

**Dymoke Law Office, P.A.**

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May 22, 2019

Joan Wall  
City of Freeport  
125 Main Street East  
Freeport, MN 56331

BY ELECTRONIC MAIL

Re: Monthly Legal Report

Dear Ms. Wall:

During the period from April 22, 2019 through May 22, 2019, we have given significant attention to the following projects on behalf of the City of Freeport.

- Administrative Assistant  
Reviewed federal, state, and county records for background information on Administrative Assistant candidate. Forwarded results to City Clerk.
- Liquor Licensing  
Reviewed state and city liquor licensing rules concerning consumption of alcohol purchased from an on-sale license holder. Determined that alcohol purchased on-sale must be consumed on the licensed premises. Advised City Clerk of option to amend City Code to permit issuance on Community Festival licenses, which would permit consumption off of the licensed premises.

Respectfully submitted,  
Dymoke Law Office, P.A.

*Scott E. Dymoke*  
by Scott E. Dymoke

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/22/19

Re: Update Pay Ranges

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I spoke to Kathleen Murphy to ask her how much it would cost to update the City's pay ranges, since it was last done in 2015. She quoted between \$200 and \$250, and she could have it done in a couple days. Murphy will be at the meeting to explain how she arrives at her amounts.

We also called other cities in our area to see if they hire a consultant for this type of work and no one we spoke to did. A few said their City Council determines the pay rates. Several spoke highly of a resource from the League of Minnesota Cities called the Salary & Benefits Survey. Cities may choose to enter their own pay information into this survey annually and if a city participates, they are able to access all the survey results for free.



## 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](http://www.freeportmn.org)

### Job Evaluation Record

*approved by city council 10/20/2014*

Title	Category	Possible Match	Point	%	Sub Total	Grand Total
<b><u>Clerk-Treasurer</u></b>						
	Administration/Management	City Clerk/Treasurer	275	75%	206	292
	Communications/Marketing	Community Development Representative	342	25%	86	
<i>Difference between positions</i>						<i>14%</i>
<b><u>Public Works Director</u></b>						
	Maintenance/Public Works	Street Maintenance Sup	252	50%	126	256
	Utilities	Wasterwater Plant Supv.	291	20%	58	
	Utilities	Water Plant Supervisor	291	20%	58	
	Maintenance/Public Works	Groundskeeper	136	10%	14	
<i>Difference between positions</i>						<i>66%</i>
<b><u>Public Works Assistant</u></b>						
	Utilities	Sewer and Water Maintenance Wkr	149	50%	75	154
	Maintenance/Public Works	Transportation Generalist	183	25%	46	
	Maintenance/Public Works	Groundskeeper	136	25%	34	
<i>Difference between positions</i>						<i>11%</i>
<b><u>Administrative Assistant</u></b>						
	Clerical/Office Support	Office & Admin Spec. Int.	145	80%	116	139
	Accounting & Finance	Office & Admin Spec.	117	20%	23	

**A.**

**CITY OF FREEPORT  
2015 COMPENSATION PROGRAM  
PROPOSED RANGES HOURLY**

<b>GROUP</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	<b>VI</b>	<b>VII</b>	<b>VIII</b>	<b>IX</b>
<b>POINTS</b>	<b>94-108</b>	<b>109-124</b>	<b>125-143</b>	<b>144-164</b>	<b>165-189</b>	<b>190-217</b>	<b>218-250</b>	<b>251-288</b>	<b>289-331</b>
<b>Minimum</b>	<b>8.53</b>	<b>9.38</b>	<b>12.20</b>	<b>13.66</b>	<b>15.03</b>	<b>16.53</b>	<b>18.18</b>	<b>20.00</b>	<b>22.00</b>
<b>Midpoint</b>	<b>9.81</b>	<b>10.79</b>	<b>14.03</b>	<b>16.06</b>	<b>17.66</b>	<b>19.43</b>	<b>21.36</b>	<b>24.00</b>	<b>26.40</b>
<b>Maximum</b>	<b>11.09</b>	<b>12.20</b>	<b>15.86</b>	<b>18.45</b>	<b>20.29</b>	<b>22.32</b>	<b>24.54</b>	<b>28.00</b>	<b>30.80</b>
<b>Range Spread</b>	<b>30%</b>	<b>30%</b>	<b>30%</b>	<b>35%</b>	<b>35%</b>	<b>35%</b>	<b>35%</b>	<b>40%</b>	<b>40%</b>
<b>Increase Over Previous Range Minimum</b>		<b>10%</b>	<b>30%</b>	<b>12%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>

