



## **CITY OF FREEPORT**

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service [www.freeportmn.org](http://www.freeportmn.org)

**July 26, 2022 - Regular Meeting Agenda**  
Freeport City Hall - 7:00 pm

### Call to Order

#### I. Approve Agenda

#### II. Public Forum

#### III. Consent Agenda (1)

- a. June 28, 2022 Council Meeting Minutes (2-4)
- b. Claims – July 2022 (5-9)
- c. Sheriff's Report (10)

#### IV. Reports

- a. Clerk-Treasurer Report (11)
- b. Fire Department Report (N/A)
- c. Public Works Report (12-13)
- d. Engineer Report (14)
- e. Attorney Report (15)

#### V. Old Business

- a. ARPA Funds – Usage of Funds (16-18)
- b. Office Staff (19)
  - i. Hire Part-time Administrative Assistant
- c. Arnold Driveway (20)
- d. 313 2<sup>nd</sup> Ave NW (21)

#### VI. New Business

- a. Federal Grants and Awards Policy – ABDO (Attachment)
- b. Criminal Prosecution Contract – Stearns County (22-25)
- c. Parking Lot/Driveway/Curb/Gutter Permit Revisions (26-30)
- d. Resolution 2022-11 - Appointing Election Judges (31)
- e. Resolution 2022-12 - Personnel Policy Revisions (32-33, Attachment)
- f. Resolution 2022-13 – Moratorium Regarding THC Legislation (34-39)

#### VII. Adjourn

**Next Regular Meeting: August 30, 2022**



## **CITY OF FREEPORT**

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[cityfrpt@albanytel.com](mailto:cityfrpt@albanytel.com)

June 28, 2022 – Meeting Minutes

A regular meeting of the Freeport City council was convened at 7:00 pm by Mayor Mike Eveslage, and council members Nick Arnzen, Sarah Blake, Tim Hennen, and Jake Renneker.

Staff in attendance: Public Works Director Loren Goebel, City Clerk-Treasurer Jon Nelson, City Engineer Dave Blommel, City Attorney Scott Dymoke, and Fire Chief Andy Grieve.

Others in attendance:

Ryan Schmidt – Schlenner Wenner & Co.

Holly & Zack Arnold – 209 2<sup>nd</sup> Ave NW

### **Approve Agenda**

Arnzen moved to approve, seconded by Hennen. Motion carried 5-0.

### **Public Forum**

- The Arnolds had a delivery driver walk through uncured concrete in their driveway. The concrete was replaced as part of a city project and there was no construction tape put up to deter traffic. They had concrete poured at two different times during this project and also noticed that they are different colors. They were told by SEH office that the discoloring and footprints would fade over time but would like an established timeframe and a plan for when that time has come and gone.

Blommel reassured everyone that the concrete is structurally sound and that the issues are aesthetic and that over time the coloring will fade but also suggested there are concrete coloring/staining solutions available. There are no solutions for the footprints other than to tear out the concrete and start over again.

Due to time constraint, the discussion was tabled.

### **Consent Agenda**

- Renneker motioned to approve agenda, seconded by Hennen. Motion carried 5-0.

### **Reports**

#### Clerk-Treasurer Report

Jon Nelson

- Deb Blake and John Chatten have been helping train with clerk-treasurer duties
- Attended Clerk Election Training and League of Minnesota Cities Annual Conference and enjoyed making connections with fellow administrators and city officials.

The City of Freeport is an Equal Opportunity Provider

### Fire Dept Report

Fire Chief Andy Grieve

- 5 calls – all medical
- Ham BBQ was a great success. Served 1,205 guests and ran out of ham.

### Public Works

Public Works Director Loren Goebel:

- Crack sealing was completed in Industrial Park area.

### Engineer Report

City Engineer Dave Blommel:

- Big parts of the road construction project are completed and will be wrapped up by next meeting.
- Presented Contractor's Application for Payment #5 for 2021 Improvements contract. Hennen motioned to make the payment seconded by Arnzen. Motion carried 5-0.
- 7<sup>th</sup> and 8<sup>th</sup> preconstruction meeting and plans on starting construction in late July or August.
- Recommended putting Industrial Park Drive repairs in our plans for next year.
- Recommended that council have a discussion on what stage of development we would want to allow housing construction to commence in the Welle Addition.

### Attorney Report

City Attorney Scott Dymoke:

- N/A

### **Old Business**

#### Office Staff

1. Hiring of part-time administrative assistant

- Nelson reported 5-6 calls came in and one email from interested candidates. All candidates saw ad in Star Post.
- Hennen motioned to continue running the ad in Star Post for a duration of two weeks along with a paid Facebook advertisement once we have access to our City page, seconded by Arnzen. Motion carried 5-0.

2. Interim office staff transition

- Deb Blake's last day as interim staff will be June 29. John Chattin will continue to mentor through middle of August.

### **New Business**

#### Audit Presentation

- Ryan Schmidt of Schlenner Wenner & Co. presented council with the city's 2021 Audited Financial Statements. Informed us that the city received an unmodified (clean) report and that the audit went smoothly.

#### ARPA Funds – Civil Defense Siren

- Grieve received a quote from Granite Electronics for an additional civil defense siren of \$27,052.42.

- An acoustic analysis map of current siren shows that coverage is sufficient in town with one siren but the city should consider a replacement for it as well due to its age.
- Council consented to replacing battery box of current siren as the old one is no longer functional.
- Arnzen motioned to approve hiring Freeport Electric to inspect motor of current siren, seconded by Renneker. Motion carried 5-0.

Maintenance pay increase

- After discussion, Arnzen motioned to approve raising Mike Renneker's wage to an hourly rate of \$17, seconded by Hennen. Motion carried 4-0 with Renneker abstaining.

**Adjourn**

Hennen moved to adjourn, Arnzen seconded. Motion carried 5-0.

