



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

June 27, 2023 – Council Meeting Agenda
Freeport City Hall - 7:00 pm

Call to Order

- I. Approve Agenda
- II. Public Forum
- III. Consent Agenda
 - a. May 25, 2023 Council Meeting Minutes (1-3)
 - b. Claims Report – June 2023 (4-7)
 - c. May 2023 Sheriff's Report (8)
- IV. Reports
 - a. Clerk-Treasurer Report (9)
 - b. Fire Department Report (N/A)
 - c. Public Works Report (10-11)
 - d. Engineer Report (12-13)
 - e. Attorney Report (14)
- V. Old Business
 - a. Administrative Fines (15-41)
- VI. New Business
 - a. 2022 Annual Audit (will be handed out at meeting)
 - b. Updated Personnel Policy (42)
 - c. Current Sidewalk & Trail Policy and Code Items 43-48)
 - d. Freeport Farmer's Market (49)
 - e. City Clerk-Treasurer Jon Nelson's Annual Review
- VII. Adjourn

Next Regular Meeting: July 25, 2023



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cityfrpt@albanytel.com

May 30, 2023 – 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, and City Attorney Scott Dymoke.

Others in attendance: Carol Moorman, Star Post; Matt Worms, Steve Heimsoth, Don Job, Barb Welle, Al & Delores Notch, Eric & Lisa Streed, Glen Meyer, Rodney Atkinson, Al Williams, and Laura Hoeschen.

Approve Agenda

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

Public Hearing: Proposed Assessment Roll for 2021 Sanitary Sewer Improvements Project

- Mayor Eveslage opened the Public Hearing.
- Blommel reviewed the project, how the assessments were determined, and recommended that council adopt the assessment roll with a 4% interest rate for a 20-year term.
- **Resolution 2023-09 – A Resolution Adopting the Assessment Roll for the 2021 Sanitary Sewer Improvements Project in the City of Freeport:** Hennen motioned to approve Resolution 2023-06, seconded by Renneker. Motion carried 5-0.
- Mayor Eveslage closed the public hearing.

Public Forum

- Loren Goebel, on behalf of the Freeport Rec Club, requested permission to replace the fence and erect a flag pole at the Interstate ballpark. The Rec Club will cover all costs. Council is in favor of both projects.
- Barb Welle purchased the last vacant lot from phase 3 of the Welle Addition. She is concerned that the new road isn't being constructed yet and that her builders won't be able to get to the lot this year. Blommel suggested filling in the drainage area so that the builders can get across to her lot but wants to keep it so that the water can still drain.
- Matt Worms expressed that he is unhappy with West Central Sanitation coming so late in the evening. Sometimes they are coming as late as 7:30-8:00pm and it is dangerous to have the trucks running that late as many families are out walking and enjoying the outdoors. Nelson will contact West Central Sanitation to see if anything can be done.
- Rodney Atkinson is concerned that the new slope of the ditch after 7th St SE is too steep after it was raised and widened. Blommel said that dirt can be added and graded to decrease the pitch.
- Steve Heimsoth stated that traffic is going by his place at an estimated speed of 50-60 MPH and that is worried that someone is going to get hurt. Mayor Eveslage announced that council will be discussing a speed limit decrease later on in the meeting but we cannot do anything to enforce a

speed decrease on the county road that Heimsoth lives on. Contracting with county enforcement can be costly and Eveslage does not think we are ready to take that step.

Consent Agenda

Renneker motioned to approve the consent agenda, seconded by Arnzen. Motion carried 5-0.

Reports

a. Clerk-Treasurer Report - Jon Nelson

- Fox 9 Town Ball Tour will be in Freeport on June 7.
- Freeport Family Fishing Tournament is June 3.
- City Wide Garage Sales will be June 1, 2 & 3.
- Building permits total project valuation is close to \$1.8 million Y-T-D. This is three times the total amount of what we saw last year and the highest total in over 10 years.
- Liquor licenses have been approved by MN Alcohol and Gambling Enforcement.

b. Fire Dept Report - Fire Chief Andy Grieve

- Chief Grieve was absent from the meeting but relayed to Nelson that he had nothing new to report.

c. Public Works - Public Works Director Loren Goebel:

- TEAM Lab was here last week to do radar sludge testing on the ponds. We are awaiting the results.
- Spoke with MnDOT about drainage issues with our dry pond next to Interstate. They will be working on it so that our dry pond doesn't have standing water anymore.
- Spoke with the Lions about adding a chemical to the sprinkler system to eliminate rust spots where the sprinklers spray on concrete, buildings, fences and other equipment. Goebel is waiting to receive quotes and will see if Lions will split the cost with the city.
- The structure between ponds 1 & 2 has shifted over the winter. It is in need of replacement and is estimated to cost about \$20,000, or more depending on if a crane is needed to lift out the old structure.

d. Engineer Report - City Engineer Dave Blommel:

- Received the following quotes for 7th St SW repair:
 - Minnesota Paving and Materials: \$46/sq. yd.
 - Mark Lee: \$60/sq. yd.
 - Knife River: \$63/sq. yd.
- Hennen motioned to use Minnesota Paving and Materials to repair 7th St SW, seconded by Arnzen. Motion carried 5-0.
- Suggested we wait to see if additional state funds open up to replace the entire road.
- We will bid the lift station under the old funding rules for the Welle Addition. This will expedite this portion of the project while we wait for the rest of it to go through USDA approval.

e. Attorney Report - City Attorney Scott Dymoke

- Drafted a resolution for speed limit changes in Freeport.
- We will want to consider a course of action for the new cannabis law in the upcoming months. If we want to adopt a moratorium, we will need to call for a public hearing by July to hold it in August.

Old Business

- No Old business to discuss.

New Business

a. Ordinance 2023-02 – An Ordinance Amending the Freeport City Code of 1995, Chapter XIII – Traffic, Motor Vehicles, and Other Vehicles

- Dymoke drafted Ordinance 2023-02 to reduce the speed limit in residential areas to 20 MPH and alleyways to 10 MPH.
 - Hennen motioned to approve Ordinance 2023-02, seconded by Renneker. Motion carried 5-0.
- b. Resolution 2023-10 – Resolution for the Adoption of the Stearns County All-Hazard Mitigation Plan
- Arnzen motioned to approve Resolution 2023-10, seconded by Blake. Motion carried 5-0.
- c. Downtown Parking
- Council discussed how difficult it is for a truck & trailer to make a right-hand turn onto County Road 157 when southbound on County Road 11 when cars are parked on the corner.
 - Nelson mentioned it is also difficult to turn out of the downtown alleyways when cars are parked immediately next to the alley. It was suggested that a bubble mirror could be installed in the alleys so cars could see oncoming traffic when pulling out. No decision was made.
 - Council did not want to take away too many parking spots but there have been accidents in and around the 4-way intersection and cars park in front of the fire hydrant on the corner quite frequently. The decision was made to place a “no parking from here to corner” sign 15 ft off of the corner outside of Pooch’s along County Road 11 to see if it helps ease congestion and to keep the fire hydrant clear.
- d. Civil Fines
- Council discussed administrative fines as a course of action for property owners that continuously ignore nuisance letters. Council asked Dymoke if the fines could be assessed on property taxes like with noxious weed/lawn fees but there are statutes that limit the city’s power to do the same with administrative fines.
 - Dymoke will find examples from other cities that have adopted administrative fines for council to view at the next meeting.
- e. Juneteenth
- The State of Minnesota adopted a bill that recognizes Juneteenth as a state holiday effective immediately. There cannot be any city business conducted on June 19. Council agreed to make this a paid holiday and requested the personnel policy to be updated to reflect this change.

Adjourn

Blake motioned to adjourn, seconded by Arnzen. Motion carried 5-0.

Mayor Mike Eveslage

Clerk-Treasurer Jon Nelson

06/22/23
10:06:34

CITY OF FREEPORT
Claim Details
For the Accounting Period: 6/23

Page: 1 of 4
Report ID: AP100V

For doc #s from 5455 to 5481
* ... Over spent expenditure

| Claim/ Line # | Check Invoice #/Inv Date/Description | Vendor #/Name/ Invoice #/Inv Date/Description | Document \$/ Line \$ | Disc \$ | PO # | Fund Org Acct | Object Proj | Cash Account |
|------------------|--|--|-------------------------|---------|------|---------------|-------------|-----------------|
| 5455 | 829 ABDO | | 9,000.00 | | | | | |
| 1 | 472691 05/31/23 Monthly Fee - May 2023 | | 9,000.00 | | | 101 41000 | 300 | 10100 |
| | Total for Vendor: | | 9,000.00 | | | | | |
| 5456 | 647 BADGER METER INC | | 54.36 | | | | | |
| 1 | 80129351 05/30/23 Beacon MBL Hosting Unit | | 27.18 | | | 601 43225 | 433 | 10100 |
| 2 | 80129351 05/30/23 Beacon MBL Hosting Unit | | 27.18 | | | 602 43250 | 433 | 10100 |
| | Total for Vendor: | | 54.36 | | | | | |
| 5457 | 751 CITY OF FREEPORT | | 230.31 | | | | | |
| 1 | 06/06/23 Fire Hall Water Usage | | 230.31 | | | 225 42200 | 384 | 10100 |
| | Total for Vendor: | | 230.31 | | | | | |
| 5458 | 123 DYMOKE LAW OFFICE, P.A. | | 930.00 | | | | | |
| 1 | 80129351 06/01/23 General Matters - May 2023 | | 930.00 | | | 101 41000 | 302 | 10100 |
| | Total for Vendor: | | 930.00 | | | | | |
| 5459 | 626 FIRE SAFETY USA, INC | | 2,312.50 | | | | | |
| 1 | 173517 06/09/23 Training - Pump Priming | | 775.00* | | | 225 42200 | 330 | 10100 |
| 2 | 173515 06/09/23 Trk 405-Annual Pump Service | | 768.75 | | | 225 42200 | 401 | 10100 |
| 3 | 173516 06/09/23 Trk 406-Annual Pump Service | | 768.75 | | | 225 42200 | 401 | 10100 |
| | Total for Vendor: | | 2,312.50 | | | | | |
| 5460 | 155 FREEPORT FARM CENTER, INC | | 127.10 | | | | | |
| 1 | 108073 05/31/23 Patch/Labor | | 22.00 | | | 101 43100 | 220 | 10100 |
| 2 | 108099 06/06/23 Blades | | 105.10 | | | 101 43100 | 220 | 10100 |
| | Total for Vendor: | | 127.10 | | | | | |
| 5461 | 669 FREEPORT SCREEN PRINTING, INC | | 112.00 | | | | | |
| 1 | 23019 06/15/23 Safery Green Shirts | | 112.00 | | | 101 43000 | 240 | 10100 |
| | Total for Vendor: | | 112.00 | | | | | |
| 5462 | 174 GOPHER STATE ONE CALL, INC | | 25.65 | | | | | |
| 1 | 3050407 05/31/23 Email Tickets - May 23 | | 25.65 | | | 601 43225 | 300 | 10100 |
| | Total for Vendor: | | 25.65 | | | | | |