**B.****CITY OF FREEPORT****2015 COMPENSATION PROGRAM  
PROPOSED RANGES ANNUALLY**

<b>GROUP</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	<b>VI</b>	<b>VII</b>	<b>VIII</b>	<b>IX</b>
<b>POINTS</b>	<b>94-108</b>	<b>109-124</b>	<b>125-143</b>	<b>144-164</b>	<b>165-189</b>	<b>190-217</b>	<b>218-250</b>	<b>251-288</b>	<b>289-331</b>
<b>Minimum</b>	<b>17742</b>	<b>19510</b>	<b>25376</b>	<b>28413</b>	<b>31262</b>	<b>34382</b>	<b>37814</b>	<b>41600</b>	<b>45760</b>
<b>Midpoint</b>	<b>20405</b>	<b>22443</b>	<b>29182</b>	<b>33405</b>	<b>36733</b>	<b>40414</b>	<b>44429</b>	<b>49920</b>	<b>54912</b>
<b>Maximum</b>	<b>23067</b>	<b>25376</b>	<b>32989</b>	<b>38376</b>	<b>42203</b>	<b>46426</b>	<b>51043</b>	<b>58240</b>	<b>64064</b>
<b>Range Spread</b>	<b>30%</b>	<b>30%</b>	<b>30%</b>	<b>35%</b>	<b>35%</b>	<b>35%</b>	<b>35%</b>	<b>40%</b>	<b>40%</b>
<b>Increase Over Previous Range Minimum</b>		<b>10%</b>	<b>30%</b>	<b>12%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>	<b>10%</b>

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/23/19

Re: Website Update

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Prior to the April meeting, Barry Weber contacted me recommending that we do a few updates to the City's website. He was offering to take new photos, update the website photos, and update staff information this summer for \$750. Council wanted more information as to what was included in the \$500 website hosting fee before any action was taken.

In the last month, I have had several conversations with Weber and he has now said that most of our photos aren't that outdated and we don't need to do a full update at this time. He has helped me with creating a new email account, updating our employee bios on the website, streamlining existing email accounts, and advised on a few questions. For all of this, he has said he would only charge the City \$50, which I think is very cheap for the amount of time he has spent.

He also updated the events portion of the website and has said he would not charge for this since he was fixing something that had stopped working for us.

Weber explained to me why the annual website hosting fee went from \$400 to \$500. Because of downtime issues he had with his server, it was recommended to him to change to a cloud based server. This change doubled his cost. Weber also does routine maintenance throughout the year to ensure our website works and maintains our email addresses. These services are included in the hosting fee.

Weber will attend the meeting to demonstrate the website and to answer any further questions you may have.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/23/19

Re: Elite Transport Group

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On April 2 I mailed a letter to Mark Ettel of Elite Transport Group informing him of noise complaints and inviting him to attend the April 30 City Council meeting. Instead of coming to the meeting, he spoke to Tim Hennen. Hennen invited Ettel to look at an Industrial Park lot with him. He has not yet pursued this option.

The EDA invited Ettel to attend the May meeting to discuss an Industrial Park lot. Ettel did not attend.

The City has continued to receive complaints about noise and vehicles being worked on along the street. I have been told by a witness that one of their trucks used a jake brake through town at a late hour and was traveling at an excessive speed. Following are ordinances for the Council to consider regarding this matter.

## **500.33 I-1, General Industrial District**

### **Subd.1 Intent**

It is the intent of this district to provide for and allow a wide range of industrial, warehousing, and wholesale bulk commercial activities in locations that will not conflict with other uses.

### **Subd.2 Permitted Uses**

1. A branch of trade or industry employing labor and capital, activities not allowed in commercial districts, activities that do not require steam, diesel, or gasoline engines as a prime mover, excepting that no industry or use noxious by reason of odor, dust, smoke, noise, or gas may be included which interferes with other permitted uses.
2. Light industrial uses including light manufacturing, fabrication, assembly, and production.
3. Building materials, storage yards, lumber yards.
4. Contractor equipment and storage yards.
5. Food processing and distribution facilities.
6. Wholesale business and warehousing.
7. Industrial research laboratories.
8. Machine shops, public and private garages.
9. Public utility and service buildings and gas regulator stations.
10. Outdoor recreational facilities.

### **Subd.3 Permitted Accessory Uses**

1. Off-street parking and loading as regulated by Subsection 500.43 of this Code.
2. Open and outdoor storage, as regulated by Subsection 500.475 of this Code.
3. Offices clearly subordinate and accessory to a principal use.
4. Residences when on the same parcel as the principal use which are clearly subordinate to the principal use and which are occupied by an individual employed by the principal use.
5. Signs, as regulated by Subsection 500.35 of this Code.

### **Subd.4 Conditional Uses**

The following uses will require a conditional use permit based on the procedures set forth in Subsection 500.63 of this Code:

1. Industrial storage and material recycling.
2. Manufacturing of cement, concrete, lime gypsum, or plaster.
3. Grain elevators and storage subject to height restrictions set forth as part of the conditional use permit.
4. Livestock feeding yards, slaughtering of animals or stock yards.
5. Other heavy industrial uses, except for the following:
  - a. Distillation of bone, coal, tar, petroleum, refuse, grain, or wood.
  - b. Explosive manufacture or storage.
  - c. Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from animal refuse or offal.
  - d. Petroleum or asphalt refining, manufacturing or storage.
  - e. Smelting or refining of metals from ores.
  - f. Steam and board hammers and forging presses.
  - g. Storing, curing and tanning of raw, green, or salted hides or skins.
  - h. Corrosive acid manufacturing or bulk storage thereof.