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Mayor Mike Eveslage

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Council member Tim Hennen

07/21/22  
12:34:26

CITY OF FREEPORT  
Claim Approval List  
For the Accounting Period: 7/22

Page: 1 of 4  
Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
5021		829 ABDO	9,000.00					
	459415	06/30/22 Professional Financial Service	9,000.00*			101 41000	300	10100
		Total for Vendor:	9,000.00					
5032		703 AMERICAN LEGION POST 101	174.00					
	07/13/22	2 U.S. Poly Outdoor Flags	70.00			101 43100	210	10100
	07/13/22	2 POW/MIA	54.00			101 43100	210	10100
	07/13/22	2 Minnesota Nylon Flags	50.00			101 43100	210	10100
		Total for Vendor:	174.00					
5017		675 CUSTOMIZED FIRE RESCUE TRAINING	1,900.00					
	2118	06/29/22 Firefighter Survivability Prop	750.00*			225 42200	330	10100
	2118	06/29/22 Ground ladders Hands On	400.00*			225 42200	330	10100
	2118	06/29/22 Car Fire Live Burn Prop	750.00*			225 42200	330	10100
		Total for Vendor:	1,900.00					
5036		111 DAVID DROWN & ASSOC	250.00					
	00005347	07/19/22 Professional Services	250.00*			101 41000	300	10100
		Total for Vendor:	250.00					
5022		123 DYMOKE LAW OFFICE, P.A.	130.00					
	07/01/22	06/28/22 City council	130.00			101 41000	302	10100
		Total for Vendor:	130.00					
5041		752 EXPERT BILLING LLC	216.00					
	10273	07/19/22 Runs Billed- June	216.00			225 42200	300	10100
		Total for Vendor:	216.00					
5020		157 FREEPORT FIRE DEPT RELIEF ASSOC	2,300.00					
	07/21/22	Centerpoint Energy Grant	2,300.00*			225 42200	430	10100
5039		157 FREEPORT FIRE DEPT RELIEF ASSOC	5,202.00					
	07/21/22	Budget Contribution	5,202.00			225 42200	315	10100
		Total for Vendor:	7,502.00					

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5023		174 GOPHER STATE ONE CALL, INC	21.60					
	2060403	06/30/22 Email Tickets	21.60			601 43225	300	10100
		Total for Vendor:	21.60					
5038		187 HAWKINS, INC	40.00					
	6237914	07/15/22 150 LB Chlorine Cylinder	40.00*			601 43220	440	10100
		Total for Vendor:	40.00					
5029		558 HERDERING, INC	574.00					
	1032-20993	07/06/22 700 ft. Dust Control	574.00			101 43100	225	10100
		Total for Vendor:	574.00					
5043		807 J'S IRRIGATION, LLC	780.00					
	06/12/22	Broken Heads & Severed Lines	400.00*			420 43100	300	10100
	06/13/22	Missing Heads & Severed Lines	380.00*			420 43100	300	10100
		Total for Vendor:	780.00					
5042		219 JOANN TIMP	200.00					
	07/21/22	Cleaning (6/25/22-07/16/22)	200.00*			101 41000	300	10100
		Total for Vendor:	200.00					
5024		834 JON NELSON	354.59					
	07/01/22	Mileage	223.47*			101 41000	335	10100
	07/01/22	Meals-Subway	10.95*			101 41000	335	10100
	07/01/22	Meals-Erbet & Gerbert's	23.91*			101 41000	335	10100
	07/13/22	Mileage	48.13*			101 41000	335	10100
	07/19/22	Mileage	48.13*			101 41000	335	10100
		Total for Vendor:	354.59					
5031		255 LAWRENCE SHREFFLER	5,000.00					
	542324	06/27/22 Cracksealing Streets	5,000.00			101 43100	225	10100
		Total for Vendor:	5,000.00					

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5026		529 LOREN GOEBEL	380.00					
	07/06/22	Weed Killer	350.00			101 45200	260	10100
	07/21/22	Meal Reimbursment	30.00			225 42200	335	10100
		Total for Vendor:	380.00					
5025		615 MAOSC	423.75					
	07/06/22	22-23 Membership Dues	423.75			101 41000	433	10100
		Total for Vendor:	423.75					
5033		769 METRO SALES, INC	89.87					
	2085346 07/15/22	Copier Rental 6/15/22-7/14/22	89.87			101 41000	410	10100
		Total for Vendor:	89.87					
5035		385 QUILL CORPORATION	93.16					
	26160236 07/06/22	Paper towel	46.99			101 41000	210	10100
	26150824 07/05/22	Staples	9.18			101 41000	210	10100
	26150824 07/05/22	Brighton prof jrt, 2 ply	36.99			101 41000	210	10100
		Total for Vendor:	93.16					
5030		782 RMB ENVIRONMENTAL LABORATORIES	388.00					
	DO32790 07/12/22	DO32790 Discharge	99.00			602 43250	460	10100
	DO32979 07/13/22	DO32979 Discharge	99.00			602 43250	460	10100
	DO32190 06/24/22	DO32190 Pre-discharge	96.00			602 43250	460	10100
	DO28848 05/05/22	DO28848 Pre-discharge	94.00			602 43250	460	10100
		Total for Vendor:	388.00					
5040		413 SCHLENNER WENNER & CO	11,400.00					
	292769 06/30/22	2021 Audit Fees	11,400.00*			101 41500	301	10100
		Total for Vendor:	11,400.00					
5037		418 SEH, INC	22,217.48					
	428376 07/15/22	General Engineering	12,825.00*			420 43100	300	10100
	428376 07/15/22	Staffing	8,607.00*			420 43100	300	10100
	428376 07/15/22	Travel/Lodging	160.00*			420 43100	300	10100
	428376 07/15/22	RPR Mileage	365.40*			420 43100	300	10100
	428376 07/15/22	Additional Services - Mileage	44.08*			420 43100	300	10100

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Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	428376	07/15/22 Survey and GPS robot	180.00*			420 43100	300	10100
	428376	07/15/22 Survey Vehicle	36.00*			420 43100	300	10100
		Total for Vendor:	22,217.48					
5019		463 TEAM LABORATORY CHEMICAL CORP	1,268.50					
	DO31357	06/30/22 Terra Plus Herbicide	425.00			602 43250	210	10100
	DO31357	06/30/22 Mega Bugs Plus	800.00			602 43250	210	10100
	DO31357	06/30/22 Freight	43.50			602 43250	210	10100
		Total for Vendor:	1,268.50					
5034		567 TRI-STATE PUMP & CONTROL INC	1,050.00					
	443677	07/12/22 Labor in Field Inspection	1,050.00			602 43250	300	10100
		Total for Vendor:	1,050.00					
5028		809 VALLI INFORMATION SYSTEMS, INC	75.00					
	83113	06/30/22 Online Monthly Maintenance	75.00*			101 41000	300	10100
		Total for Vendor:	75.00					
5012		525 XCEL ENERGY, INC	868.73					
	786446975	07/05/22 Street Lights (51-5411884-4	868.73			101 43160	381	10100
		Total for Vendor:	868.73					
5018		790 ZARNOTH BRUSH WORKS, INC	12.80					
	0189978	06/15/22 Flat Head Socket Screw	12.80*			101 43100	220	10100
		Total for Vendor:	12.80					
		# of Claims	27	Total:	64,409.48			



