

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 11/21/19

Re: Elite Transport Group

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On November 18, the City mailed a letter to Mark Ettel of Elite Transport Group along with a photograph showing one of their trucks parking so the sidewalk was blocked and the front end was parked into the street.

On November 20, the City received two phone calls complaining of noise coming from Elite Transport Group between the hours of two and four in the morning. One of the calls was from Troy Frieler, who asked to be included on the city council agenda. The City mailed a letter to Mark Ettel that same day informing him of the noise complaints and inviting him to attend tonight's city council meeting.

On August 27, 2019, the City rezoned Elite Transport's property from I-1 General Industrial to R-1 Single & Two-Family Residential. The result of this change is that their trucks are no longer allowed to park along the street and they are not allowed to expand their building or change the type of business taking place.



## 500.48 Accessory structures

### Subd.1 General Standards

1. Agricultural buildings on agricultural properties and industrial buildings on industrial properties are exempt from the requirements of this Section.
2. In cases where an accessory building is attached to the principal structure it shall be made structurally part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
3. An accessory building unless attached to and made a part of the principal structure shall not be closer than ~~ten (10)~~four (4) feet to the principal structure, unless a smaller separation is granted under a conditional use permit.
4. Accessory buildings or structures shall not be constructed on any lot prior to the construction of a principal building.
5. Accessory buildings shall not be constructed in the front yard. Accessory structures are allowed in the side and/or rear yard providing setbacks are achieved.
6. ~~Private garages and accessory~~ Accessory structures ~~larger than one hundred twenty (120) square feet shall be placed on a permanent foundation which shall be defined as a floating slab with a rodent inhibiting barrier extending to a depth of at least one (1) foot below the average grade. A storage or utility structure of one hundred twenty (120) square feet or less shall be placed on a leveled four (4) inch gravel or rock base with a rodent inhibiting barrier provided between the base and the structure. Any accessory structure~~ and shall be firmly anchored to the surface, ~~regardless of structure size.~~
7. Architectural Detail Requirements: Accessory structures shall have architectural details which are the same or reasonably similar to the principal structure based on, but not limited to, the following:
  - a. Roof orientation and pitch;
  - b. Roof type (e.g. gabled or hipped);
  - c. Eave, overhang depth, and fascia/soffit type and appearance;
  - d. Exterior color.
8. Size Limit: Accessory structures shall be clearly and reasonably subordinate to the principal structure in terms of both scale and bulk. Total accessory structure square footage, excluding attached garages, shall not exceed ten (10) percent of the lot area or six hundred (600) square feet, whichever is greater. The City Council may approve a conditional use permit to accommodate larger accessory structures, ~~however, at no time shall an accessory structure exceed the foundation size nor total square footage of the residential dwelling or commercial structure to which it is subordinate.~~
9. Number of Accessory Structures Limited: For all districts a maximum of two (2) detached accessory building less than or equal to one-hundred twenty (120) square feet are allowed per lot. In addition, a maximum of one (1) detached accessory structure greater than one-hundred twenty (120) square feet is allowed per lot.
10. Accessory structures shall not encroach upon easements.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 11/19/19

Re: Health Insurance

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Below is the excerpt from the City's personnel policy that outlines the health insurance benefit:

## **Health Insurance**

Health insurance is offered to full-time employees. The City contributes a maximum of \$9,000 per year per full-time employee. The plan is provided by Blue Cross Blue Shield. If the employee's premium exceeds the \$9,000 City contribution, the remainder will be withheld from the employee's paycheck. If the premium is less than the \$9,000 City contribution, the excess will be added to the employee's paycheck.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 11/18/19

Re: Rental Licensing

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Phil Osendorf requested to be added to the agenda to discuss rental licensing. I have included a copy of the City's ordinance.

Our building inspector, Mark Harren, will also attend the meeting.

**ORDINANCE NO. 2018-04**

**AN ORDINANCE AMENDING THE FREEPORT CITY CODE OF 1995,  
CHAPTER V PLANNING AND LAND USE, AND ESTABLISHING RENTAL HOUSING  
REGULATIONS WITHIN THE CITY OF FREEPORT, MINNESOTA**

**THE CITY COUNCIL OF THE CITY OF FREEPORT, MINNESOTA DOES ORDAIN:**

**SECTION 1.** Chapter V, Planning and Land Use, of the Freeport City Code of 1995, is amended by adding the following:

**Section 510 – Rental Housing Regulations.**

**Section 510.01 Purpose.** This Ordinance’s purpose is to protect the public health, safety, and general welfare of the citizens of the City of Freeport. The general objectives include the following:

- a. to protect the character and stability of residential areas within the City,
- b. to correct and prevent housing conditions that adversely effect, or are likely to adversely effect, the life, safety, general welfare, and health, including physical, mental, and social well-being of persons occupying dwellings within the City, and
- c. to preserve the value of land and buildings throughout the City.