- i. Junk yards.

**Subd.5 Lot, Yard Area and Height Requirements**

		Setbacks (ft.)		
Lot Area	Lot Width	Front and Corner	Side	Rear
1 Acre	100 ft.	40	15	20

Lot structural coverage shall not exceed 50%.

**500.39 General requirements**

The intent of Subsections 500.41 to 500.46 is to establish general development performance standards. The regulations provided herein apply equally to all districts except where special provisions provide otherwise.

**500.43 Off-Street Parking**

**Subd.1 Purpose**

The purpose of this Subsection is to assist in alleviating or preventing congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking of motor vehicles in accordance with the intensity of utilization of the various parcels of land or structures.

**Subd.2 Intent**

The intent of this Subsection is to establish general standards for off-street parking. In all zoning districts, with the exception of allowed uses in “C-1” Central and Neighborhood Commercial District, off-street parking facilities for the storage of motor vehicles for use of occupants, employees, and patrons of the building or structures hereafter erected, altered, or extended must be provided and maintained as herein prescribed.

**Subd.3 Permit Required**

1. No person shall construct, enlarge or change the dimensions of a parking area or driveway, unless and until a permit is secured from the City, except that a separate driveway permit shall not be required if the proposed driveway is constructed as shown on the approved residential subdivision grading plan. The permit application shall be accompanied by a site plan which in addition to other information, shall show the location of the off-street parking area provided for such building.
2. A permit shall not be required for the routine maintenance/repair of an existing driveway. However, any expansion, addition or upgrade of an existing driveway shall be compliant with the performance standards of this Subsection and driveways abutting roadways of other jurisdiction must secure permission from the appropriate jurisdiction.

**Subd.4 Parking Lot Dimensions**

Angle of Parking	Stall Width	Stall Length	Aisle Width
45°	12.5' regular; 15.5' handicapped	18'	16'
60°	10.5' regular; 13.5 handicapped	18'	18'
90°	9.0' regular; 12.0 handicapped	18'	24'

**Subd.5 General Requirements**

1. When the determination of the number of required parking spaces results in a fractional space that fraction, if one-half (1/2) space or greater, shall be rounded up to equal one (1) space.
2. The term “floor area” for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the buildings, structure or use times the number of floors, minus twenty (20) percent, except as may be hereinafter modified.
3. When a structure contains two (2) or more types of uses, the gross floor area of each use shall be calculated and shared spaces such as hallways and bathrooms shall be excluded as non-productive space. The resulting net useable floor space figure shall be utilized to determine the off-street parking requirement.
4. The City Council may consider a reduction in the amount of parking space required for joint or mixed uses (other than purely residential) where it is sufficiently demonstrated and documented that a specific timing element (e.g. differing hours of operation are perpetually maintained; mixed storefront and multiple family residential uses in a single structure) or the nature of the use (e.g. senior housing; proximity to transit terminals/stations, etc.), will demonstrably affect the demand for parking.
5. Where a use is not specifically mentioned, off-street parking requirements are the same as for similar uses as determined by the Zoning Administrator.
6. On-street parking is not to be counted when calculating the off-street parking requirements in this Subsection.
7. Garage spaces may be counted as parking spaces provided that a garage space may not be counted if blocked by another space.
8. Loading space is not to be construed as supplying off-street parking space.
9. Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before January 1, 1996, additional parking space for the additional floor area must be provided and maintained in amounts hereafter specified for that use.
10. Off-street parking facilities for dwellings must be provided and located on the same lot or parcel of land as the building they are intended to serve.
11. An entrance to or exit from a residential parking area may not be more than 32 feet in width. An entrance to or exit from a commercial or industrial parking area may not be more than 40 feet in width.
12. Off-street parking areas shall not be designed so that vehicles must back into the street or public way.
13. Where a use is not specifically mentioned, off-street parking requirements are the same as for similar uses.

## **Subd.6 Number of Parking Spaces Required**

The amount of required off-street parking for new uses or buildings and additions to existing buildings will be determined as follows.