Central Minnesota Credit Union  
Credit card statement dated 06/30/22

Amount	Account	Description
315.68	225.42200.433	Paypal Emergency Services Marketing Subscription
649.76	101.41000.433	Expedia - Travel Jon Nelson
499.00	101.41000.433	League of MN Cities - LMC Annual Conference
55.00	101.41000.433	League of MN Cities - Clerks Foundational Program
77.74	225.42200.210	Walmart - Fire Hall Supplies
69.59	225.42200.210	Amazon - Parade Candy
89.00	601.43225.200	USPS - utility billing postage
89.00	602.43250.200	USPS - utility billing postage
270.00	225.42200.333	CentraCare Health
1.00	101.41000.433	Stearns County Beacon fee
38.70	225.42200.210	Fleet Farm - Fire Hall Supplies

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2,154.47 Pay this amount

# **FREEPORT ALL CALLS**

<u>City</u>	<u>Date Received</u>	<u>Call #</u>	<u>Description</u>
FREEPORT	06/06/2022 05:27:38	22046091	911 ABANDONED CALL
FREEPORT	06/07/2022 07:52:55	22046438	AGENCY ASSIST
FREEPORT	06/09/2022 18:33:25	22047267	AGENCY ASSIST
FREEPORT	06/17/2022 04:50:48	22049791	AGENCY ASSIST
FREEPORT	06/20/2022 00:14:55	22050769	AGENCY ASSIST
FREEPORT	06/17/2022 04:49:12	22049790	ALARM
FREEPORT	06/10/2022 14:07:35	22047498	BURGLARY
FREEPORT	06/06/2022 16:44:29	22046271	CIVIL MATTER
FREEPORT	06/24/2022 11:00:28	22052155	CIVIL MATTER
FREEPORT	06/04/2022 03:08:52	22045465	DIRECTED PATROL
FREEPORT	06/05/2022 04:42:19	22045807	DIRECTED PATROL
FREEPORT	06/06/2022 02:58:14	22046076	DIRECTED PATROL
FREEPORT	06/07/2022 07:40:49	22046435	DRUNK DRIVER ARREST
FREEPORT	06/07/2022 03:22:45	22046421	FALSE ALARM
FREEPORT	06/07/2022 20:32:44	22046654	HAZARD
FREEPORT	06/11/2022 15:10:25	22047850	MEDICAL EMERGENCY
FREEPORT	06/23/2022 19:12:23	22051949	NOISE COMPLAINT
FREEPORT	06/22/2022 16:29:07	22051579	PERSONAL ASSIST
FREEPORT	06/23/2022 07:49:06	22051726	REPORT WRITING
FREEPORT	06/12/2022 10:52:53	22048145	REPORT WRITING
FREEPORT	06/09/2022 09:09:58	22047102	REPORT WRITING
FREEPORT	06/04/2022 18:38:11	22045667	TRAFFIC STOP
FREEPORT	06/10/2022 00:09:27	22047355	TRAFFIC STOP
FREEPORT	06/21/2022 16:24:21	22051250	TRAFFIC STOP
FREEPORT	06/22/2022 22:03:14	22051659	TRAFFIC STOP
FREEPORT	06/27/2022 22:04:44	22053215	TRAFFIC STOP

# Memo

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From: Jon Nelson - Clerk-Treasurer

To: Freeport City Council

Date: 07/21/2022

Re: Clerk-Treasurer Report

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1. Kelsey has started as part-time administrative assistant.
2. Election equipment was picked up last week. Kelsey & I ran our pre-PAT test and everything is a go for our PAT test which is scheduled for August 1<sup>st</sup> at 2:00 PM. Primary elections will be held August 9<sup>th</sup> from 7:00-8:00 PM.
3. We will resume with water shut-off notices this month.
4. If you have any suggestions on the agenda layout or content please let me know.

Job Duty	Date	Initial
Well, tower, pond checks	SAT 6/18/22	RJ
Well, tower, pond checks	SUN 6/19/22	RJ
Well, tower, lift station, pond checks, water samples, garbages, Qdly Influent.	MON 6/20/22	RJ
Well, tower, pond checks, garbage on streets, clean ballpark grounds, bathrooms,	TUE 6/21/22	RJ
Well, tower, pond checks, mowed lawn, gopher locates, greased mowers	WED 6/22/22	RJ
Well, tower, lift station, pond checks, Air compressor new brushes water	THUR 6/23/22	RJ
tower, replaced chlorine line at creamery well house, changed chlorine	"	RJ
cylinder at (Well 1) tower well, garbages, Filed paperwork.	"	RJ
Well, tower, pond checks, ready For discharge (results) cold patch	FRI 6/24/22	RJ
down on 7 <sup>th</sup> SE in bigger pot hole, Flushed couple hydrants on	"	RJ
NE side of town -	"	RJ
Well, tower, pond checks	SAT 6/25/22	RJ
Well, tower, pond checks	SUN 6/26/22	RJ
Well, tower, lift station, pond checks, water samples, Flushed storm	MON 6/27/22	RJ/MR
drains, discharge samples & deliver to SAK (OHN) construction	"	RJ/MR
turned 2 <sup>nd</sup> & 3 <sup>rd</sup> St & Ave SE & patch behind City Hall, garbages	"	RJ
Well, tower, pond checks, <sup>gar</sup> addresses for complaints on long	TUE 6/28/22	RJ
grass in yards, garbages, sample discharge, mowed lawn, council	"	RJ/MR
Well, tower, pond checks, discharge samples, gopher calls, mowed	WED 6/29/22	RJ
Well, tower, lift station, pond checks, bugs in ponds, sprayed ponds	THUR 6/30/22	RJ
meter readings -	"	RJ
Well, tower, pond checks, garbages uptown & ballpark, got rid of	FRI 7/1/22	RJ
tree branches,	"	RJ
Well, tower, pond checks	SAT 7/2/22	RJ
Well, tower, pond checks	SUN 7/3/22	RJ
Well, tower, pond checks, water samples, lift station checks Holiday	MON 7/4/22	RJ
Well, tower, pond checks, swept streets, mowed lawn	TUE 7/5/22	RJ/MR
Well, tower, pond checks, swept streets, water reports	WED 7/6/22	RJ
Well, tower, lift station, pond checks, water samples, hauled fill	THUR 7/7/22	RJ
from ballpark out, weed wacked around town, garbages, bug in ponds	"	RJ
Well, tower, pond checks, swept streets, Flushed dead ends -	FRI 7/8/22	RJ
Well, tower, pond checks	SAT 7/9/22	RJ
Well, tower, pond checks	SUN 7/10/22	RJ
Well, tower, lift station, pond checks, water samples, garbages,	MON 7/11/22	RJ
paperwork, garbages ballpark & park,	"	RJ
Well, tower, pond checks, greased, gopher calls, lift station, mowed	TUE 7/12/22	RJ/MR
Well, tower, pond checks, mowed lawn, zero turn tire Fixed	WED 7/13/22	RJ
Well, tower, lift station, pond checks, water samples, cold patch around	THUR 7/14/22	RJ/MR
town -	"	RJ/MR