For doc #s from 5455 to 5481
* ... Over spent expenditure

| Claim/ Line # | Check Invoice #/Inv Date/Description | Vendor #/Name/ Invoice #/Inv Date/Description | Document \$/ Line \$ | Disc \$ | PO # | Fund Org Acct | Object Proj | Cash Account |
|------------------|---|--|-------------------------|---------|------|---------------|-------------|-----------------|
| 5463 | | 187 HAWKINS, INC | 20.00 | | | | | |
| 1 | 6498731 06/15/23 | Chlorine Cylinder | 20.00 | | | 601 43225 | 440 | 10100 |
| | | Total for Vendor: | 20.00 | | | | | |
| 5464 | | 194 HENNEN LUMBER CO, INC | 118.72 | | | | | |
| 1 | 12220-1 06/01/23 | Fiberglass Rebar | 118.72 | | | 225 42200 | 220 | 10100 |
| | | Total for Vendor: | 118.72 | | | | | |
| 5465 | | 199 HILTNER COMPANY, INC | 13.80 | | | | | |
| 1 | 94128 06/07/23 | Spring | 13.80 | | | 101 43100 | 220 | 10100 |
| | | Total for Vendor: | 13.80 | | | | | |
| 5466 | | 219 JOANN TIMP | 200.00 | | | | | |
| 1 | 06/20/23 | May/June Cleaning | 200.00 | | | 101 41000 | 300 | 10100 |
| | | Total for Vendor: | 200.00 | | | | | |
| 5479 | | 257 LEAGUE OF MN CITES INSURANCE | 10,397.00 | | | | | |
| 1 | 06/05/23 | Work Comp Ins 5/28/23-5/28/24 | 103.14* | | | 101 41100 | 360 | 10100 |
| 2 | 06/05/23 | Work Comp Ins 5/28/23-5/28/24 | 495.10* | | | 101 41400 | 360 | 10100 |
| 3 | 06/05/23 | Work Comp Ins 5/28/23-5/28/24 | 4,641.52* | | | 101 43000 | 360 | 10100 |
| 4 | 06/05/23 | Work Comp Ins 5/28/23-5/28/24 | 5,157.24* | | | 225 42200 | 360 | 10100 |
| | | Total for Vendor: | 10,397.00 | | | | | |
| 5467 | | 529 LOREN GOEBEL | 35.94 | | | | | |
| 1 | 04/08/23 | Supplies | 35.94 | | | 101 43100 | 220 | 10100 |
| | | Total for Vendor: | 35.94 | | | | | |
| 5471 | | 615 MAOSC | 426.90 | | | | | |
| 1 | 06/20/23 | 23-24 Membership Dues | 426.90 | | | 101 41000 | 433 | 10100 |
| | | Total for Vendor: | 426.90 | | | | | |
| 5468 | | 769 METRO SALES, INC | 89.87 | | | | | |
| 1 | INV2304285 06/12/23 | Copier Rentl 5/15/23-6/14/ | 89.87 | | | 101 41000 | 410 | 10100 |
| | | Total for Vendor: | 89.87 | | | | | |

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* ... Over spent expenditure