1. Single-family, two-family dwellings, and townhouses units - One space per unit.
2. Multiple family dwellings - Parking space required will be addressed at the time of parking permit application (one or two spaces will be required). A garage must be of the same architectural treatment as the dwelling.
3. Boarding houses, hotels, motels, and dormitories - One parking space for each dwelling unit or individual for whom sleeping accommodations are provided.
4. Places of assembly - One parking space must be provided for each four units of seating capacity in churches, theaters, gymnasiums, auditoriums, stadiums, or arenas. For schools (public or private) one parking space must be provided for each four units of seating capacity based upon the design of the auditorium, gymnasium, or stadium within the school.
5. Places of medical treatment - One parking space must be provided for each two employees plus one for each four beds in hospitals, sanitariums, rest homes, and nursing homes, one parking space must be provided for each two employees plus one for each doctor plus one per 100 square feet of floor area in clinics (medical or dental).
6. Offices - One parking space must be provided for each 250 square feet of floor space.
7. Bowling alley - At least five parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
8. Motor fuel station - At least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts, or service must provide additional parking in compliance with other applicable sections of this Code.
9. Retail store and service establishments - At least one off-street parking space for each 250 square feet of floor area.
10. Retail sales and service business with 50% of gross floor area devoted to storage, warehouses, and/or industry - One space for each 250 square feet devoted to public sales and/or service plus one space for each 500 square feet of storage area or one space for each employee on the maximum shift, whichever is appropriate.
11. Restaurants, night clubs, taverns, or cafes - One parking space for each four seats, but not less than 15 spaces.
12. Manufacturing, fabrication, or processing of a product or material warehouse, storage, handling of bulk goods, post offices - One parking space for each two employees based on the maximum planned employment on each shift or one space for each 400 square feet of floor area, whichever is greater.

## **Subd.7 Parking Lot Design Standards**

1. Parking lots shall be setback at least five (5) feet from all property lines.
2. Adequate ingress and egress must be provided from a public street or alley.
3. The parking lots must be maintained in a usable dustproof condition and kept graded and drained to dispose of surface water.
4. Compacted gravel driveways are permitted, however, where proposed gravel driveways terminate on a bituminous or concrete street the property owner shall install and maintain an entrance apron surfaced with concrete or bituminous. The entrance apron shall extend the width

of the driveway and shall be installed from the edge of the bituminous or concrete roadway surface to the front property line.

5. Whenever a commercial or industrial use parking lot boundary adjoins property zoned for residential use a landscaped buffer approved by the City Council is required. Said landscape buffer shall be of sufficient width to prevent headlights from shining into residential lots on a year round basis.
6. Necessary curbs or other protection against damage to adjoining properties, streets and sidewalks must be provided and maintained.
7. Parking lot designs for more than five (5) vehicles shall be reviewed by the City Engineer for adequacy of drainage and circulation.

## **500.44 Off-street loading**

### **Subd.1 Loading Spaces Required**

1. C-3 Highway Commercial District. One (1) off-street loading and unloading spaces shall be provided for units with a gross area of ten thousand (10,000) square feet. One (1) additional space shall be provided for each additional fifteen thousand (15,000) square feet of floor space.
2. C-2 Highway Commercial District. One (1) off-street loading and unloading spaces shall be provided for units with a gross area of ten thousand (10,000) square feet. One (1) additional space shall be provided for each additional fifteen thousand (15,000) square feet of floor space.
3. C-1 Central and Neighborhood Commercial Districts. Off-street unloading facilities are subject to approval by the Zoning Administrator. On-street unloading shall be prohibited during peak travel periods so as to not interfere with traffic flow.
4. Industrial Districts. In industrial districts, the use of any building requiring loading or unloading of materials to or from trucks shall require one (1) off-street loading spaces for the first ten thousand (10,000) square feet of floor space and an additional space for each additional fifteen thousand (15,000) square feet of floor space.

### **Subd.2 Required Screening**

1. Off-street loading spaces in conjunction with a commercial or industrial use and adjacent to collector or arterial streets and/or areas guided toward residential use within the Comprehensive Plan shall be screened from the view from the adjacent roadway.
2. For new construction occurring after the date of the adoption of this Ordinance, truck loading and receiving areas may not be on the front side of a building facing the street (this does not include drive-in entrances).

## **Section 1310 – Parking Regulations**

### **1310.01 Weight Restrictions**

It is unlawful to leave or park on or within the limits of any public street in any residential area in the city, any of the following:

1. A semi-trailer.
2. Overnight parking of a combination vehicle unit in excess of 50 feet in length.
3. A vehicle carrying flammable or hazardous substances which could threaten health and public safety.

### **1310.03 Parking Zones**

The city council may by resolution designate certain streets or portions of streets as no parking, or no stopping, or standing zones, and may limit the hours in which the restrictions apply. The city may mark, by appropriate signs, each zone so designated. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, it is unlawful to stop or park a vehicle in an established no parking or standing zone where stopping or standing is prohibited. A vehicle may not be parked in a “no parking” zone during hours when parking is prohibited, except for the purpose of forming a funeral procession, and a truck may be parked temporarily for a single period of no longer than two hours on any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

### **1310.05 Time Limit Parking**

The council may by resolution designate certain areas where the right to park is limited during hours specified and such areas will be marked by appropriate signs. During the hours specified on the sign, it is unlawful to park a vehicle in a limited parking zone for a longer period than so specified.

### **1310.07 General Time Limit**

#### **Subd.1 General Rule**

It is unlawful to park a vehicle upon any street, alley, or way, or in a municipal parking lot in any one place for a continuous period longer than 48 hours.

