



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

November 25, 2014 - Regular Meeting Agenda
Freeport City Hall - 7:00 pm

Call to Order

- I. Approve Agenda – *Motion to approve*
- II. Public Hearing on Ordinance 2014-005 Regarding Building Design Standards (city code 500.50)
- III. Public Hearing on Ordinance 2014-006 Regarding Public Nuisances (city code 2010)
- IV. Consent Agenda – *Motion to approve*
 - a. ~~October 28, 2014 regular meeting minutes~~ (moved to New Business)
 - b. November 10, 2014 special meeting minutes
 - c. Report from Clerk-Treasurer
 - d. Resolution 2014-032 (re: transfer of idle funds)
 - e. Resolution 2014-033 (re: disbursement and payment of claims policy)
 - f. Budget Amendments 19-27
 - g. Report from Public Works Director
 - h. ~~Claim 1635—1668~~ (moved to new business)
- V. Old Business
 - a. Finding of Fact for approval of building permit at 126 7th St S
 - b. Main Street Trash Cans
 - c. 204 1st Ave N
 - d. 129 7th St SW
- VI. New Business
 - a. Resolution 2014-034 (re: building design standards) – *Motion to approve*
 - b. Resolution 2014-035 (re: public nuisances) – *Motion to approve*
 - c. Resolution 2014-036 (re: certifying unpaid fees) – *Motion to approve*
 - d. Resolution 2014-037 (re: changes to EDA bylaws) – *Motion to approve*
 - e. Pre-application from Atkinson Well and Pump Ltd. for RLF loan
 - f. Estimate for carpet rug at Senior Citizens Center
 - g. 2015 Preliminary Budget with Recommended Changes
 - h. KDV Engagement Letter
 - i. October 28, 2014 Regular Meeting Minutes
 - j. Claims 1635 – 1675
- VII. Adjourn – *Motion to adjourn*

Next Meetings: Dec 16th (special meeting in lieu of regular meeting)
Jan 27th (regular meeting)



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October 28, 2014 - Meeting Minutes

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

Staff in attendance: Clerk-Treasurer Mason Schirmer.

Residents in attendance: Ben Ettle (312 1st Ave N), Tim Hennen (303 3rd St SE), Gerald Meyer (330 8th St SE), Al Williams (308 2nd Ave NW), Ronnie Bertram (303 1st Ave N), Vernon Fuchs & Andrea Ramacher (720 1st Av N), Mark Middendorf (711 Main St E), Bryan Kasten & Jenne Jenson (Fastlane Auto), Wendy Atkinson (310 8th St SE), Janelle Roerick, Amy Hoeschen, Mary Hoppe and Girl Scout Troop 252 members.

Approve Agenda

Worms recommended adding a hearing to discuss a request for a fence at 126 7th St SW. Schirmer recommended adding 'Sale of Rodding Machine' to New Business. C. Goebel moved and Ritter seconded a motion to approve the agenda with the additions. Motion carried 5-0.

Girl Scout Troup 252 Presentation

Members of Girl Scout Troup 252 presented a request to conduct a town beautification and historical preservation project to earn a Silver Medal award. Troup members proposed adding flowers to the main street gazebo area and adding markers around town indicating sites of historical significance. Council members agreed to add the request to the November 10, 2014 special meeting agenda.

Hearing: Sacred Heart Parish appealing termination of snow removal agreement

Worms opened the hearing at 7:08pm.

Meyer presented a list of expenses the church has paid to maintain the northside park and said in 2011 the city verbally agreed to provide snow removal services in-exchange for the parish maintaining the park. Meyer said the parish wants to know why the city decided to stop snow removal service.

Worms moved and C. Goebel seconded a motion to close the hearing. Motion carried 5-0. Hearing closed at 7:09pm.

Worms said providing snow removal increases liability. Meyer said the snow removal agreement addressed liability. K. Goebel said the park lease agreement seems like the city is giving-up everything and the parish is giving-up nothing. Meyer said the snow removal agreement was not written-up properly and that the park maintenance is done in-exchange for snow removal.

Hearing: Regarding application to construct a fence at 126 7th St SW

Worms moved and C. Goebel seconded a motion to open the hearing. Motion carried 5-0. Hearing opened at 7:13pm.

R. Atkinson said he's wondering if the city will allow him to put-up his fence. Ritter said the fence would look stupid two-feet off the ground, it would look strange. R. Atkinson said it would look stupid, not strange. Ritter said the fence part is okay and that a foot-high is okay, but said two-feet high is odd.

C. Goebel asked Ritter how often he looks at the bottom of a fence. Ritter says he looks at the whole fence. Atkinson asked how to answer that question. R. Atkinson said "one guy says six inches, one guy says a foot, maybe eighteen inches is the right number, maybe nineteen and a half for god's sake, what the f."

C. Goebel asked what the reasoning was for the two-foot elevation. R. Atkinson said "the only reason is because of the reason for the fence, so people can't see Fred Sanford and Son and I'm Coming Elizabeth behind the damn fence, so you can't see nothing." R. Atkinson said to Ritter, "are you gonna get down on your belly and look in, well god bless ya Ron, I hope you enjoy that time."