**Section 510.03. City not an Arbiter.** With respect to rental disputes, and except as otherwise specifically provided in this ordinance, the City Council does not intend on intruding upon fair and accepted contractual relationships between tenants and owners. The City Council does not intend to interfere or permit interference with legal rights to privacy. The City Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenants or owners that are not specifically and clearly relevant to this ordinance’s provisions. In the absence of such relevancy, the City Council intends that contracting parties exercise any legal sanctions available to them without the City Council’s intervention.

**Section 510.05. General Requirements.** No person shall operate rental property in the City of Freeport that does not comply with Minnesota Statutes and the Freeport City Code.

**Section 510.07. Licensing of Rental Units.**

- a. Registration. No person shall operate rental property in the City without first filing a registration statement with the City Clerk and securing a valid rental license approved by the City Council. A child renting a dwelling unit owned by the child to their parent, and a parent renting a dwelling unit owned by the parent to their child shall be exempt from the requirement to obtain a rental license. Any person filing such a registration statement consents to be bound by all of the provisions of this chapter and the City Code, as they may relate to rental property. A registration

statement shall be filed and a rental license secured prior to the occupancy of the dwelling. The registration statement shall be made and filed on forms furnished by the City for the purpose and shall set forth the following information:

1. owner's name and residence and, if a corporation, partnership, or unincorporated association, the names of its officers and registered office. All owners must be listed, and if a corporation, partnership, or unincorporated association, the name and address of every person with a financial interest in the business.
  2. rental property's name and address and the number of units to which the registration applies.
  3. arrests or convictions for any crime or the violation of any city ordinances, for every person with a financial interest in the business, and if so, information pertaining thereto.
  4. name and address of the operator, caretaker, or manager responsible for the maintenance and care of the rental units.
  5. arrests or convictions for any crime or the violation of any city ordinances, for every operator, caretaker, or manager, and if so, information pertaining thereto.
  6. name and address of the owner's agent for the receipt of notices of violations of the provisions of these regulations and this code.
  7. Plan for providing off-street parking in compliance with these regulations.
  8. any other information the City may require.
- b. Registration Statement Execution. The registration shall be made by the owner if the owner is a natural person; if the owner is a corporation, by an officer; if the owner is a partnership, by one of the partners; and if the owner is an unincorporated association, by the manager or managing officer. Renewal of registrations as required by these regulations may be made by filling out the required renewal form provided by the City to the owner of rental property and mailing the form together with the required registration fee to the City Clerk.
- c. Registrations. Registration of all rental dwellings shall be made or renewed annually.
- d. Transfers. Every new owner of a rental property, whether as fee owner, contract purchaser, lessee of the entire dwelling, or otherwise, shall register before taking possession.
- e. Registration License Fee. The City Council shall adopt a schedule of registration fees. Registration fees shall be due upon registration or upon renewal on the first day of January in the year in which registration is due. A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners of rental dwellings. Once issued a license is nontransferable and the licensee shall not be entitled to a refund on any license fee upon revocation or suspension. However, the licensee shall be entitled to a license fee refund, pro-rated monthly, upon proof of transfer of ownership. In the case of new unlicensed

dwellings, license fees shall be due upon the issuance of the certificate of occupancy; in the cases of licensing periods of less than three years, license fees shall be pro-rated by month.

- f. Inspection Condition. No operating license shall be issued or renewed unless the owner of rental units agrees in the registration statement to permit inspections pursuant to these regulations.
- g. Delinquent taxes and charges. No operating license shall be issued or renewed for any property on which taxes, assessments, utilities, or other financial claims of the City are delinquent and unpaid.
- g. Posting of License. Every license of a multiple family dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective multiple family dwelling.
- h. License Not Transferable. No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the City within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling.
- i. Occupancy Register Required.
  - 1. Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling which provides the following information:
    - i. dwelling unit address;
    - ii. number of bedrooms in dwelling unit;
    - iii. names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;
  - 2. The Owner shall make the register available for viewing or copying by the City at all reasonable times.
- j. Off-Street Parking Required. One off-street parking space is required for each individual occupying a dwelling unit.