#### **Subd.2 Measure of Time Limit**

A vehicle moved a distance of not more than one block during any limited parking period, is deemed to have remained stationary. It is unlawful to obliterate, erase, or remove any mark or sign placed on a vehicle by a police officer for the purpose of measuring the length of time such vehicle has parked.

### **1310.09 Prima Facie Violation**

The presence of a motor vehicle, trailer, or implement on a public street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle, trailer, or implement did or authorized the violation.

### **1310.11 Winter Parking Rules**

To facilitate snow removal, it shall be unlawful for any vehicle, trailer, or other object to park or remain parked on a public street, alley, or way, or in a municipal parking lot from and including November 1, to and including March 31, between the hours of 2:30 a.m. and 6:00 a.m. during or after any snow fall which accumulates over one-tenth (1/10) of an inch until such time as the snow removal crews have cleared the public street, alley, or way, or municipal parking lot. All vehicles shall be exempt from the winter parking rules from 12:00 A.M. to 11:59:59 P.M. on the following days:

1. Thanksgiving Friday (night of Thursday) through the immediately following Sunday (Example: Someone could park on City roads for Thanksgiving and leave anytime on Sunday. NOTE: The General Rule of 48 hours still applies per 1310.07)
2. December 25 through January 1 (Example: Someone could park on City roads on Christmas Eve and leave anytime on January 1. NOTE: The General Rule of 48 hours still applies per 1310.07).

### **1310.13 Penalty**

Violation of subsection 1310.11 is petty misdemeanor and punishable by fine of \$25.00. A person violating the provisions or other provisions of this section is guilty of a petty misdemeanor and upon conviction will be punished by a fine of not more than \$100.00.

## **2010.05 Public Nuisances Affecting Peace and Safety**

Whoever by his act or failure to perform a legal duty intentionally maintains or permits any of the following conditions is guilty of maintaining a public nuisance affecting peace and safety, which is a misdemeanor:

1. All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
2. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
3. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
4. All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code;
5. The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat motor vehicle, motorcycle, all-terrain vehicle, snowmobile or any recreational devices except through a muffler or other device that effectively prevents loud or explosive noises there-from and complies with all applicable state laws and regulations;
6. The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section;
7. The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property;
8. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds, except under conditions as are permitted by Freeport City ordinance or other applicable law;
9. Radio aerials or television antennae erected or maintained in a dangerous manner;
10. Any use of property abutting on a public street or sidewalk any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
11. All hanging signs, awnings and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by Freeport City ordinance and other applicable laws;
12. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
13. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
14. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

15. Waste water cast upon or permitted to flow upon streets or other public properties;
16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, discarded or disused lumber or other building materials, wood, brush, yard waste, or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;
17. Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;
18. Obstruction of the free flow of water in a natural waterway or a public street, drain, gutter or ditch with trash or other materials;
19. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;
20. The depositing of garbage or refuse on a public right-of-way or on adjacent property;
21. Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or
22. All other conditions or things which are likely to cause injury to the person or property of anyone.
23. Nothing in this section prohibits: i. the storage of machinery, auto bodies, or household appliances within a non-residential building, or ii. the storage in the open of lumber, building materials, or wood that is:
  - a. kept a minimum of 12 inches above the ground or other surface, and
  - b. fully screened so as not to be visible from any adjoining properties, public street, right-of-way, or sidewalk.



# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/20/19

Re: Administrative Assistant Job Opening

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All City Council members got back to me about which candidate to hire and how much they thought the hourly pay should be. Lori Austing was chosen in a 5-0 vote and the average of the five pay rates was \$15.85.

After a successful background check, Lori began working on May 13 and is learning quickly.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/20/19

Re: City Hall Technology Updates

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David Waletzko has installed my new laptop with dual screens and it is now working well.

I asked Waletzko if we could just get laptops for Lori and Loren instead of desktops because the laptops are significantly cheaper. Laptops are not recommended unless portability is needed. Laptops only have one year warranties and desktops have three year warranties. Because the desktops are considered business-grade, they receive better service from companies if our computers would need service (i.e. overnight shipping for parts).

The tower desktops are only \$60 cheaper than the NUC desktops. The NUCs are recommended because they don't sit on the ground and don't have a fan in them, so dust is less of an issue for them.

Because the versions of Microsoft Office we have are not the ones that update, we will need to purchase new licenses for all three computers by January for the same reason we needed to update from Windows 7.

I verified that RemotePC is considered secure.

Quotes for the above described equipment are on the next page.