Ritter said he's looking from far. R. Atkinson said "well you ain't gonna see jack, I could put it 2½ feet up and you wouldn't see nothing." R. Atkinson said, "I don't appreciate the damn thing being called stupid without even looking at it." Atkinson said the fence will screen the view of his products, R. Atkinson said "whatever you want with two feet, let's just pick a number, the planks aren't on, we'll do whatever you want, I don't really care, or bring me Thanksgiving dinner at the Stearns County Sheriff, I really don't care."

K. Goebel said to R. Atkinson "that's enough, please." Schirmer told R. Atkinson to maintain order and decorum, and reminded R. Atkinson he is a council member. R. Atkinson said "Oh, I've gotten my ass chewed pretty loud and pretty straight-out in this building too." Worms asked R. Atkinson if he had anything further to present. R. Atkinson said no.

Worms moved and C. Goebel seconded a motion to close the public hearing. Motion carried 4-0 (R. Atkinson abstained).

Consent Agenda

K. Goebel asked Schirmer to read the Public Works Director's report aloud, regarding vandalism of curbing concrete around manholes. Schirmer read the report. K. Goebel moved and C. Goebel seconded a motion to approve the consent agenda that includes a) 9-30-14 meeting minutes; b) 10-20-14 meeting minutes; c) Resolution 2014-026 (re: transferring idle funds); d) Report from Clerk-Treasurer; e) Report from Public Works Director; f) Claim 1540 (\$3,462.50); g) Claim 1606-1634; and h) Finding of Fact for denial of variance at 1009 3rd Ave SE. Motion carried 5-0.

Old Business

313 2nd Ave NW

Schirmer said the property owner erected a fence and is asking the city to rescind the September 30th decision to issue a citation for not complying with the city zoning code. C. Goebel moved and R. Atkinson seconded a motion to rescind the September 30th decision to issue a citation to the owner of 313 2nd Ave NW for violating city zoning code. Motion carried 5-0.

Liability Waiver Form

K. Goebel moved and C. Goebel seconded a motion to not waive statutory limits. Motion carried 3-0 (R. Atkinson and Worms abstained).

Sacred Heart Parish Snow Removal

R. Atkinson moved and C. Goebel seconded a motion to rescind the city's September 30th decision to terminate the snow removal agreement with sacred heart parish. Motion carried 4-1 (K. Goebel opposed).

K. Goebel said the city seems to be doing everything and the parish is putting-in nothing. Meyer said the parish pays for upkeep of the northside park. Schirmer said city equipment should be used to maintain city property. Schirmer said the parish is private property and said if Famo Feed mowed the Welle Addition park in-exchange for snow removal, the city would lose money.

Meyer said the city's been plowing the parish property for a hundred years, and everybody here belongs to the parish. Schirmer said not every taxpayer belongs to the parish. Schirmer said the city should not be using taxpayer dollars to fund private interests.

Meyer said the parish takes care of the city park. Schirmer said the costs do not offset. Schirmer said the city can maintain the park for less than \$100 per year; however, snow removal can cost more than \$900 per year, depending on the number of snow events. Schirmer said the main concern was increased exposure to liability; however, costs don't make sense either. Schirmer asked why the city should spend a \$1,000 per year in-exchange for \$100 in savings.

Bertram asked why liability is being brought-up now. Schirmer said during the summer he asked PWD Stueve how the city could reduce overtime costs, and Stueve said the city was providing snow removal service to the parish at no benefit to the city. Schirmer said the initial concern was that the city was losing money; however, increased liability was then noticed.

K. Goebel asked if the plow was damaged while on parish property, would the parish pay for repairs. Meyer said the parish has insurance to cover that. K. Goebel said he doubted the snow removal agreement would hold-up in court.

Hennen asked if the city was listed as additionally insured, would that help. C. Goebel said it would help. Schirmer said there is also the issue of cost. Hennen said that's council's decision. Worms said he is not sure the parish will be able to do that.

R. Atkinson said the best thing is to carry-on this winter and schedule discussion for spring, that way the parish has even more time to find another snow removal provider. Worms said the other two parishes have private snow removal and recommend the sacred heart parish look into getting its own.

K. Goebel moved that the city streets be plowed first, before plowing snow at the parish. Bertram said the first snow falls of 2013 were not blown-out, and that daycare opens at 6:30 and school buses are arriving, and that plowing-out the parish last is not appropriate. Worms said he receives complaints from citizens when alleys and streets are not opened. Worms said its taxpayer equipment and they should come first. Worms said he understands the increased hazard if snow is being plowed when busses are pulling-up. Worms said city streets should come first and if that means staff has to start earlier then they'll have to get their earlier to do it. R. Atkinson said "the city's being pretty good to the parish and be thankful for the times it gets plowed." R. Atkinson said he supports the parish; however, the matter has to do with taxpayer money. Meyer asked if the plow could just make a pass in-and-out to open it up then come back and finish later. R. Atkinson said the parish will get whatever it gets. C. Goebel recommended Meyer speak with Stueve about finding a middle-ground. K. Goebel moved that city streets be plowed first, before the parish property. Worms seconded. Motion carried 5-0.