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|------------------|---|--------------------------------------|-------------------------|---------|------|---------------|-------------|-----------------|
| 5470 | | 309 MINNESOTA LIFE INSURANCE CO | 1.70 | | | | | |
| 1 | 06/20/23 | Goebel - Life Ins July | 1.70* | | | 101 43000 | 131 | 10100 |
| | | Total for Vendor: | 1.70 | | | | | |
| 5481 | | 857 MINNESOTA PAVING & MATERIALS | 27,909.12 | | | | | |
| 1 | 673857.1 06/16/23 | 7th St SW Repairs | 27,909.12* | | | 417 43100 | 225 | 10100 |
| | | Total for Vendor: | 27,909.12 | | | | | |
| 5469 | | 767 MN FIRE SERVICE CERTIFICATION | 277.00 | | | | | |
| 1 | 11310 05/22/23 | Retest | 25.00* | | | 225 42200 | 330 | 10100 |
| 2 | 10851 02/15/23 | Fire Fighter I Exam-2 | 252.00* | | | 225 42200 | 330 | 10100 |
| | | Total for Vendor: | 277.00 | | | | | |
| 5472 | | 637 NORTHLAND TRUST SERVICES INC | 2,635.00 | | | | | |
| 1 | 06/07/23 | Bond Series 2013A Interest | 2,635.00 | | | 601 43225 | 610 | 10100 |
| | | Total for Vendor: | 2,635.00 | | | | | |
| 5473 | | 748 NORTHWEST RESPIRATORY SERVICES, | 139.10 | | | | | |
| 1 | 5123683 05/02/23 | 13 Oxygen Cylinders | 139.10 | | | 225 42200 | 210 | 10100 |
| | | Total for Vendor: | 139.10 | | | | | |
| 5478 | | 713 RBC FBO FREEPORT FIRE DEP RELIEF | 5,306.04 | | | | | |
| 1 | 06/30/23 | Annual Relief Contribution 23 | 5,306.04 | | | 225 42200 | 315 | 10100 |
| | | Total for Vendor: | 5,306.04 | | | | | |
| 5474 | | 782 RMB ENVIRONMENTAL LABORATORIES | 163.35 | | | | | |
| 1 | D046004 06/19/23 | Quarterly Influent | 163.35 | | | 602 43250 | 460 | 10100 |
| | | Total for Vendor: | 163.35 | | | | | |
| 5480 | | 410 SAUK CENTRE HERALD | 144.00 | | | | | |
| 1 | 06/21/23 | Herald Renewal - 3 yrs | 144.00* | | | 101 41000 | 351 | 10100 |
| | | Total for Vendor: | 144.00 | | | | | |

06/22/23
10:06:34

CITY OF FREEPORT
Claim Details
For the Accounting Period: 6/23

Page: 4 of 4
Report ID: AP100V

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| Claim/ Line # | Check Invoice #/Inv Date/Description | Vendor #/Name/ Invoice #/Inv Date/Description | Document \$/ Line \$ | Disc \$ | PO # | Fund Org Acct | Object Proj | Cash Account |
|------------------|---|--|-------------------------|---------|------|---------------|-------------|-----------------|
| 5475 | | 542 SCHMIDTY'S | 85.66 | | | | | |
| 1 | 3052 02/21/23 | EDA - Deli | 42.83* | | | 300 46500 | 430 | 10100 |
| 2 | 715 04/17/23 | Deli | 42.83 | | | 101 43100 | 430 | 10100 |
| | | Total for Vendor: | 85.66 | | | | | |
| 5476 | | 818 TREE TOP NURSERY & LANDSCAPING | 360.00 | | | | | |
| 1 | 963661 06/14/23 | 6 Yards Mulch | 360.00 | | | 101 45200 | 260 | 10100 |
| | | Total for Vendor: | 360.00 | | | | | |
| 5477 | | 809 VALLI INFORMATION SYSTEMS, INC | 75.00 | | | | | |
| 1 | 88452 05/31/23 | Online Monthly Maintenance | 75.00 | | | 101 41000 | 300 | 10100 |
| | | Total for Vendor: | 75.00 | | | | | |
| | | # of Claims | 27 | Total: | | | | 61,190.12 |

