seconded a motion to approve the recommended changes to the administrative assistant’s job description. Motion carried 3-0 (R. Atkinson made no sign, Worms made no sign).

Use of Golf Carts Within the City

K. Goebel moved and Ritter seconded a motion to not allow motorized golf carts, or other such vehicles, on city streets, unless otherwise permitted by Stearns County. Motion carried 4-0 (Worms made no sign).

316 8th St SE Notice

Schirmer said he recently notified the property owner of Ordinance 2011-012 regarding connecting sump pumps to storm sewer. Stueve said although storm sewer lines run under the property, the nearest inlet is on a neighboring property. Schirmer said he would notify the owner that their property is in compliance.

Compensating Change Order

Worms moved and C. Goebel seconded a motion to approve change order number 2, final compensating change order, for the 2010 water system improvements. Motion carried 4-0 (Worms made no sign).

Other

Ruth Hubbard, Executive Director of the Minnesota Rural Water Association, presented on the mission of the organization and how it works with cities.

Adjourn

Worms moved and K. Goebel seconded a motion to adjourn. Motion carried 5-0. Meeting adjourned at 9:22p.m.