New Business

Schedule Meeting to Consider the Sale of an Industrial Lot

C. Goebel moved and K. Goebel seconded a motion to add sale of industrial park lot to the November 10, 2014 special meeting agenda. Motion carried 5-0.

Resolution 2014-027 (re: metal roofing)

K. Goebel moved and Ritter seconded a motion to approve Resolution 2014-027, a resolution calling for a public hearing on Ordinance 2014-005 entitled “an ordinance repealing and replacing 500.50 of the Freeport city code relating to building design standards.” Motion carried 4-0 (Worms abstained).

Resolution 2014-028 (re: disbursement & payment of claims)

Worms moved and C. Goebel seconded a motion to approve Resolution 2014-028, a resolution repealing and replacing Resolution 2013-024 entitled “disbursement and payment of claims policy.” Motion carried 5-0.

Resolution 2014-029 (re: public nuisances)

C. Goebel moved and Ritter seconded a motion to approve Resolution 2014-029, a resolution calling for a public hearing on Ordinance 2014-006, entitled “an ordinance repealing and replacing Section 2010 of city code relating to public nuisances.” Motion carried 4-0 (R. Atkinson abstained).

Request by Joann Timp

Schirmer presented a request from Joann Timp, for a \$2 per hour raise.

Ritter said he thinks the maintenance employees should do the cleaning. C. Goebel asked if she is needed for two hours per week. Schirmer said she vacuums, cleans glass, bathrooms, etc. C. Goebel said a checklist should be made to avoid spending time vacuuming carpet every week.

K. Goebel asked about sales tax. Schirmer said Timp is a contractor that cleans city hall two-hours per week. Schirmer said the city is now tax-exempt, a savings of \$1.10 per hour. Schirmer said the city could provide a raise of \$1.10 per hour at no additional cost to the city.

R. Atkinson asked if at \$18 per hour she is still cheaper than using maintenance staff. Schirmer said as a contractor the city is avoiding other expenses.

Ettle asked if the maintenance employees could do the cleaning. Ritter said maintenance employees should be able to wash windows, vacuum floors and clean toilets. R. Atkinson said the city is going from considering giving Timp a raise to firing her, and asked what is going on.

Worms said previously maintenance employees did the cleaning, but since Timp has been doing the cleaning it's looked 100% better.

R. Atkinson said he's in awe that she has asked for a raise and now she might be fired. R. Atkinson said she only works 100 hours per year; a raise doesn't really cost much. Atkinson moved and C. Goebel seconded a motion to approve paying Joann Timp \$18 per hour for cleaning city hall. Motion carried 5-0.

Consider Purchase of New Computer

C. Goebel moved and K. Goebel seconded a motion to approve purchasing a new computer from David Waletzko (of Computer Technology Center of Albany) as per estimate provided. Motion carried 5-0.

204 1st Ave N (re: nuisance and litter)

Schirmer presented an email from the property owner requesting an extension until the end of November. Council agreed to the extension.

129 7th St SW (re: nuisance and litter)

Schirmer said progress has been made and the tenant is being cooperative. Schirmer said the property tenant is asking for a deadline extension of two weeks.

Jensen said she and her husband own Fastlane, and she was told they had to move their personal vehicles, such as snowmobiles and four-wheelers. Kasten said he wanted to keep personal vehicles at the property so long as they are operable and licensed. Kasten said he and Jensen were told they are not allowed to keep personal property there.

W. Atkinson asked Kasten who told them that? Kasten said that was the impression he got after speaking with Schirmer.

Worms asked about the use of fencing. Kasten said the vehicles would be stored within the fence during the summer. Kasten said he didn't want this issue to come up again in a couple months. Schirmer said parking the vehicles within the fence during the summer would be acceptable.

Kasten said he also wanted to know how many vehicles he can have on the property. Schirmer said city code does not limit the number, so long as they are licensed and appear operable.

Kasten said the first time he heard anything about having a nuisance was a letter received from the landowner. Kasten asked why the process wasn't handled differently. Kasten said he's new to town and the notice rattled his cage. Kasten said a personal visit would have been better. Schirmer said the property owner must be made aware of what is going on with the property.

Jensen asked Schirmer why he didn't come talk to them first. Kasten said, "when you start threatening people with fines, do you think you'll keep people in town." Jensen said the notice has messed with business, customers, family and their relationship with the landowner. Jensen said it's created much more stress than it needed to. C. Goebel said visiting properties is not always received warmly.

Kasten asked why a non-threatening letter was not sent. Kasten said how residential is treated doesn't matter to him but that treating businesses that way is trouble. Kasten thanked council for their time.

Worms thanked Kasten and Jensen for their comments. Worms asked Schirmer if everything is taken care of with their property. Schirmer said the property is not in compliance; however, they are making progress. Schirmer asked Kasten if he wanted to propose a new deadline. Kasten said, "just set a date and we'll have it done."