FREEPORT ALL CALLS

| City | Date Received | Call # | Description |
|-------------|----------------------|---------------|--------------------------|
| FREEPORT | 05/12/2023 08:46:16 | 23037799 | 911 ABANDONED CALL |
| FREEPORT | 05/06/2023 15:58:57 | 23035967 | AGENCY ASSIST |
| FREEPORT | 05/08/2023 19:12:30 | 23036631 | AGENCY ASSIST |
| FREEPORT | 05/12/2023 13:01:38 | 23037888 | AGENCY ASSIST |
| FREEPORT | 05/29/2023 01:47:01 | 23043365 | AGENCY ASSIST |
| FREEPORT | 05/01/2023 18:40:28 | 23034358 | ATTEND MEETING |
| FREEPORT | 05/30/2023 19:36:06 | 23043882 | BUSINESS ASSIST |
| FREEPORT | 05/15/2023 09:43:30 | 23038786 | CO-RESPONDER |
| FREEPORT | 05/23/2023 10:23:44 | 23041426 | CO-RESPONDER |
| FREEPORT | 05/22/2023 22:29:18 | 23041303 | COMMUNITY ENGAGEMENT |
| FREEPORT | 05/15/2023 10:35:16 | 23038803 | DOG COMPLAINT/BARKING |
| FREEPORT | 05/13/2023 23:13:34 | 23038441 | DRIVING COMPLAINT |
| FREEPORT | 05/27/2023 09:27:31 | 23042803 | EXTRA PATROL |
| FREEPORT | 05/20/2023 01:37:15 | 23040410 | INTOXICATED PERSON |
| FREEPORT | 05/29/2023 01:44:01 | 23043363 | INTOXICATED PERSON DISOI |
| FREEPORT | 05/08/2023 18:05:33 | 23036611 | JUVENILE/PROBLEM WITH |
| FREEPORT | 05/12/2023 20:38:36 | 23038077 | MATTER OF INFORMATION |
| FREEPORT | 05/11/2023 20:34:05 | 23037689 | MEDICAL EMERGENCY |
| FREEPORT | 05/12/2023 09:06:31 | 23037805 | MEDICAL EMERGENCY |
| FREEPORT | 05/21/2023 12:50:43 | 23040864 | MEDICAL EMERGENCY |
| FREEPORT | 05/30/2023 18:19:13 | 23043854 | MEDICAL EMERGENCY |
| FREEPORT | 05/09/2023 16:06:19 | 23037006 | PAPER SERVICE |
| FREEPORT | 05/09/2023 15:54:29 | 23037000 | STUDENT CONTACT-NON REI |
| FREEPORT | 05/22/2023 23:26:13 | 23041312 | SUSPICIOUS VEHICLE |
| FREEPORT | 05/12/2023 23:07:04 | 23038132 | TRAFFIC STOP |
| FREEPORT | 05/13/2023 23:38:48 | 23038445 | TRAFFIC STOP |
| FREEPORT | 05/13/2023 23:40:56 | 23038447 | TRAFFIC STOP |
| FREEPORT | 05/20/2023 00:18:58 | 23040385 | TRAFFIC STOP |
| FREEPORT | 05/20/2023 01:22:09 | 23040405 | TRAFFIC STOP |
| FREEPORT | 05/20/2023 01:33:08 | 23040408 | TRAFFIC STOP |
| FREEPORT | 05/26/2023 17:52:16 | 23042607 | TRAFFIC STOP |
| FREEPORT | 05/23/2023 07:44:05 | 23041369 | TRAINING ONLINE |

Memo

From: Jon Nelson - Clerk-Treasurer

To: Freeport City Council

Date: 06/20/2023

Re: Clerk-Treasurer Report

1. I am attending LMC Annual Conference June 21-23.
2. I have spoken with West Central Sanitation. They are just as frustrated with the service they are providing as those who are receiving it. It is not a company-wide issue, but unfortunately it is affecting the Freeport and New Munich route at the moment. They have weekly meetings and are discussing solutions, which may include changing our pick-up day.
3. Xcel was planning on beginning their pole replacement project this spring/summer but this has been pushed back to this fall/winter. Residents are still voicing their concerns about having to cut down their trees if the poles are relocated on their properties. Xcel has had extensive conversations with MnDOT to move the line to the south side of the road but MN State Statute 222.63 sets forth rules that are very restrictive when placing poles along the trail.
4. Stearns County will place our "no parking" sign in front of Pooch's.

Hours Breakdown - Maintenance Dept

| Employee Name: | Loren Goebel | | | | | | | |
|------------------------------|--|-------------------------|-------------------------|---------------------------|------------------------|------------------------------|--------------------------------|---------------------|
| Month: | May | | | | | | | |
| 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 | 3.5 | 1 | 1 | | | 2 | 0.5 | 8 |
| 2 | 4 | 1 | 1 | | | 2 | | 8 |
| 3 | 1 | 1 | 1 | 3 | | 2 | | 8 |
| 4 | 6 | 1 | 1 | | | | | 8 |
| 5 | 2 | 1 | 1 | | | | | 4 |
| 6 | | 1 | 1 | | | | | 2 |
| 7 | | 1 | 1 | | | | | 2 |
| 8 | 2.5 | 1 | 1 | | | 3 | 0.5 | 8 |
| 9 | 2 | 1 | 1 | 3 | | 1 | | 8 |
| 10 | 2 | 1 | 1 | 2 | 1 | 1 | | 8 |
| 11 | | 1 | 1 | 5 | | 1 | | 8 |
| 12 | 0.5 | 1 | 1 | 0.5 | | 0.5 | 0.5 | 4 |
| 13 | | 1 | 1 | | | | | 2 |
| 14 | | 1 | 1 | | | | | 2 |
| 15 | 1 | 1 | 2 | 1.5 | | | 0.5 | 6 |
| 16 | 2 | 1 | 2 | | | 3 | | 8 |
| 17 | 2 | 1 | 1 | | | | | 4 |
| 18 | 4 | 1 | 2 | | | 1 | | 8 |
| 19 | 4.5 | 1 | 1 | | | | 0.5 | 7 |
| 20 | | 1 | 1 | | | | | 2 |
| 21 | | 0.5 | 0.5 | | | | | 1 |
| 22 | 1.5 | 1 | 1 | 4 | | | 0.5 | 8 |
| 23 | 1 | 1 | 1 | 3 | 1 | 1 | | 8 |
| 24 | 1 | 1 | 1 | 2 | | 3 | | 8 |
| 25 | 3 | 1 | 1 | 2 | | 1 | | 8 |
| 26 | 1.5 | 1 | 1 | | 1 | 1 | 0.5 | 6 |
| 27 | | 0.5 | 0.5 | | | | | 1 |
| 28 | | 0.5 | 0.5 | | | | | 1 |
| 29 | | 1 | 1 | | | | | 2 |
| 30 | 2.5 | 1 | 1 | 4 | | 1 | 0.5 | 10 |
| 31 | 4 | 1 | 1 | | | 2 | | 8 |
| TOTAL for Month Per Category | 51.5 | 29.5 | 32.5 | 30 | 3 | 25.5 | 4 | 176 |