Hours Breakdown - Maintenance Dept

Employee Name:	Loren Goebel							
Month:	June							
Day of Month	# of Hours: Streets, General Maint, Snow Removal, Sewer Line, Water Line	# of Hours: Water Plant	# of Hours: Sewer Plant	# of Hours: Parks, Mowing	# of Hours: Bldg Maint	# of Hours: Shop Equip Maint	# of Hours: Garbage Collection	Total Hours Per Day
1	6	1	1					8
2	5	1	1	1				8
3	2	1	1	1				5
4		0.5	0.5					1
5		0.5	0.5					1
6	3	1	1	2		1		8
7	6	1	1					8
8	2	1	1	3		1	0.5	8.5
9	7	1	1					9
10		1	1					2
11		0.5	0.5					1
12		0.5	0.5					1
13	5.5	1	1				0.5	8
14	3	1	1	3				8
15	4	1	1	2				8
16	6	1	1					8
17	4	1	1	2			0.5	8.5
18		0.5	0.5					1
19		0.5	0.5					1
20	1.5	1	1				0.5	4
21	4	1	1	1			1	8
22	2	1	1	3				7
23	3.5	2	1				0.5	7
24	4	1	1					6
25		0.5	0.5					1
26		0.5	0.5					1
27	4.5	1	1			1	0.5	8
28	6	1	1	2				10
29	3	1	1	3				8
30	4	1	1					6
								0
TOTAL for Month Per Category	86	27	26	23	0	3	4	169



Building a Better World  
for All of Us<sup>®</sup>

## MEMORANDUM

TO: Freeport City Council

FROM: Dave Blommel, PE (Lic. MN)

DATE: July 19, 2022

RE: Council Update  
SEH No. FREEP GEN 14.00

### Reconstruction project

Street signs have been ordered and will be reinstalled soon. Once installed, the final payment will be processed at the August meeting. At that time we will recalculate the assessments and schedule the final assessment hearing.

7<sup>th</sup> and 8<sup>th</sup>

We have been working with the contractor to get a final schedule and a preconstruction meeting held. We expect the work to be completed within a few weeks of starting. I hope to have a firm update for the schedule at the meeting.

I plan to attend your meeting on Tuesday to answer any questions you might have.

dwb

x:\f\freep\common\\_council meeting\2022.07.19 m council update.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2351 Connecticut Avenue, Suite 300, Sartell, MN 56377-2485

320.229.4300 | 800.572.0617 | 888.908.8166 fax

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

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

408 Main Street East, Unit 5

PO Box 127

Melrose, Minnesota 56352

Telephone (320) 256-4205

Fax (320) 256-7201

July 20, 2022

Jon Nelson  
City of Freeport  
125 Main Street East  
Freeport, MN 56331

BY ELECTRONIC MAIL

Re: Monthly Legal Report

Dear Mr. Nelson:

During the period from June 22, 2022 through July 20, 2022, we have not given significant attention to any projects on behalf of the City of Freeport.

Respectfully submitted,  
Dymoke Law Office, P.A.

*Scott E. Dymoke*  
by Scott E. Dymoke

cc: M. Eveslage

# Memo

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From: Jon Nelson, City Clerk-Treasurer

To: Freeport City Council

Date: July 21, 2022

Re: ARPA Funds

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We will be discussing the usage of our ARPA funds. The following document outlines some of the uses provided by LMC. Please research to share your thoughts at the next meeting.



Q9. What are eligible uses of these funds as provided in the interim final rule, effective until April 1, 2022 (see [Q32](#) for key changes under the final rule)?

**A9. Eligible uses include:**

- Responding to the public health emergency. Expenses may include vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.
- Responding to the negative economic impacts of the pandemic. Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries. Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training. Assistance to small business and non-profits includes, but is not limited to:
  - Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs.
  - Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and
  - Technical assistance, counseling, or other services to assist with business planning needs
- Premium pay for essential workers.
  - An amount up to \$13 per hour that is paid to an eligible worker in addition to wages the worker otherwise received, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 per eligible worker.
  - Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.
  - Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Treasury guidance. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.
  - The Treasury guidance emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.
  - Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.
- Revenue replacement for the provision of government services to the extent the reduction in revenue is due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency (see additional questions below for definitions and calculations). The final rule offers a standard allowance for revenue loss of \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.
  - General revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. General revenue also includes intergovernmental transfers between state and local governments, but excludes intergovernmental transfers from the Federal government, including Federal transfers made via a state to a locality pursuant to the Coronavirus Relief Funds (CRF) or the Fiscal Recovery Funds.
  - Cities should calculate revenue on an entity-wide basis. This approach minimizes the administrative burden for cities, provides for greater consistency across all recipients, and presents a more accurate representation of the net

impact of the COVID-19 public health emergency on a city's revenue, rather than relying on financial reporting prepared by each city, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.