**Section 510.09. Suspension or Revocation.** Every rental license is subject to suspension or revocation by the City Council. Failure to operate or maintain the licensed rental dwelling in compliance with the provisions of these regulations, the City Code, and the laws of the State of Minnesota shall be grounds for suspension or revocation. In the event that a rental license is suspended or revoked by the City Council, it shall be unlawful for the owner to permit any new occupancies of vacant or thereafter vacated rental units until a rental license is restored.

- a. When a rental license is revoked or suspended, the property shall be vacated as of the effective date of the revocation or suspension and remain vacated until restoration of the license. In the case of a suspension, restoration shall occur automatically at the end of the suspension period. In the case of revocation, restoration of the license shall occur only after the owner of the premises has made application for a new license, and paid a new license fee. The new license may then be issued upon completion of the revocation period.
- b. No suspension or revocation of a rental license shall occur until the licensed owner has been afforded an opportunity for a hearing. This hearing shall be evidentiary in nature and conducted before the City Council, which shall determine if a violation occurred warranting revocation or suspension of the rental license. The determination of the City Council shall be final and subject only to any rights of review or appeal to the state courts as provided by State Statutes. The licensed owner must affirmatively request a hearing in writing to be received by the City Clerk no later than seven days prior to the date on which the City Council is to consider the matter. If request is not made, the right to an evidentiary hearing is deemed waived, the City Council may presume the truth, and accuracy of the matter alleged and proceed to disposition at the time of the hearing.
- c. If the City Council determines that a violation has occurred warranting suspension or revocation, the rental license shall be suspended or revoked for a period of not less than two months nor more than 12 months. Execution of the suspension or revocation may be stayed by the City Council on conditions as established by the City Council including, but not limited to, the payment of a civil penalty not to exceed \$1,000. Upon the completion of one-half of the period of revocation or suspension imposed by the City Council, the licensed owner may petition the City Council for early restoration of the rental license. Upon receipt of the petition, the licensed owner's request shall be heard by the City Council at the next regular scheduled meeting, but at least 10 days from receipt of the request. At that time, the City Council may order a restoration of the rental license if the licensed owner establishes by clear and convincing evidence that one of the following two circumstances then exist:
  1. the property has been sold since the occurrence of the original violation to a party unrelated to the original owner. The sale must be for a fair consideration, negotiated at arm's length, and by deed duly filed for record with the County Recorder. A sham or "paper" transfer of title to the property to a related party or another party acting in cooperation with the owner for the purpose of circumventing the license revocation shall not constitute a transfer for purposes of these regulations; or
  2. the licensed owner demonstrates to the City Council that a proper response to the revocation or suspension has been made, that measures have been taken to successfully correct the violation which originally resulted in suspension or revocation, and that additional steps have been taken to assure that similar violations not occur in the future. Factors to be considered by the City Council, may include: improvements and repairs to the premises; modification of the relevant lease provisions; selection of future tenants; response to citizen's complaints; provision for future supervision of the premises by the licensed owner; the licensed owner's compliance with the revocation/suspension; and such other criteria as the City Council considers relevant to each individual case.

3. Where the licensed owner is able to establish by clear and convincing evidence grounds for restoration, the City Council may stay the execution of the remainder of the suspension or revocation period for a period of up to one year and place terms and conditions upon the licensed owner as may be relevant to further insure compliance with the City Code and State laws.

**Section 510.11. Inspection Authority.** The Building Inspector shall administer and enforce the provisions of these Regulations. The Building Inspector is authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this ordinance has been or is being committed. Inspections shall be conducted during daylight hours and the Building Inspector shall present evidence of official capacity to the owner, operator, occupant, or other person in charge of a respective dwelling unit.

**Section 510.13. Inspection Access.** When an owner, operator, occupant, or other person in charge of a dwelling or dwelling unit refuses to permit free access and entry to the structure or premises under their control for inspection pursuant to these regulations, the Building Inspector may seek a court order authorizing inspection.

**Section 510.15. Compliance Order.**

- a. Issuance. Whenever the Building Inspector determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this ordinance, the City Code, or state law, a Compliance Order may be issued setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violation. This Compliance Order shall:
  1. be in writing;
  2. describe the location and nature of the violations of these regulations;
  3. establish a reasonable time for the correction of such violation and notify of appeal recourse; and
  4. be served upon the owner, operator, or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, operator, or occupant, if a copy of the Order is:
    - i. served personally, or
    - ii. sent by registered mail to last known address, or
    - iii. upon failure to effect notice as set out above, posted at a conspicuous place in or about the dwelling that is affected by the notice.