| Job Duty | Date | Initial |
|---|-----------------|---------|
| l. station water samples well, tower, pond checks, mowed, katie looked at pond structure, notices, cold patch from Sack Flags Flags up, bugs ponds | MON 5/25/23 | JH |
| well, tower, pond checks, garbage, shop maint | FRI 5/26/23 | JH |
| well, tower, pond checks | SAT 5/27/23 | JH |
| well, tower, pond checks | SUN 5/27/23 | JH |
| well, tower, pond checks, Holiday, water samples | MON 5/29/23 | JH |
| well, tower, pond checks, Flags down, garbage, maint on lawn | TUE 5/30/23 | JH |
| mow, mowed lawn, Council meeting | WED 5/31/23 | JH |
| well, tower, pond checks, meter readings, mowed lawn | THUR 6/1/23 | JH |
| well, tower, l. station, pond checks, water samples, bugs in ponds, mowed lawn, oil/grease equipment | " | JH / MR |
| well, tower, pond checks, sprayed weeds, gopher calls, bathrooms, garbage | FRI 6/2/23 | JH / MR |
| water on at bank drive thru | " | JH |
| well, tower, pond checks, clean park for next day council | SAT 6/3/23 | JH |
| well, tower, pond checks, park "brakes reset" running a lot of fans around | SUN 6/4/23 | JH |
| well, tower, l. station, pond checks, water samples, garbage, MDH + MPCA reports, Flush hydrants | MON 6/5/23 | JH |
| well, tower, pond checks, mowed lawn, electric pump | " | JH |
| well, tower, pond checks, fix sprayer, influent samples | TUE 6/6/23 | JH / MR |
| well, tower, l. station, pond checks, water at creamery, flush & maint on all hydrants - bugs in ponds | WED 6/7/23 | JH / MR |
| well, tower, pond checks, garbage, mowed lawn, maint well well house chibi | THUR 6/8/23 | JH |
| well, tower, pond checks | FRI 6/9/23 | JH |
| well, tower, pond checks | SAT 6/10/23 | JH |
| well, tower, pond checks | SUN 6/11/23 | JH |
| well, tower, l. station, pond checks, water samples, mowed lawn, MP did | MON 6/12/23 | JH / MR |
| 7th st sw road repair, gopher calls | " | JH |
| well, tower, pond checks, mowed, clean storm drain ends, | TUE 6/13/23 | JH / MR |
| well, tower, pond checks, psi discharge, get mulch, meca report, faucets at well house | WED 6/14/23 | JH |
| well, tower, l. station, pond checks, water samples, mowed, meter checks, mulch down uptown | THUR 6/15/23 | JH / MR |
| well, tower, pond checks, industrial Lift alarms, tower well hoses shop maint | FRI 6/16/23 | JH |
| | " | JH |
| | | |
| | | |
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| | | |



Building a Better World
for All of Us®

MEMORANDUM

TO: Freeport City council

FROM: Dave Blommel, PE (Lic. MN)

DATE: June 16, 2023

RE: Council Update
SEH No. FREEP GEN 14.00

Street Lighting

Hennen Floor Covering has approached the city to make decisions regarding the street lights prior to his replacement of the sidewalk. They are planning to install heated sidewalks next to his building and would like to avoid future excavation with the risk of damaging the heating system. I have consulted SEH's lighting design staff and he made some recommendations.