City Hall Technology Update  
 Quotes from David Waletzko of Community Technology Center

Equipment	Description	Price (each)
Desktop computers - NUC	Nobilis NUC, Win 10 Pro, Intel Core i5, 8GB RAM, 250GB M.2 Drive, 3-yr limited warranty	1,221.00
Desktop computers - tower	Nobilis Desktop, Win 10 Pro Intel Core i5, 8GB RAM, 250GB M.2 Drive, 3-yr limited warranty	1,161.00

Office Home & Business 2019	Doesn't include Publisher - one time purchase - will <u>not</u> update to newer versions	299.00
Office Professional 2019	Includes Publisher - one time purchase - will <u>not</u> update to newer versions	439.00
Office 365	Includes Publisher - subscription purchase - will update to newer versions - can install on up to 5 devices	\$20/month

Splashtop.com	Remote access software	Starts at \$5.00/mth
RemotePC	Remote access software	Free for one user & one computer

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/21/19

Re: Everett Scherping Property

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Stearns County Assessor Jeff Johnson updated me and Everett Scherping on his findings regarding parcel ID 54.32275.0100. The City of Freeport annexed the property on 6/14/2002, including the road, before platting was approved and recorded. When the City did the plat for the Industrial Park, only half of the road was included, which left the other half of the road belonging to Scherping. Since most of the property is road and the rest is basically a ditch, Johnson will recommend a reduction in value at the County board meeting in June.

Scherping is concerned that if the road is improved in the future, he will be liable for significant assessments for that work. Because of this, he expressed interest in turning the property over to the City. Scott Dymoke advised me to get a copy of Scherping's deed so he could write up a deed to transfer the property. He will have this ready for your consideration at the June 25 regular Council Meeting.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/23/19

Re: Creamery Site

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The tenant at the creamery site contacted City Hall to ask if they could have a garage sale every day and to ask if they could have a porta potty on the premises.

I asked Scott Dymoke to look into this for us. In his opinion, the proposed use of the building in this way sounds more like a second hand store, and not a garage sale. He spoke to our building inspector, Mark Harren, and he agreed. Harren stated that opening the building to the public for retail sales requires adequate, working plumbing facilities under the state building code. There is currently no running water in the building and repairs are needed before water can be turned back on. Dymoke told me to advise the tenant that he could not proceed with his store until there was proper plumbing in the building.

When the tenant was told he was not allowed to open the store, he became upset and mentioned suing the City.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 5/23/19

Re: Corner Pub Patio

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The Corner Pub contacted the City asking about whether they could construct a patio for events behind the business across the alley on property Pooch owns. See map on next page.

Following is correspondence I received from Scott Dymoke:

“MN St. 340A.101, subd. 21 and Freeport City Code 1200.07, Subd. 11 do not allow patrons to take their drinks outside of the Corner Bar. Attached are copies of the statute and ordinance.

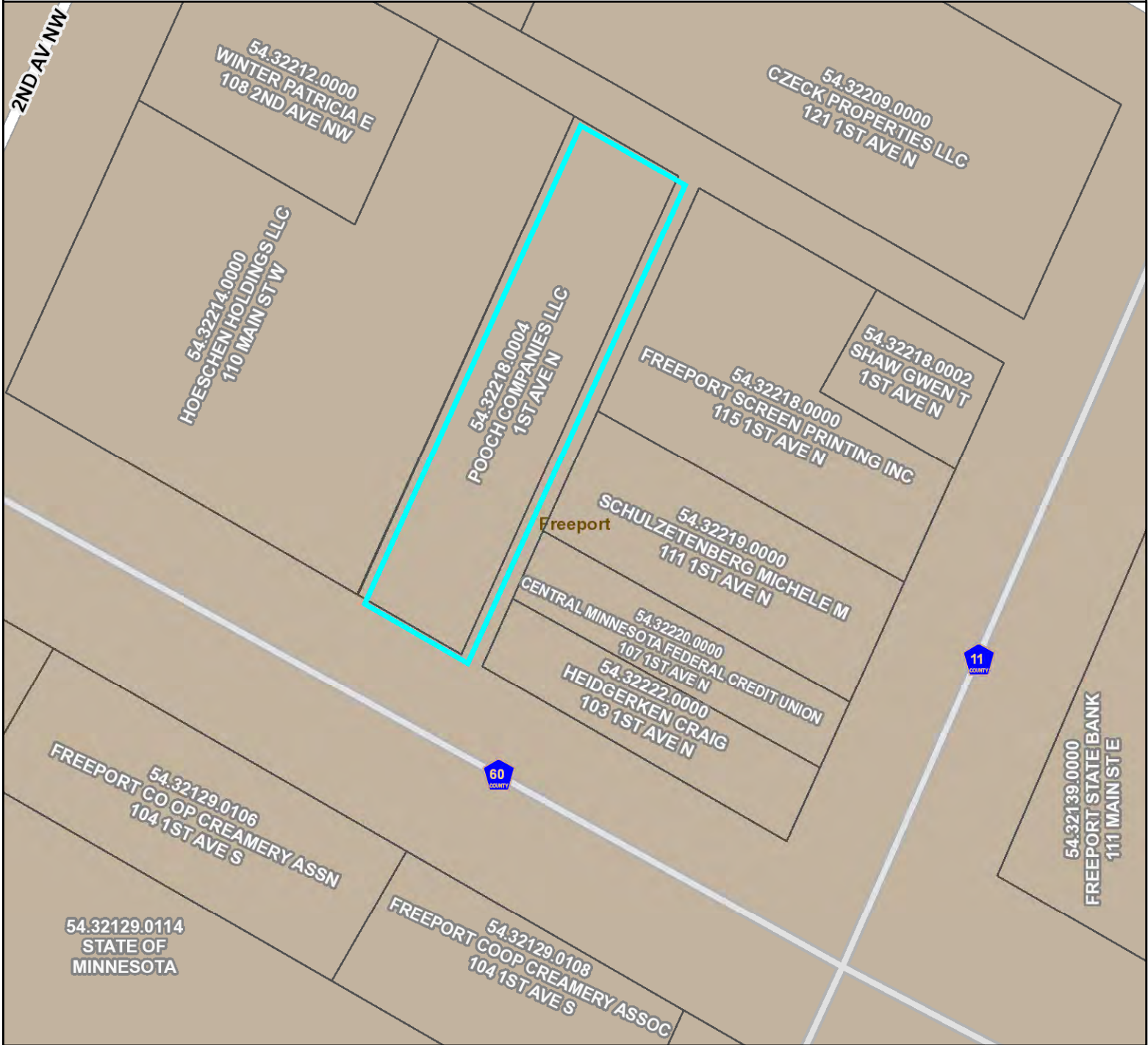
“MN St. 340A.404, Subd. 4(b) grants the Council the authority to issue “Community Festival” licenses to the holder of an on-sale liquor license (see attached). To exercise this authority, the Council would need to amend the liquor licensing regulations to include Community Festival licenses. Typically, Community Festival licensing regulations include limits on time, number of licenses issued per year, fencing/barricade requirements, and fees.