- Cities are permitted to calculate the extent of reduction in revenue as of four points in time: Dec. 31, 2020; Dec. 31, 2021; Dec. 31, 2022; and Dec. 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues. Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending Dec. 31, 2020.
- The Treasury has released FAQs about Fiscal Recovery Funds, and they include a formula for calculating revenue loss. [Read the Coronavirus State and Local Fiscal Recovery Funds FAQs \(pdf\)](#).
- Please note: Treasury is disallowing the use of projections to ensure consistency and comparability across recipients and to streamline verification. However, in estimating the revenue shortfall using the formula above, recipients may incorporate their average annual revenue growth rate in the three full fiscal years prior to the public health emergency. (Treasury FAQ 5/10/21)
- Investments in water, sewer, and broadband infrastructure.
  - Under the Drinking Water State Revolving Fund (DWSRF), categories of eligible projects include: treatment, transmission, and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development. [See a list of eligible projects from the Environmental Protection Agency \(EPA\)](#).
  - Under the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF), categories of eligible projects include: construction of publicly owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act. [See a list of eligible projects from the EPA](#).
  - As mentioned in the Treasury guidance, eligible projects under the DWSRF and CWSRF support efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury also encourages recipients to consider projects to replace lead service lines.
  - Costs for construction on eligible water, sewer, or broadband infrastructure projects must be obligated by Dec. 31, 2024. The period of performance will run until Dec. 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with Fiscal Recovery Funds.
  - Broadband improvements require eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

# Memo

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From: Jon Nelson, City Clerk-Treasurer

To: Freeport City Council

Date: July 21, 2022

Re: Hiring part-time administrative assistant

---

Kelsey Molitor has accepted her job offer for part-time administrative assistant. She will be paid an hourly wage of \$18 while working 16-24 hours per week.

# Memo

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From: Jon Nelson, City Clerk-Treasurer

To: Freeport City Council

Date: July 26, 2022

Re: Zack & Holly Arnold Driveway

---

This is a follow-up for the Arnold Driveway from last month's meeting. We never came to a decision for the Arnolds and mentioned we would put it on the agenda for the upcoming meeting. Reference the minutes for a refresher.

# Memo

---

From: Jon Nelson, City Clerk-Treasurer

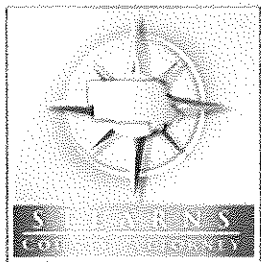
To: Freeport City Council

Date: July 21, 2022

Re: 313 2<sup>nd</sup> Ave NW Property

---

Please take a look at this property prior to meeting. Discussion to be held at that time.



# JANELLE P. KENDALL

## *Stearns County Attorney*

June 29, 2022

Jon Nelson  
Freeport City Clerk/Treasurer  
P.O. Box 301  
Freeport, MN 56331

Re: Criminal Prosecution Contract for 2023 and 2024

Dear Mr. Nelson:

The Stearns County Attorney's Office prosecutes misdemeanor and petty misdemeanor violations of Minnesota's state statutes for the City of Freeport pursuant to contract. Based on our experiences over the years, this has been a mutually efficient and cost-effective way to provide professional prosecution services to your city. Since our current contract ends December 31, 2022, I am writing to present you with a proposal to extend this contract beyond that date.

Our proposed yearly contract rate for the calendar years of 2023 and 2024 will remain unchanged at \$1,500.00 per year. As has been the case in past years, this rate is guaranteed not to increase through the duration of the contract. City contract rates are based on a review of the historical number of prosecution files, the population of your city, personnel and administrative costs to our office, and comparison to other contracts for cities of comparable size in Stearns County.

Our services under the contract will continue to include victim and witness assistance, civil asset forfeiture, appellate representation on these cases, law enforcement training, and 24/7 availability for law enforcement questions.

Despite the lack of major changes, please re-familiarize yourself with the contract. If you have any questions or concerns, please do not hesitate to contact me or Chief Deputy County Attorney Michael Lieberg at the number below.

Sincerely,

  
Janelle P. Kendall  
Stearns County Attorney

JPK/MJL/jtl  
Enclosure

## **AGREEMENT FOR PROSECUTION SERVICES**

**THIS AGREEMENT** is made and entered into by and between the COUNTY OF STEARNS and the STEARNS COUNTY ATTORNEY, hereinafter referred to collectively as the "County," and the CITY OF FREEPORT, MINNESOTA, hereinafter referred to as the "Municipality;"

**WHEREAS**, the Municipality desires to engage the services of the County to prosecute petty misdemeanor, misdemeanor and gross misdemeanor criminal and traffic offenses, including criminal and traffic state law violations and criminal and traffic probation violations that arise under state law which occur within the jurisdiction of the Municipality;

**WHEREAS**, Minn. Stat. § 484.87, subd. 3, allows for a Municipality to enter into an Agreement with the County Board and the County Attorney for the County to provide such prosecution services for criminal offenses that occur within the Municipality. Said "Prosecution Services" include the following: (1) prosecuting petty misdemeanor, misdemeanor and gross misdemeanor criminal and traffic offenses arising under state law and criminal and traffic probation violations that occur within the jurisdiction of the Municipality; (2) giving advice and guidance on prosecution matters, procedures and policies to Municipal law enforcement relating to criminal prosecutions; (3) providing P.O.S.T. accredited law enforcement training for the Municipality law enforcement officers when such training is being provided or sponsored by the County; (4) providing victim assistance and/or services as mandated by Minn. Stat. § 611A; (5) completing criminal appeals before the Minnesota Court of Appeals and the Minnesota Supreme Court on matters arising under state law which occur within the jurisdiction of the Municipality; and, (6) providing administrative advice and assistance and legal services in district court and Minnesota's courts of appeal related to civil administrative and judicial forfeitures originated by the Municipality's law enforcement agency;

**WHEREAS**, logistically, functionally and financially such an Agreement is mutually beneficial to both the County and Municipality.

**NOW, THEREFORE**, in consideration of the mutual covenants and understandings contained herein, the County and Municipality enter into the following Agreement:

1. **TERM AND COST OF THE AGREEMENT**

- A) The County will provide the Municipality with the prosecution services above-referenced for cases that occur within the jurisdiction of the Municipality beginning January 1, 2023. This Agreement will continue for the calendar years 2023 and 2024. Any Agreement for prosecution services for future years will be finalized by November 1 of the year before such service is to commence. If such an Agreement is not reached, this Agreement will expire on January 1 of the following year.
  - i) Beginning January 1, 2023, the Municipality will pay \$1,500 (one thousand five hundred dollars) to the County, said money to be used to fulfill this Agreement, including the payment of salary, benefits, and other costs incurred by the County in performance of its obligations hereunder

for calendar year 2023. Municipality will pay County one-half on May 15 of each contract year, and one-half on October 15 of each contract year.