- Remove the existing poles and install the new bases for future poles
 - In order to do this we will need to have a good idea what poles we will be using in order to get the right bolt pattern in the base. Many of them are universal, but not all.
- Install conduit and wire into the new bases from either end of Hennen's project. Terminate the new conduit and wires in a handhole for future connection.
- Modify the current pole to be placed back on the new base as a temporary pole until the replacement takes place.
- Install additional empty conduit to prevent a future utility from conflicting with the new walk.

The schedule for the concrete work for Hennen's isn't set, but they are hoping to be complete by August 15th.

Welle Final

The project split discussed at the last council meeting has become more firm. The plans have been split into 3 separate sets for bidding.

- Lift station and sanitary sewer will be bid first
- Grading and streets will be bid using city funds (this is not a change, these improvements were never eligible for USDA funding).
- Watermain and storm sewer bid under a new USDA bid. This will come at about 3.8% interest. Still a very good rate.

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

Memorandum
June 16, 2023
Page 2

7th Street Potholes

Paving patches on 7th St SW and Industrial drive were completed the week of June 12th. Patches look very nice and really helped smooth out the road. The next concern we have on industrial drive is the culvert crossing the roadway. That culvert has heaved significantly and presents a large bump for vehicles. It is generally frost acting on clay soils that creates these concerns. To remedy the problem, the storm sewer will have to be bedded in sand and relayed. I would like to complete these improvements in conjunction with the roadway reconstruction, but pending timing, another band aid fix may be needed.

I plan to attend your meeting on June 27th to answer any questions you may have.

dwb

x:\j\j\freep\common_council meeting\2023.06.16 m council update.docx

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

June 15, 2023

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 May 24, 2023 through June 15, 2023, 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

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 06/20/2023

Re: Administrative Fines

We have discussed administrative fines the past couple meetings. I have attached examples of how a few surrounding communities handle administrative fines.

Please prepare to discuss your thoughts on adopting something similar to these examples.

warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident, or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Administrator or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses, or city service to the property. Mailed notice shall be given to the licensee, owner, resident, or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident, or other person in control of the property shall be given an opportunity to appear before the City Administrator to object to the termination before it occurs, subject to appeal of the City Administrator's decision to the City Council at a regularly scheduled or special meeting.

(F) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety, and welfare.

§ 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

(A) In addition to those administrative penalties established in this code and the enforcement powers granted in § 10.20, the City Council is authorized to create by resolution, adopted by a majority of the members of the City Council, supplemental administrative penalties. The resolution may be in the form established in Appendix A of this chapter.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) In the discretion of the peace officer, City Administrator, or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Administrator within 14 days of the notice of the violation. A sample notice is contained in Appendix B of this chapter. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, then the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the City Council, the City Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the City Council.

(F) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the city, through its attorney, may bring criminal charges in accordance with state law and this code. Likewise, the city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by City Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the city for the alleged violation.

§ 10.99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

APPENDIX A: RESOLUTION TO ADOPT A SCHEDULE OF OFFENSES AND VOLUNTARY ADMINISTRATIVE PENALTIES

WHEREAS, the City Council has adopted the provisions of Melrose Code of Ordinances § 10.98, establishing a procedure for requesting the voluntary payment of administrative penalties for certain violations of the code; and

WHEREAS, the provisions of Melrose Code of Ordinances § 10.98 authorize the City Council, by a resolution adopted by a majority of its members, to identify administrative offenses and establish penalties for these offenses;

NOW THEREFORE, be it resolved by the City Council as follows:

| <i>Offense</i> | <i>Code Section</i> | <i>Amount of Administrative Penalty</i> |
|--|---------------------|---|
| All offenses for which an administrative penalty may be established under this code, other than those specified below: | | |

EFFECTIVE DATE: The effective date of the resolution is the date of its passage by a majority of the members of the City Council. Passage of this resolution implements the provisions of City Code § 10.98.

Mayor: _____

Attest: _____
City Administrator

APPENDIX B: NOTICE OF CODE VIOLATION

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section _____ of the City Code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated § _____ of the City Code relating to _____

The City Council has by resolution established an administrative penalty in the amount of \$_____ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14-day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by _____ (establish date), then the payment of the administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the City Council, the City Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the City Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the City Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Payment of the administrative penalty may be made by check, cash, or money order to the City Administrator.

Signed: _____
(Name and title of person giving notice)

§ 10.22 ENFORCING ADMINISTRATIVE OFFENSE.

(A) *Purpose and intent.*

(1) Administrative offense procedures established pursuant to this section are intended to provide the public and the City of Sauk Centre with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain city code provisions.

(2) The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses.

(3) At any time prior to the payment of the administrative penalty as is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the city may bring criminal charges in accordance to law.

(4) Likewise, the City of Sauk Centre in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance.

(5) In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty, which may be imposed, the City of Sauk Centre will seek to collect the costs of administrative offense procedures as part of a subsequent criminal sentence, in the event the party is charged and is adjudicated guilty of a criminal violation.

(B) *Administrative offense defined.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE OFFENSE. A violation of a provision of the city code; is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in division (H) below.