C. Goebel moved and K. Goebel seconded a motion to extend the deadline to the November 25, 2014 city council meeting. Motion carried 3-0 (Atkinson and Worms abstained).

W. Atkinson asked, "if the seemingly regular negative interactions with business owners is ever addressed." Worms said council directed Schirmer to enforce city ordinance. W. Atkinson asked, "so, other issues with business owners as far as interactions with Mason ever looked at or talked about." Worms said there have been no complaints. W. Atkinson responded, "excuse me?"

Kasten said "it's all they talk about in town, the way this has all been happening." Worms said Schirmer was directed to send out notices of violation, not publically visit you.

W. Atkinson asked Kasten and Jensen, "It sounds like you had a personal interaction with Schirmer, and you felt threatened?" Kasten said he did not feel threatened; however he did "feel some negativity." Kasten said he's just concerned that the very first time he heard of anything was a threatening letter to the land owner. Worms said that's what's in the ordinance.

Kasten said, "when it comes to business, they should rethink how they handle this, as a first approach." Worms said Schirmer did as council directed. Kasten said a less-threatening notice should be used, one not threatening fines within thirty days. Worms said that is part of the city code.

W. Atkinson said, "but my question was more related to not that specifically, but how many business can you afford to have negative interactions with and really bad feelings about how Schirmer interacts with them; how many is enough."

Worms thanked the public for their comments.

Request to Construct a Fence at 126 7th St SW

K. Goebel said he was making a motion to approve the fence, even though he doesn't like fences. R. Atkinson interrupted K. Goebel and said "the judge said we had to build the son of a bitch." K. Goebel said "please, will you let me please finish."

Worms asked for order.

K. Goebel said he made a motion to approve the fence; even though personally he doesn't care for fences, he is going to approve it. C. Goebel seconded. Motion carried 4-0 (R. Atkinson abstained). Worms asked R. Atkinson if he was not voting because of conflict of interest. R. Atkinson said, "no, because I'm pissed-off."

Sale of Rodding Machine

Schirmer said Stueve had the rodding machine advertised for sale for two months along I-94 and has received one offer, of five-hundred dollars from Steve Anderson.

Middendorf asked why the machine was being sold. Schirmer said it is no longer used since sewer lines are maintained by jetting high-pressure water.

R. Atkinson moved and Ritter seconded a motion to approve the sale of the rodding machine to Steve Anderson for \$500. Motion carried 5-0.

Adjourn

Worms moved and K. Goebel seconded a motion to adjourn. Meeting adjourned at 8:35p.m.

Matthew H. Worms, Mayor

Mason Schirmer, Clerk-Treasurer



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November 10, 2014 - Meeting Minutes

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

Staff in attendance: Clerk-Treasurer Mason Schirmer.

Residents in attendance: Ben Ettle (312 1st Ave N), Dan Roering.

Girl Scout Troup 252 Request

C. Goebel moved and K. Goebel seconded a motion to approve the request by Girl Scout 252 to make community improvements. Motion carried 5-0.

Canvass Election Results

K. Goebel moved and Ritter seconded a motion to approve Resolution 2014-031 A Resolution Canvassing The Results Of The November 4, 2014 General Election. Motion carried 5-0.

Sale of Lot 1 Block 2 Freeport Industrial Park Plat 6

C. Goebel Moved and K. Goebel seconded a motion to approve Resolution 2014-030 A Resolution of Sale and Conveyance of Real Property to Daniel Roering. Motion carried 5-0.

Adjourn

Worms moved and K. Goebel seconded a motion to adjourn. Meeting adjourned at 7:05pm.

Matthew H. Worms, Mayor

Mason Schirmer, Clerk-Treasurer

Memo

From: Mason Schirmer, Clerk-Treasurer

To: Freeport City Council

Date: November 20, 2014

Re: Clerk-Treasurer Report

EDA Minutes – included along with this report.

Public Nuisances –

James Beutz recently accepted a plea agreement; Beutz paid a \$300 Fine + \$75 Surcharge + \$12 Law Library Fee and must have his property in compliance by 5/31/15 to avoid an additional \$700 Fine + 10 days in jail. Compliance would mean either 1) no exposed wood on the property; or 2) wood screened by fence. Beutz was invoiced \$95 for city public nuisance response (a standard fee).

Rodney Atkinson's plea agreement, agreed to 9/25, included \$100 Fine + \$300 Court Costs and was provided 2 months to 1) remove 2 inoperable vehicles; 2) erect or remove the windmill; and 3) remove other nuisance items from property or erect a fence to avoid 30 days in jail. Atkinson also paid the \$95 city public nuisance response fee.

Newly Elected Officials – Each received a congratulatory letter as well as copies of 1) Rinke Noonan's City Elected Officials Guide and Memorandum on Meeting Decorum; and 2) information on upcoming LMC training dates. Ben Ettle is registered to attend newly elected officials training in Mankato Jan 24th-25th.