- b. Right of Appeal. When it is alleged by any person to whom a Compliance Order is directed, that such Compliance Order is based upon an erroneous interpretation of this ordinance, such person may appeal the Compliance Order to the City Council. Such appeal must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee, paid in cash or cashier's check, in an amount determined by the City Council, and must be filed with the City Clerk within five business days after service of the Compliance Order. The filing of an appeal shall stay all proceedings in furtherance of the action, unless such a stay would cause imminent peril to life, health, or property.
- c. City Council Decision. Upon at least five business days notice to the appellant of the time and place for hearing the appeal, and within 45 days after the appeal is filed, the City Council shall hold a hearing, taking into consideration any advice and recommendation from the Building Inspector. The City Council may reverse, modify, or affirm, in whole or in part, the Compliance Order and may order return of all or part of the filing fee if the appeal is upheld.
- d. Restrictions on Transfer of Ownership. It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending Compliance Order has been served to sell, transfer, mortgage, lease, or otherwise dispose of the premises to another person until the provisions of the Compliance Order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or Compliance Order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit who has received notice of the existence of a violation or Compliance Order shall be bound by it without further service of notice upon them and shall be liable to all penalties and procedures provided by these regulations.
- e. Penalties. Any person who fails to comply with a Compliance Order after right of appeal has expired, and any person who fails to comply with a modified Compliance Order within the time set, shall be guilty of a misdemeanor. Each day of such failure to comply shall constitute a separate punishable offense.
- f. Reinspection. The Building Official shall reinspect the property to determine if the owner or operator has complied with the Compliance Order. If compliance has not been completed upon reinspection, the owner or operator shall be assessed a reinspection fee, in an amount determined by the City Council, for that reinspection and each subsequent reinspection for compliance. Failure to pay the reinspection fee shall constitute a failure to comply with the Compliance Order.
- g. Execution of Compliance Orders by Public Authority. Upon failure to comply with a Compliance Order within the time set and no appeal having been taken, or upon failure to comply with a modified Compliance Order within the time set, the City Council may cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy shall be a lien against the subject real estate as provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.

**Section 510.17. Severability.** Every section, provision, or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this

ordinance shall be declared invalid or unconstitutional, it shall not invalidate any other section, provision, or part of this ordinance

**Section 510.19. Collection.**

- a. Unpaid fees, charges, or penalties that relate to the maintenance of real property under this ordinance, or to the City's enforcement thereof, may be collected as a special assessment against the real property, together with administrative and legal expenses of the City in collecting the unpaid fees, charges, or penalties.
- b. Any unpaid charges, penalties, or fees will be certified to the County Auditor in accordance with the procedures required by Minnesota Statutes, after providing the owner of the premises involved notice and an opportunity for hearing.

**SECTION 2.** This Ordinance shall take effect and be in force from and after February 1, 2019 and its passage and publication according to law.

Adopted the City Council of the City of Freeport November 27, 2018.

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Rodney Atkinson, Mayor

ATTEST: \_\_\_\_\_  
Adrienne Hennen,  
City Clerk/Treasurer

Published: Melrose Beacon \_\_\_\_\_, 2018.

# Memo

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From: Joan Wall, Clerk-Treasurer

To: Freeport City Council

Date: 11/13/19

Re: Loren Goebel Performance Review

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Below you will see the averages of each of the categories along with comments that were given on the performance reviews.

Planning/Organization: 22.33 out of 35

Communication: 12.67 out of 20

Decision-Making/Initiative: 9.4\* out of 15

Professional Ethics: 13 out of 20

Work Attendance and Punctuality: 9.97\* out of 15

Compliance with City Codes and Regulations: 9.17 out of 15

Total: 76.53\* out of 120 – Satisfactory: Meets the requirements set forth in the job description.

\* Several items were left blank by the reviewers, which makes this score lower than it could be. End result of Satisfactory is the same.

Comments:

*Nice job Loren. Keep up the good work. –Jake Renneker*

*Loren appears to do a good job accepting new assignments and tasks. However, I would like to see Loren working on curb stops more and accomplishing some projects that require the licensing he has, while one of the assistants can spend time mowing lawn. Loren does a nice job with his daily log and keeping us informed on a monthly basis. There are times throughout the month that issues arise, or maybe costs for repairs are higher than anticipated and should potentially be brought aware to the council. – Ben Ettle*

*Loren takes advantage of training opportunities and has recently upgraded his wastewater license. He is dedicated to being available for the citizens of Freeport, at times helping someone out evenings and weekends if needed. Loren does a good job staying on top of maintenance, water, sewer, and storm sewer issues. I believe he keeps the best interests of Freeport's citizens in mind as he is performing his duties and making recommendations for improvement. –Joan Wall*

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Loren would like ask for a pay increase to \$25.50/hour. He currently makes \$21.63/hour.