- ii) January 1, 2024 the Municipality will pay \$1,500 (one thousand five hundred dollars) to the County for calendar year 2024, said money to be used to fulfill this Agreement, including the payment of salary, benefits, and other costs incurred by the County in performance of its obligations hereunder. Municipality will pay County one-half on May 15 of each contract year, and one-half on October 15 of each contract year.

B) The County will provide all prosecution services, administrative services, overhead, secretary and paralegal support in fulfilling its obligations under and for the term of this Agreement. The Municipality will forward all law enforcement files to the County at no charge to the County.

2. **MODIFICATION**

Any alteration, modification, amendment or waiver of provisions of the Agreement shall be valid only when it has been reduced to writing and signed by representatives of all parties.

3. **TERMINATION OF AGREEMENT**

Either party may terminate this Agreement at any time, with or without cause, upon 90 days notice, in writing, delivered by certified mail or in person to the City Clerk for the Municipality or County Attorney for the County. During the term of this Agreement, the County will not increase the fees stipulated to in this Agreement. Unless a separate written agreement is reached, on expiration or termination of this contract, the Municipality's new attorney(s) will undertake representation of the Municipality in all matters then filed, pending, or otherwise before the Court as a result of the County's representation of the Municipality. On expiration or termination of this contract, at the Municipality's request, the County will electronically duplicate and deliver files that were the subject of representation pursuant to this agreement to the Municipality in the electronic format that suits the business needs and practices of the County.

4. **INTEGRATION**

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof.

5. **SERVICES SPECIFICALLY EXCLUDED**

The Parties acknowledge and agree that the County will not prosecute violations of local ordinances adopted by the Municipality. Local ordinance enforcement remains the sole responsibility of the Municipality. The Parties further acknowledge and agree that as a term or condition of this contract, the County will not provide representation to the Municipality on criminal prosecution related matters, if any, venued in any federal



district or federal appellate court. Likewise, the County will not provide representation or advice or otherwise participate in any administrative citation process, regardless of statutory authorization for such programs.

6. **RELEASE AND INDEMNIFICATION**

The Parties further acknowledge and agree that the County will not indemnify in any way or defend civil claims for damages or any other cause(s) of action alleging wrongdoing by the County on behalf of the Municipality, whether in federal or state court, if any, arising in relation to any criminal prosecution or administrative or judicial forfeiture action undertaken by the County on behalf of Municipality. The Municipality remains solely responsible for defense of such claims, including but not limited to civil litigation expenses, settlement costs, and court ordered awards.

**IN WITNESS WHEREOF**, the Municipality, by motion duly adopted by its governing body, caused this Agreement to be signed by its Mayor and attested by its Clerk; and the County of Stearns, by the County Board of Commissioners, has caused this Agreement to be signed by the Chair Person and Clerk of said Board, and by the Stearns County Attorney, effective on the date and for the duration as above-referenced.

Dated: \_\_\_\_\_

**CITY OF FREEPORT**

By: \_\_\_\_\_  
Mike Eveslage, Mayor

Attest: \_\_\_\_\_  
Jon Nelson  
City Clerk/Treasurer

Dated: \_\_\_\_\_

**COUNTY OF STEARNS**

By: \_\_\_\_\_  
Steven L. Notch, Chair  
Stearns County Board

By: \_\_\_\_\_  
Randy Schreifels  
County Auditor/Treasurer

Dated: 6-29-22

**STEARNS COUNTY ATTORNEY**

By: Janelle P. Kendall  
Janelle P. Kendall  
County Attorney

# Memo

---

From: Jon Nelson, City Clerk-Treasurer

To: Freeport City Council

Date: July 21, 2022

Re: Parking Lot/Driveway/Curb/Gutter Permit Update

---

I feel changes are needed to make obtaining this permit a little more streamline and timely for our residents by omitting the need of council action. We also need to establish a fee schedule. See attachments to compare the current and proposed updated permit.



*updated*

## CITY OF FREEPORT

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service [www.freeportmn.org](http://www.freeportmn.org)

### <sup>added</sup> PARKING LOT/DRIVEWAY/CURB/GUTTER PERMIT

OFFICE USE ONLY			
Date Submitted	Date Completed		
City Council Action (circle one) APPROVAL _____ DENIAL _____		Date of Action	File with County Recorder:
Fee \$ <i>\$25.50: residential</i>	Paid	Receipt #	Date

*omit {*  
~~I/We, the undersigned, as owners of the property described hereby appeal to the City Council of Freeport, to grant a Driveway/Curb/Gutter Permit. Applicants have the responsibility of checking all applicable ordinances and complying with all ordinance requirements.~~

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

1. Size and location of the proposed access or driveway: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe the manner of restoration that will be made to any street, curb, or sidewalk as a result of the proposed use or construction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Cost of proposed project: \_\_\_\_\_

*The council may approve or deny the application and may give its approval with considerations attached also as to method of repair which must be followed, the size and location of the access. The council may require payment for any damage which may be anticipated, prior to the issuance of a permit*

*By signing this application form, I agree that all fees and expenses incurred by the City for the processing of this application, including costs for professional services, are the responsibility of the applicant and property owner to be paid immediately upon receipt or the City may approve a special assessment for which the property owner specifically*

The City of Freeport is an Equal Opportunity Provider

*agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. All fees and expenses are due whether the application is approved or denied.*

*I, the undersigned hereby apply for the considerations described above and declare that the information and materials in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.*

*I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such a time as it is determined to be completed. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of an incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.*

Clerk-Treasurer Signature\_\_\_\_\_

Date\_\_\_\_\_

Owner Signature\_\_\_\_\_

Date\_\_\_\_\_



current

## CITY OF FREEPORT

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service [www.freeportmn.org](http://www.freeportmn.org)

### DRIVEWAY/CURB/GUTTER PERMIT

OFFICE USE ONLY			
Date Submitted	Date Completed		
City Council Action (circle one) APPROVAL                      DENIAL	Date of Action	File with County Recorder:	
Fee \$	Paid	Receipt #	Date

*I/We, the undersigned, as owners of the property described hereby appeal to the City Council of Freeport, to grant a Driveway/Curb/Gutter Permit. Applicants have the responsibility of checking all applicable ordinances and complying with all ordinance requirements.*

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

1. Size and location of the proposed access or driveway: \_\_\_\_\_

\_\_\_\_\_

2. Describe the manner of restoration that will be made to any street, curb, or sidewalk as a result of the proposed use or construction: \_\_\_\_\_