Open Meeting Law – Earlier this month Rodney Atkinson asked Adrianna, I and the League of MN Cities if he could meet privately with council members elect Tim Hennen and Ben Ettle without violating open meeting law. R. Atkinson was advised multiple times that such a meeting should not be held. Along with this report is an email received from the city attorney, triggered by R. Atkinson's phone conversation with a LMC attorney. R. Atkinson disregarded the suggestions and held the meeting the week of November 10th.

Collections – Along with this report is a copy of a letter I sent to Atkinson Well & Pump regarding the balance owed to the city. The city received no response.

Industrial Lot Sale – Closing is scheduled for 8am Wednesday, November 26th.

Fire Department – Membership will consider expulsion of Member Wayne Revering during the upcoming annual meeting on January 3rd, as per Department Bylaws regarding attendance at drills.

Wellhead Protection – On Nov 10th, the wellhead protection committee held an Implementation Meeting with Dave Neiman, Matt Worms, Peter Welle, Dennis Heidgerken, Rodney Atkinson and I in attendance. The committee's initial goal is to submit a MDH grant application by the spring deadline.

Water Tower Preservation – Along with this report is a copy of a recent StarTribune article regarding the attempt of residents to try to preserve the City of Osseo’s water tower. Freeport resident Marc Payne and Melrose Residents Ben Atkinson, Melissa Murphy are the only individuals to express interest in serving on a preservation committee.

Sacred Heart Parish Snow Removal –

Along with this report is a copy of the letter sent to Sacred Heart Parish regarding the city’s decision to continue snow removal for this winter.

During the 10/28 city council meeting, Sacred Heart Parishioner Ronnie Bertram said the city did not plow snow after the first two snowfalls of 2013. Following the meeting, I asked PWD Jon Stueve for more information. Stueve said staff was plowing streets and he told Bertram the lot would get plowed; however, Bertram took it upon himself to clear the lot. This occurred twice in 2013. In addition, this has already occurred again in 2014. Furthermore, during the same discussion, Ken Goebel asked who is liable if city equipment is damaged. Sacred Heart Parishioner Gary Meyer said the parish’s insurance would be liable.

~~Following the meeting, Judy Caveny checked with the parish’s insurance provider to answer the following:~~

~~Q: If a city employee is injured during snow removal, who is liable?~~

~~A: The employee’s insurance comes 1st, parish insurance would come 2nd~~

~~Q: If city equipment is damaged, who is liable?~~

~~A: The city.~~

Laura Scott, Member Services Representative at Catholic Mutual Group, said the city is providing services to the parish as a contractor and in-turn that means the city is responsible for everything, including 1) if an employee is injured; 2) if city equipment is damaged; and 3) if the city damages property at the parish. Furthermore, the city cannot be labeled as ‘additionally insured’ on the parish’s policy. Scott said a logical arrangement would be the city picking-up the liability associated with snow removal and in-turn the parish would be pick-up the liability associated with the park; however, the park lease agreement states the city is responsible for all claims for personal injury and property damage at the park (used by parish daily).

Lake Wobegon Trails Association (LWTA) – I attended an evening meeting of the LWTA Nov 19th. Approximately 15 board members attended, including representatives of the Initiative Foundation and Stearns County. The intent of these meetings is to establish a core to the organization so President Cliff Borgerding does not have to do everything alone. At this time, areas of key importance are event management, funding and marketing. The board is continuing to look for members; if you are interested in serving or know someone who may be interested, let me know. For more information on LWTA you can visit the website at <http://lakewobegontrail.com/>.

City Council Vacancy – Carrie Goebel and Ron Ritter have expressed interest in wanting to serve as the appointed council member to fill the term vacated by Rodney Atkinson. I informed Atkinson of their interest on Nov 10th.

2015 Budget – 2015 budget approval will be considered December 16th. Included with this agenda packet is an updated 2015 preliminary budget with proposed changes. Please review and contact me with any questions.



ECONOMIC DEVELOPMENT AUTHORITY

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October 20, 2014 – Meeting Minutes

A regular meeting of the Freeport Economic Development Authority was called to order at 12:08 P.M. by Member Carrie Goebel with members Mason Schirmer, Jim Hemker and Scott Hoeschen present. President Worms arrived after meeting convened. Also in attendance was Dan Roering.

Approval of the Agenda

Schirmer said notice was published of a public hearing to consider the sale of an industrial lot to Dan Roering and recommended adding 1) a public hearing; and 2) lot sale. Hoeschen moved and Schirmer seconded a motion to approve the agenda with the changes. Motion carried 3-0 (Hemker abstained).

Public Hearing to Consider Sale of Industrial Park Lot to Dan Roering

Roering said he recently learned 1) Xcel Energy will be charging \$5,500 to make electricity available to the lot and 2) the lot is covered by two feet of black dirt, which would need removed before the lot can be developed. Roering said due to those costs, and the he was offered two acres of private property at a rate of \$12,000 per acre, he is offering to purchase Lot 1 Block 2 of Freeport Industrial Park Plat 6 for \$10,000.

Hemker said he was surprised to hear how much money Xcel Energy charges to bring service to some lots.

Roering said some lots have access to overhead power, which costs little to nothing; however, the lot he is interested in purchasing would require trenching.