“Amending the liquor licensing regulations to allow for Community Festival licenses would allow the Corner Bar to hold the event.

“Please note - a Community Festival license is different than a temporary liquor license. Community Festival licenses are available to on-sale license holders only. Temporary liquor licenses are only available to community groups, such as Sacred Heart, Chamber of Commerce, Lions Club, etc.

“If the Council wishes to pursue an amendment to the liquor licensing regulations, I recommend contacting the Alcohol and Gambling Enforcement Division of the MN Department of Public Safety for assistance and guidance.”

# Pooch Companies Property



**Parcel ID** 54.32218.0004  
**Acreage** 3-125-32  
**Sec/Twp/Rng** Lot(s) 004 & 005 & 006 Block(s) 006  
**Legal Plat** TOWNSITE OF FREEPORT

**District** 5402 FREEPORT 740  
**Class** 3A-Commercial/Industrial/Public Utility,  
**Brief Tax Description** W 25' OF LOTS 5 & 6 & E 15' LOT 4 BLK 6

**Property Address** 1ST AVE N  
 FREEPORT, MN 56331

**Owner Address** POOCH COMPANIES LLC  
 FREEPORT MN 56331

0 10 20 40 Feet



Data is as represented in Stearns County Databases. It is NOT Intended for Locational Use and Stearns County waives all liability from this product.



Subd. 20. **Off-sale.** "Off-sale" is the sale of alcoholic beverages in original packages for consumption off the licensed premises only.

Subd. 21. **On-sale.** "On-sale" is the sale of alcoholic beverages for consumption on the licensed premises only.

Subd. 22. **Package.** "Package" is a sealed or corked container of alcoholic beverages.

Subd. 23. **Person.** "Person" has the meaning given it in section 645.44, subdivision 7.

Subd. 24. **Population.** "Population" is determined by the most recent federal decennial census or a special census taken under law.

Subd. 24a. MS 2010 [Renumbered subd 24b]

Subd. 24a. **Proof gallon.** A "proof gallon" is one liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit.

Subd. 24b. **Public facility.** "Public facility" is a park, community center, or other accommodation or facility owned or managed by or on behalf of a subdivision of the state, including any county, city, town, township, or independent district of the state.

Subd. 25. **Restaurant.** "Restaurant" is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for guests as prescribed by the appropriate license issuing authority.

Subd. 26. **Retail.** "Retail" is sale for consumption.

Subd. 27. **Table or sparkling wine.** "Table or sparkling wine" is a beverage made without rectification or fortification and containing not more than 25 percent of alcohol by volume and made by the fermentation of grapes, grape juice, other fruits, or honey.

Subd. 27a. **Theater.** "Theater" means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

Subd. 28. **Wholesaler.** "Wholesaler" is a person who sells alcoholic beverages to persons to whom sale is permitted under section 340A.310, from a stock maintained in a warehouse in the state.

Subd. 29. **Wine.** "Wine" is the product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits as defined in subdivision 9.

Subd. 30. MS 2008 [Renumbered subd 10a]

**History:** 1985 c 117 s 3; 1985 c 305 art 3 s 1; 1Sp1985 c 16 art 2 s 3 subd 1; 1987 c 152 art 1 s 1; 1987 c 381 s 2; 1988 c 443 s 1; 1990 c 554 s 2,3; 1991 c 249 s 31; 1992 c 486 s 5,6; 1993 c 350 s 4-6; 1994 c 611 s 6; 1995 c 198 s 1-3; 2000 c 440 s 2; 2003 c 126 s 1; 2006 c 210 s 1,2; 2009 c 120 s 1; 2011 c 55 s 1,2; 2014 c 240 s 3,4; 2015 c 9 art 1 s 1



#### **Subd.4 Display during Prohibited Hours**

An “on-sale” and "on-sale 3.2 Annual" establishment may not display liquor to the public during hours when the sale of liquor is prohibited.