\_\_\_\_\_

3. Cost of proposed project: \_\_\_\_\_

*The council may approve or deny the application and may give its approval with considerations attached also as to method of repair which must be followed, the size and location of the access. The council may require payment for any damage which may be anticipated, prior to the issuance of a permit*

*By signing this application form, I agree that all fees and expenses incurred by the City for the processing of this application, including costs for professional services, are the responsibility of the applicant and property owner to be paid immediately upon receipt or the City may approve a special assessment for which the property owner specifically*

The City of Freeport is an Equal Opportunity Provider

*agrees to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. All fees and expenses are due whether the application is approved or denied.*

*I, the undersigned hereby apply for the considerations described above and declare that the information and materials in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.*

*I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such a time as it is determined to be completed. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of an incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.*

Clerk-Treasurer Signature \_\_\_\_\_

Date \_\_\_\_\_

Owner Signature \_\_\_\_\_

Date \_\_\_\_\_

**RESOLUTION NO. 2022-11**

**RESOLUTION APPOINTING ELECTION JUDGES FOR THE PRIMARY  
ELECTION AND GENERAL ELECTION WITHIN THE CITY OF FREEPORT**

WHEREAS, Minnesota Statute 204B.21 requires each municipality to select qualified election judges for each primary election and general election conducted within its jurisdiction, and;

WHEREAS, the City of Freeport has received from the Stearns County Auditor a list of persons named by party affiliation as individuals who may have an interest in serving in such a capacity and have added those names to the current poster of past election judges and city staff has assembled a comprehensive list for city council consideration;

THEREFORE, BE IT RESOLVED by the City Council of Freeport, Minnesota, that the below named individuals are hereby appointed to serve as election judges for the primary election to be held August 9, 2022, and general election to be held on November 8, 2022 with an hourly compensation rate to be established as \$14.00 for head judges and \$12.00 for judges:

Head Election Judges:

Mary Prax Williams  
MaryAnn Laing  
Jon Nelson

Election Judges:

Erma Bertram  
Elaine Beuning  
Joyce Hoeschen  
Julie Job  
Ruth Lemm  
Linda Preusser

DATED THIS 13<sup>TH</sup> DAY OF JULY, 2022.

Motioned By:

Seconded By:

Council Members in Favor:

Council Members Opposed/Abstained:

---

Mike Eveslage, Mayor

Attest: \_\_\_\_\_  
Jon Nelson, City Clerk/Treasurer



## **CITY OF FREEPORT**

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service [www.freeportmn.org](http://www.freeportmn.org)  
[cityfrpt@albanytel.com](mailto:cityfrpt@albanytel.com)

## **MEMORANDUM**

To: City Council  
From: John Chattin  
Date: July 26, 2022  
RE: Updated Personnel Policy

---

The attached Personnel Policy has been updated using the League of Minnesota Cities recommended policies. Proposed changes are italicized with strikeouts for sections that have been deleted, amended, or are no longer applicable.

Major changes have been made to:

- Media Requests
- Social Media
- FMLA
- Sexual Harassment Prevention
- Respectful Workplace Policy

Please review and let us know of any proposed changes, additions, or deletions.

### **Recommendation:**

Consider the attached policy for adoption.





## **CITY OF FREEPORT**

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112  
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service [www.freeportmn.org](http://www.freeportmn.org)  
[city@freeportmn.org](mailto:city@freeportmn.org)

### **RESOLUTION NO. 2022-12**

#### **RESOLUTION APPROVING AMENDMENTS TO THE CITY OF FREEPORT'S PERSONNEL POLICIES**

WHEREAS, the City's Personnel Policies have not been updated for several years; and

WHEREAS, the League of Minnesota Cities provides model policies that incorporate all current legislation that need to be part of the City's policies; and

WHEREAS, those revisions have been incorporated into the amended policies hereby presented to the council;

THEREFORE, BE IT RESOLVED by the City Council of Freeport, Minnesota, that the amended Personnel Policies, as presented, are hereby adopted.

Date this 26<sup>th</sup> day of July, 2022.

Motioned By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Council Members in Favor: \_\_\_\_\_

Council Members Opposed/Abstained: \_\_\_\_\_

\_\_\_\_\_  
Mike Eveslage, Mayor

Attest:

\_\_\_\_\_  
Jon Nelson, City Clerk/Treasurer

# Memo

---

From: Jon Nelson, City Clerk-Treasurer

To: Freeport City Council

Date: July 21, 2022

Re: Moratorium Regarding THC Legislation

---

On July 1, 2022, a new Minnesota law was passed that allows people 21+ to buy and consume food and beverages with no more than 5 milligrams of hemp-derived THC per serving and no more than 50 milligrams per package.

It is recommended the council consider adopting an interim ordinance to establish a moratorium to study the matter further. The city has the authority to be more restrictive than the state law, but not less restrictive. Should the council want to consider developing additional regulations, zoning code amendments or other regulatory changes, they would need to be further explored with the city attorney's office to fully understand the scope of the city's authority.

**RESOLUTION NO. 2022-13**

**RESOLUTION ADOPTING AN ORDINANCE PROVIDING A MORATORIUM  
ON THE SALE OF HEMP-DERIVED THC (TETRAHYDROCANNABINOLS)  
FOOD AND BEVERAGES IN THE CITY OF FREEPORT, MN**

WHEREAS, the city of Freeport wishes to place an interim ordinance on the sale of hemp-derived THC food and beverages in order to allow the city time to consider licensing, rules and regulations, and sale management controls for the sale of hemp-derived THC food and beverages.

WHEREAS, the City of Freeport will place a one-year ban on the sale of hemp-derived THC food and beverages within city limits. The City Council reserves the right to extend this moratorium for such additional periods as necessary to complete the study as allowed by state law.

THEREFORE, BE IT RESOLVED by the City Council of Freeport, Minnesota, that the city adopts ordinance 2022-XX banning the sale of hemp-derived THC food and beverages for a period of one year from the time of approval, or longer if further research is needed by the City Council, within the city limits of Freeport, MN.

DATED THIS 26<sup>TH</sup> DAY OF JULY, 2022.