Worms said the business belongs in the industrial park.

Worms moved and Schirmer seconded a motion to close the public hearing. Motion carried 4-0 (Hemker abstained). Public hearing closed at 12:26pm.

Approval of Sept 15th and Sept 29th Meeting Minutes

Goebel moved and Schirmer seconded a summary motion to approve the 9/15/14 meeting minutes and 9/29/14 meeting minutes. Motion carried 4-0 (Hemker abstained).

Secretary's Report

Schirmer said he toured Backwater Boats recently. Schirmer said Backwater Boats' current location is great. Schirmer said the Revolving Loan Fund has a balance and suggested that those dollars be put back into use. Hoeschen asked when the last time a loan was made. Worms said it had been years. Schirmer said the industrial park lots are still not listed with a realtor.

New Business

Schirmer said a notice was mailed to Heidgerken, a message was left on his phone, and an agenda packet was mailed to him. Schirmer said Heidgerken provided no response, therefore he has resigned from the EDA, as per Article VI Part I of the EDA Bylaws.

Schirmer said Scott Hoeschen is a new member of the EDA, recently approved by the city council. Hoeschen provided a brief description of his experience in business development.

Hemker asked if the appointment was approved by city council, since Rodney Atkinson states in his campaign brochure for Mayor that appointments are not being approved by council. A copy of the brochure was provided. Schirmer read aloud the city council motion approving the appointment of Scott Hoeschen to the EDA, from the 9/30/14 city council meeting minutes. Schirmer said Atkinson's statement is false.

Worms said Rodney Atkinson states in the campaign brochure that he invested six months on a purchasing policy and that the city's purchasing policy, approved in October 2013, is not being followed. Schirmer said 1) Atkinson spent no time with the city developing a purchasing policy; 2) the city's purchasing policy was approved in September 2013 when Atkinson, referring to a draft copy not recommended for approval, said "I make a motion to approve this god-for-saken piece of paper in its entirety;" and 3) the purchasing policy has been followed since September 2013. Schirmer said Atkinson's statements are false.

Hemker said he was not comfortable with Atkinson making false statements.

Sale of Lot 1 Block 2 of Freeport Industrial Park Plat 6

Schirmer moved and Worms seconded a motion to approve selling Lot 1 Block 2 of Freeport Industrial Park Plat 6 to Dan Roering for \$10,000 with the seller paying all closing costs and the buyer providing \$500 earnest money. Schirmer provided an estimate of closing costs totaling \$1,290. Worms said the cost is minimal when considering the importance of having the lot sold and developed. Worms said the decision to sell the lot for the stated amount is because 1) the cost of removing black dirt; 2) the cost of getting electricity service to the lot; and 3) the lot is land-locked yet fits Roering's intended use well. Motion carried 4-0 (Hemker abstained). Schirmer said the city council will be presented the information for final approval during the upcoming 10/28/14 city council meeting.

Adjourn

Schirmer moved and Worms seconded a motion to adjourn the meeting at 12:59pm. Motion carried 5-0.

Matthew Worms, President

Mason Schirmer, Secretary



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November 10, 2014 – Meeting Minutes

A special meeting of the Freeport Economic Development Authority was called to order at 12:04pm by Member Andy Welle with members Carrie Goebel, Mason Schirmer, Jim Hemker and Scott Hoeschen present. President Matt Worms was absent. Also in attendance was Dan Roering.

Consider Sale of Industrial Park Lot

Schirmer said notice of the public hearing held October 20th was not adequate. Schirmer said a new notice was published and is adequate.

Welle opened the public hearing at 12:05pm. Schirmer presented the proposed purchase agreement and corresponding resolution for consideration. Schirmer said no objections or comments were received regarding the potential sale. Welle closed the public hearing at 12:10pm.

Goebel moved and Hoeschen seconded a motion to approve Resolution 2014-01 Sale and Conveyance of Real Property to Daniel Roering. Motion carried 4-0 (Hemker abstained).

Adjourn

Welle adjourned the meeting at 12:15pm.

Matthew Worms, President

Mason Schirmer, Secretary

Mason Schirmer

From: Mason Schirmer <mason@freeportmn.org>
Sent: Wednesday, November 12, 2014 2:12 PM
To: Ben Ettle; Tim Hennen
Cc: Rodney Atkinson (rodney@albanytel.com)
Subject: FW: Open Meeting Law

Good Afternoon Ben & Tim,

On Monday (11/10), Rodney told me he intended to meet with both of you to discuss city business prior to being sworn-in as council members, to avoid having to comply with open meeting law. Be advised that such meetings could be considered inappropriate and ethically questionable. City business should be discussed during open public meetings.

As you can see in the email below; Rodney's desire to circumvent the open meeting law has drawn the attention of an attorney at the League of Minnesota Cities as well as the City's Attorney.

Feel free to contact me directly to discuss.