#### **Subd.5 Federal Tax Stamp**

A license may not possess a federal wholesale liquor dealer’s special tax stamp or federal gambling stamp. 1200.23. Restrictions on purchase and consumption.

#### **Subd.6 Liquor in Unlicensed Places**

Liquor may not be sold or consumed on a public highway or street, public sidewalk, or in an automobile, or in the downtown city park or parking lot, in the city. It is unlawful to carry an open container of any intoxicating liquor on any public highway or street, public sidewalk, or in an automobile, or in the downtown city park or parking lot.

#### **Subd.7 Minors**

It is unlawful to induce a minor to purchase or procure liquor.

#### **Subd.8 Licensed Places**

A person to whom the sale of intoxicating liquor is forbidden by state law may not misrepresent the person’s age for the purpose of obtaining intoxicating liquor nor enter any licensed premises in order to procure said beverages, or to consume or purchase, or attempt to purchase, or have another purchase for him, such beverages on licensed premises.

#### **Subd.9 Unlawful Sales**

It is unlawful to give, procure, or purchase liquor for any person to whom the sale of intoxicating liquor is forbidden by law. For on-sale 3.2 Annual permits, a drug store may not obtain a license under this code as normally allowed under state statute.

#### **Subd.10 Identification**

A person may not refuse to show proper identification to the bartender or police officer when requested to do so. Refusal to do so is a violation of this section, if the person is then in an establishment licensed to sell intoxicating liquor.

#### **Subd.11 Consumption on Premises**

Intoxicating liquor sold “on-sale” and "on-sale 3.2 Annual" must be possessed and consumed inside the building where purchased “on-sale”. It is unlawful to possess or consume intoxicating liquor outside the building of an “on-sale” and "on-sale 3.2 Annual" business if the intoxicating liquor was purchased “on-sale”. The licensee is responsible for the enforcement of this provision, and permitting a person possessing intoxicating liquor purchased “on-sale” and "on-sale 3.2 Annual" to leave the building is a violation of this section by the licensee.

(f) The holder of a license issued under this subdivision may dispense intoxicating liquor in miniature bottles if the intoxicating liquor is poured from the miniature bottles, mixed into another beverage, and dispensed on the premises by employees of the licensee.

Subd. 2b. **Special provision; city of St. Paul.** The city of St. Paul may issue an on-sale intoxicating liquor license to the Fitzgerald Theatre, the Great American History Theater at 30 East 10th Street, and the Brave New Workshop at the Palace Theater at 17 West Seventh Place, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The license authorizes sales on all days of the week to holders of tickets for performances presented by the theatre and to members of the nonprofit corporation holding the license and to their guests.

Subd. 3. **Notice to commissioner.** A city shall within ten days of the issuance of a license under subdivision 1 or 5, inform the commissioner of the licensee's name and address and trade name, and the effective date and expiration date of the license. The city shall also inform the commissioner of a license transfer, cancellation, suspension, or revocation during the license period.

Subd. 4. **Special provisions; sports, conventions, or cultural facilities; community festivals.** (a) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality or by an adjacent municipality to dispense intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of a sports, convention, or cultural facility owned by the municipality or instrumentality thereof having independent policy-making and appropriating authority and located within the municipality. The licensee must be engaged to dispense intoxicating liquor at an event held by a person or organization permitted to use the premises, and may dispense intoxicating liquor only to persons attending the event. The licensee may not dispense intoxicating liquor to any person attending or participating in a youth amateur athletic event, for persons 18 years of age or younger, held on the premises.

(b) The governing body of a municipality may authorize a holder of a retail on-sale intoxicating liquor license issued by the municipality to dispense intoxicating liquor off premises at a community festival held within the municipality. The authorization shall specify the area in which the intoxicating liquor must be dispensed and consumed, and shall not be issued unless the licensee demonstrates that it has liability insurance as prescribed by section 340A.409 to cover the event.

Subd. 4a. **Publicly owned recreation; entertainment facilities.** (a) Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge Recreation Area building or recreational improvement area owned by the state in the city of Biwabik, St. Louis County;

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm;

(3) to the Board of Regents of the University of Minnesota for events at Northrop Auditorium, the intercollegiate football stadium, including any games played by the Minnesota Vikings at the stadium, and at no more than seven other locations within the boundaries of the University of Minnesota, provided that the Board of Regents has approved an application for a license for the specified location and provided that a license for an intercollegiate football stadium is void unless it meets the conditions of paragraph (b). It is solely within the discretion of the Board of Regents to choose the manner in which to carry out these conditions consistent with the requirements of paragraph (b); and