Motioned By:

Seconded By:

Council Members in Favor:

Council Members Opposed/Abstained:

---

Mike Eveslage, Mayor

Attest: \_\_\_\_\_

Jon Nelson, City Clerk/Treasurer

**ORDINANCE NO. 2022-02**

**AN ORDINANCE PROVIDING A MORATORIUM ON THE SALE OF HEMP-  
DERIVED THC (TETRAHYDROCANNABINOLS) FOOD AND BEVERAGES IN  
THE CITY OF FREEPORT, MN**

1. Purpose: This ordinance establishes a moratorium on the sale of hemp-derived THC food and beverages in order to allow the city time to consider licensing, rules and regulations, and sale management controls for the sale of hemp-derived THC food and beverages.
2. Restrictions: For a period of one year from the effective date of this Ordinance, no sale of hemp-derived THC food and beverages is allowed in the City of Freeport, MN. The City Council reserves the right to extend this moratorium for such additional periods as are necessary to complete the study as allowed by state law.

This ordinance becomes effective upon publication.

Passed by the City Council of Freeport, Minnesota, the 26<sup>th</sup> day of July, 2022.

---

Mike Eveslage, Mayor

Attest: \_\_\_\_\_  
Jon Nelson, City Clerk/Treasurer

Published on \_\_\_\_\_, 2022.



# Focus on New Laws: Some Edible Cannabinoids Now Legal

July 5, 2022

**Cities may want to consider regulating sellers of certain edibles and beverages infused with the cannabis ingredient THC.**

It is now legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), the cannabis ingredient extracted from hemp. Cities may want to update regulations and employee policies as a result of this new law.

The new law was passed by the Legislature as part of [Chapter 98](#). Article 13 makes several changes to [Minnesota Statutes, section 151.72](#) regarding the sale of certain cannabinoid (CBD) products. The changes took effect on July 1.

This new law was a surprise to many stakeholder groups and even to legislators, as many were not aware of the full extent of the language's authorizations. Many lawmakers were hoping to pass a provision to reign in the selling of delta-8, a substance manufactured from hemp-derived cannabidiol that has similar intoxicating effects as the more commonly known cannabinoid delta-9.

Instead, the language authorized certain amounts of both delta-8 and delta-9 in edible CBD products. This legislation was passed in the last days of session without broad discussion, with the provision added into the health and human services policy omnibus bill. It has been a source of frustration for both stakeholders and legislators, as the full impacts of the legislation are realized.

The League is continuing to work with the involved stakeholders to better understand the new law and provide guidance to cities on potential paths forward.

## New definitions added

The new law creates several new definitions, including the following:

- Defining “certified hemp” to mean hemp plants that have been tested and found to meet the requirements of Minnesota Statutes, [chapter 18K](#).
- Defining “edible cannabinoid product” to mean any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid in combination with food ingredients, and is not a drug.
- Defining “nonintoxicating cannabinoid” to mean substances extracted from certified hemp plants that do not produce intoxicating effects when consumed by any route of administration.

## Cannabinoids extracted from hemp

The new law amends the scope of sale of any product that contains cannabinoids extracted from hemp and that is an edible cannabinoid product or is intended for human or animal consumption.

Previous law authorized a product containing nonintoxicating cannabinoids to be sold, but the authority to sell edible CBD products was unclear. The new law expands the authority to include nonintoxicating cannabinoids, including edible cannabinoid products, provided they do not contain more than 0.3% of any THC. An edible cannabinoid product also cannot exceed more than five milligrams of any THC in a single serving, or more than a total of 50 milligrams of any THC per package.

## Requirements for edible cannabinoid products

Along with testing and labeling requirements, an edible CBD must meet several requirements, including that it:

- Not bear the likeness or contain cartoon-like characteristics.
- Not be modeled after a brand of products primarily consumed or marketed to children.
- Not be made by applying an extracted or concentrated hemp-derived cannabinoid to a commercially available candy or snack food item.
- May not contain an ingredient, other than a hemp-derived cannabinoid, that is not approved by the federal Food and Drug Administration.
- May not be packaged in a way that resembles any commercially available food product.
- Must not be packaged in a container that could reasonably mislead any person to believe that it contains anything other than an edible cannabinoid product.

An edible CBD product must be prepackaged in a container with certain requirements, including being child-resistant and tamper-evident. Any CBD product intended for more than a single use or containing multiple servings must have indicators or separate wrapping for the individual serving sizes.

The new law prohibits the sale of any product containing any CBD or THC extracted or otherwise derived from hemp to be sold to any individual under the age of 21.

## Regulation of edible cannabinoids

Regulation of the edible CBD products falls under the state Board of Pharmacy. The board has the authority to issue cease-and-desist orders under Minnesota Statutes, section 151.06; to embargo adulterated and misbranded drugs under Minnesota Statutes, section 151.38; and to seek injunctive relief under Minnesota Statutes, section 214.11.

Guidance from the Board of Pharmacy indicates that retailers selling products that contain cannabinoid to individuals under the age of 21 should be reported to local law enforcement agencies.

## Local regulation of edible cannabinoids

The new law does not specifically prohibit cities from regulating the sale of cannabinoid products locally. Cities will need to work with their attorneys to determine what, if any, local

regulation would be right for their communities. Local regulations will most likely be through a city's zoning or licensing authority.

## Employment impacts of edible cannabinoids

It is important to consider both federal and state laws with respect to employee CBD use and related impacts to the workplace.

Cities often have positions requiring an employee to hold a commercial driver's license (CDL). These positions are regulated by federal law and those regulations are supervised by the Federal Department of Transportation (DOT).

Federal law preempts state law related to CBD use. In fact, in a [December 2012 notice](#), the DOT states it does not authorize the use of Schedule I drugs, including marijuana, for any reason. As a result, cities should continue to follow their current drug testing procedures related to CDL holders and to enforce prohibitions against any use of cannabis for CDL holders, regardless of state law protections.

Additionally, public safety employees who carry a firearm cannot lawfully use cannabis under federal law. Federal law prohibits cities from providing firearms or ammunition to an employee it knows or has reason to know is using cannabis.

For non-sworn police officer positions and non-CDL drivers, the new law provides no allowance for an employee to use, possess, or be impaired by cannabis while on duty. Dealing with impaired behavior on the job site can be challenging, so League staff will continue to research this new law and next steps for this groups of workers.

## Law enforcement impacts of edible cannabinoids

The new law and recent rulings by the Board of Pharmacy have changed Minnesota's controlled substances schedules related to certain types of THC products. The League is working with the Minnesota Chiefs of Police Association to explore the public safety implications of the new law.

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