Sincerely,

Mason Schirmer, MCMC
Clerk-Treasurer, City of Freeport
(320) 836-2112
mason@freeportmn.org



From: Adam Ripple [<mailto:ARipple@rinkenoonan.com>]
Sent: Wednesday, November 12, 2014 1:50 PM
To: Mason Schirmer
Cc: Matthew Loven
Subject: RE: Open Meeting Law

An attorney with the League of MN Cities called me on this too. Apparently Rodney called them.

It is not necessarily illegal although it flies in the face of the spirit and intent of the open meeting law. Other individuals do not have to go along with Rodney on this. Other council-elects in other cities have tried to do this only to meet with vicious attacks by residents and the media. It is a very, very, very bad idea.

Adam A. Ripple
Attorney

RINKE NOONAN



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

November 6, 2014

Atkinson Well & Pump
Attn: Rodney Atkinson
PO Box 185
Freeport, MN 56331

Re: Invoice 31045

Dear Rodney,

During the October 28th meeting, the City Council approved \$3,462.50 of the amount invoiced to the city; therefore, the city is asking for repayment of \$3,103.50.

Jon Stueve mentioned that, to help resolve the issue, you suggested creating an agreement to provide well and pump services for a period of time. Are you still interested in having such an agreement with the City? Jon and I agree such an agreement would have merit. If you are interested, feel free to send me a copy of your proposed agreement, and I'll put it in the November 25th city council packet for consideration. To ensure it would be in the meeting packet, please provide me a copy by **Wednesday, November 19th**.

Feel free to contact me with any questions you may have.

Sincerely,

Mason Schirmer, Clerk-Treasurer



Osseo debates fate of century-old water tower

November 5, 2014 - 11:48 PM

By Kelly Smith • kelly.smith@startribune.com

Drivers see Osseo's water tower branded with its name long before they even hit the small northwest metro city's border.

The tiny pointed-top tower is nearly 100 years old and one of the few of its kind left in Minnesota from the turn of last century. But with the aging structure in need of costly repairs, the town is divided on whether it should stay or be torn down.

"It's an icon of our town," said Kathleen Gette, who's trying to save it. "It's really a way for people to find the town."

Gette, who lives in her childhood home in view of the tower, is leading the effort to add Osseo's tower to the list of more than 20 Minnesota water towers now on the National Register of Historic Places, and will soon find out if it's eligible to make the list.

The tower, built in 1915, hasn't held water for years, but has become a landmark for the northwest metro town of 2,400 residents. On its American-flag-lined Main Street, an image of the water tower graces the welcome banners on streetlights. It's on City Hall and Police Department signs.

But now, the city says it needs an estimated \$500,000 in repairs to make it structurally safe and to remove lead paint.

It's also near some of the most significant redevelopment in the town in recent years. From more than 100 new apartments to a new police station, orange construction cones and fencing mark the changes closing in on the tower.

Some residents say the water tower isn't special enough, and that it's cheaper to tear it down, which would cost an estimated \$80,000.

"It's going to cost the city too much to maintain," said City Council Member Allan Hartkopf, who has lived in Osseo for 70 years. "It's a waste of money, as far as I'm concerned. You drive around the country and you see these everywhere."

Tower can 'still tell a story'

Compared with other water towers, like the "Witch's Hat" tower in Prospect Park or the Highland Park water tower in St. Paul, Osseo's is really utilitarian, said Denis Gardner, the National Register historian with the Minnesota Historical Society.



Lauren Bowe, 24, and her mother, Kathleen Gette, believe there's historical value in their town's old water tower. They are leading the effort to save the iconic structure and add it to the list of 11 Minnesota water towers on the National Historic Registry.

KYNDELL HARKNESS,



Kathleen Gette, left, and her daughter Lauren Bowe, 24, stood near the old water tower in Osseo.] (KYNDELL HARKNESS/STAR TRIBUNE) kyndell.harkness@startribune.com In Osseo, Min., Wednesday, November 5, 2014. With the help of her daughter Lauren resident Kathleen Gette is leading the effort to save the iconic structure and add it to the list of 11 Minnesota water towers on the National Historic Registry.

KYNDELL HARKNESS • kyndell.harkness@startribune.com
Kathleen Gette, left, and her daughter Lauren,



Lauren Bowe, 24, and her mother, Kathleen Gette, believe there's historical value in their town's old water tower.

KYNDELL HARKNESS • kyndell.harkness@startribune.com,

"[But] there's not many of these left," he said of the water tower style commonly built in the late 1800s and early 1900s, adding that there probably are only six of this style in Minnesota. "This has become a rare kind of water tower. If you were going to be intellectually honest, you recognize history whether it's pretty or not. Some things can be really humble and still tell a story."

That's what Gette is hoping state and federal officials see in Osseo's water tower.

After the city gave approval, she wrote a grant application for money from the state Legacy Amendment. This summer, the city was awarded \$6,500 to hire a history consultant, Alexa McDowell. She helped Elk River get its 1920s water tower on the National Register in 2012. The two towers, she said, are probably the only ones left in a 50-mile radius of small metro-area towns.

"They used to be all over the place," she said.

'A way-finding tool'

The water towers didn't just hold water at one point; they also helped indicate the time period of a town's growth, often built next to factories or railroad facilities, McDowell said. Now, they've become a more noticeable town marker than a welcome sign.

"If we drive through the countryside in the Midwest, they're a way-finding tool," she said. "It's a sense of place."

Her report studying the water tower and its history is expected to be completed by February and sent to the Historical Society to review.

She said it has a strong case for being on the National Register, and if the state agrees, the city can decide whether to apply for another Legacy grant for a consultant to do a formal nomination. That would be reviewed by state and federal officials. If Osseo's tower makes the list, Gardner said, it would not only honor the building, but qualify the city for other grants that could help with needed improvements.

Gette says she just wants to make sure the towering structure doesn't disappear from Osseo's horizon as it reaches its 100-year mark.

"Most cities tear their old water towers down," she said, "but this has historical significance."

Kelly Smith • 612-673-4141

Twitter: @kellysrib



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

November 7, 2014

Sacred Heart Parish
PO Box 155
Freeport, MN 56331

Re: Snow Removal 2014-2015

Dear Fr. Roger Klassen,

During the October 28th meeting, the Freeport City Council withdrew its previous decision to terminate snow removal. During the meeting city council members agreed plowing of snow from city property is first priority, with the parish property second; however, during the meeting Gary Meyer was advised to speak with Public Works Director Jon Stueve to identify areas of priority, so that some of the parish property may be plowed early with the rest being plowed later.

Furthermore, city council members recommended the city and parish have a spring/early summer meeting to discuss the future of snow removal. City Council members also recommended that the parish consider finding a private snow removal contractor.

Feel free to contact me directly with any question.

Sincerely,

Mason Schirmer, Clerk-Treasurer

cc: PWD Jon Stueve



November 20, 2014

Direct Dial: 320-257-3868
Aripple@RinkeNoonan.com

City of Freeport
Attn: Mason Schirmer
P.O. Box 301
Freeport, MN 56331

**Re: 2015 Legal Representation and Rates
Our File No. 15542-0001**

Dear Mayor and City Council:

Once again, we want to thank you for allowing us the opportunity to serve you. As we look to a new year, we continue to enjoy representing our municipal clients, like the City of Freeport, and assisting you in providing quality service to your constituents.

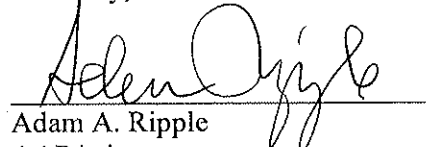
As you know, our firm remains a leader in providing municipal services to Central Minnesota communities, and the services that we provide to city clients continue to grow. Our structure allows us to focus our practice, and provide to you an entire department of attorneys with special expertise representing local governments, and even more specialized expertise in specific areas of municipal law, including labor and employment, wetlands and drainage, land use, economic development, eminent domain, annexations, litigation and appeals. This diversity gives each of our governmental clients the strength of an army of legal professionals.

As we look forward to serving you, I have attached our municipal rates for 2015. For our governmental clients, we offer rates which are significantly lower than our firm charges non-governmental clients. Depending on the attorney, the discount is \$45.00 to \$136.00 per hour less than our ordinary private client rates. Our paralegal rate is also discounted by \$20.00 per hour. These rates will be applied to work beginning January 1st. We understand the financial realities of government and we remain vigilant to keep the total costs of services in line with your expectations. Of course, as you are well aware, rates represent only part of the story. Our firm does not charge for the garden variety reimbursements such as postage, copies, secretary typing time, etc.

Our success and growth has been built on strong client relationships, and our focus on the total cost to our clients has been at the very foundation of those relationships.

Thank you, again, for your business and confidence, and we look forward to serving you another year.

Sincerely,


Adam A. Ripple
AAR/mjr

Enclosure

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
320.251.6700

www.rinkenoonan.com

{1911634} Letter re_ 2015 Municipal Rates
12/11/2013 10:59 AM

Municipal Rate Fee Schedule 2015

Standard rate includes general advice, general land use related advice, general employment advice, and general meeting attendance (not related to a specific project):		
Attorney 0-3 years experience		\$121.00 per hour
Attorney 4 plus years experience		\$182.00 per hour
Paralegal		\$ 100.00 per hour
Legal Tech.		\$ 57.00 per hour
Word Processor		No Charge
<p>Plus the process, whether or not performed by other sources, including development agreements and related projects, infrastructure and other related acquisition and reimbursement matters, start-up projects, and and federally funded projects, assessment projects and appeals, significant contracts such as real estate purchase and sales, land use agreements, zoning and ordinance amendments, joint powers agreements, and business subsidy packages; eminent domain and/or other significant land use applications/petitions; litigation; labor action and negotiations; employment investigations; discipline and termination; and tax incentives and other projects.</p>		
Attorney 0-3 years experience		\$155.00 per hour
Attorney 4 plus years experience		\$210.00 per hour
Paralegal		\$120.00 per hour
Legal Tech.		\$ 76.00 per hour
Word Processor		No Charge

There is NO CHARGE for typist work, internal copies, faxes, long distance phone calls, or mileage. Actual out of pocket costs shall be passed through to the client.