(C) *Notice.*

(1) Any officer of the City of Sauk Centre Police Department or any other person employed by the city, authorized in writing by the Sauk Centre City Council, and having authority to enforce the city code, shall upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation.

(2) The notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

(D) *Payment:*

(1) Once a notice is given, the alleged violator may, within 15 days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a court summons to appear in accordance to the law.

(2) The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

(E) *Hearing.* Any person contesting an administrative offense pursuant to this section may, within 15 days of the time of issuance of the notice request a court summons to appear in accordance to law.

(F) *Failure to pay.*

(1) In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes.

(2) If the penalty is paid, no charge may be brought by the City of Sauk Centre for the same violation.

(G) *Disposition of penalties.* All the penalties collected pursuant to this section shall be paid to the City of Sauk Centre and deposited in the general fund.

(H) *Offenses and penalties.*

(1) Offenses which may be charged as administrative offenses and the penalties for offenses shall be established by resolution of the City Council from time to time.

(2) Copies of the resolution shall be maintained in the office of the City Clerk/Administrator. (Ord. 632, passed 9-24-2003)

§ 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

(A) (1) In addition to those administrative penalties established in this code and the enforcement powers granted in § 10.20 above, the City Council is authorized to create by resolution, adopted by a majority of the members of the Council, supplemental administrative penalties.

(2) The resolution may be in the form established in Appendix I of this chapter.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) (1) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council.

(2) In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) (1) In the discretion of the peace officer, Clerk/Administrator or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation.

(2) A sample notice is contained in Appendix II of this chapter. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given.

(3) In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, that the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

(F) (1) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the city, through its Attorney, may bring criminal charges in accordance with state law and this code.

(2) Likewise, the city, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the city for the alleged violation.

§ 10.99 GENERAL PENALTY.

(A) Any person, firm or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in § 10.98, if any person, firm or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

APPENDIX I

RESOLUTION TO ADOPT THE PROVISIONS OF § 10.98 AND A SCHEDULE OF OFFENSES AND VOLUNTARY ADMINISTRATIVE PENALTIES

WHEREAS, the City Council wishes to adopt the provisions of § 10.98, establishing a procedure for requesting the voluntary payment of administrative penalties for certain violations of the code; and

WHEREAS, the provisions of § 10.98 authorize the City Council, by a resolution adopted by a majority of its members, to identify administrative offenses and establish penalties for these offenses;

NOW THEREFORE, be it resolved by the City Council as follows:

The City Council hereby adopts the provisions of § 10.98 and adopts the following administrative penalties:

| <i>Offense</i> | <i>Code Section</i> | <i>Amount of Administrative Penalty</i> |
|--|---------------------|---|
| All offenses for which an administrative penalty may be established under this code, other than those specified below: | | \$75.00 |

EFFECTIVE DATE: The effective date of the resolution is the date of its passage by a majority of the members of the City Council. Passage of this resolution implements the provisions of city code § 10.98.

Mayor:

Attest:

Clerk/Administrator

APPENDIX II

NOTICE OF CODE VIOLATION

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section _____ of the city code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated § _____ of the city code relating to

The City Council has by resolution established an administrative penalty in the amount of \$ _____ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14-day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by _____ (establish date), then the payment of the administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Payment of the administrative penalty may be made by check, cash or money order to the City Treasurer.

Signed:

(Name and Title of Person Giving Notice)

CHAPTER 1: GENERAL PROVISIONS

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CHAPTER 1: GENERAL PROVISIONS

ORDINANCE 14 PENALTIES AND FEES

Section 14.01: PETTY MISDEMEANORS. All violations this City Code designates as a petty offense or petty misdemeanor shall be punishable by a fine up to Three Hundred (\$300) Dollars. The City Council may from time to time establish fines for particular offenses to be included in Appendix A.

Updated Section 14.01 on 1/4/06

Section 14.02: MISDEMEANORS. All violations this City Code designates as a misdemeanor shall be punishable by a fine up to One Thousand (\$1,000) Dollars and up to ninety (90) days in jail. The City Council may from time to time establish fines for particular offenses to be included in Appendix A.

Updated Section 14.02 on 1/4/06

Section 14.03: NO STATED PENALTY. If this City Code does not expressly provide a penalty for a Code violation, a violation of any rule or regulation adopted pursuant to this Code shall be a misdemeanor subject to the penalties in Section 14.02.

Section 14.04: PERMIT AND APPLICATION FEES. Appendix A of this City Code lists permit, application, connection, inspection and other types of fees or charges the City may assess regarding licensing or services. The City Council may change and amend these fees and charges by resolution as the Ordinance establishing the fee or charge provides. The City Clerk/Administrator shall amend Appendix A to reflect any changes in the charges or fees the City Council approves.

Section 14.05: PENALTIES FOR EACH OFFENSE. When this City Code provides a penalty or forfeiture for a violation, the penalty or forfeiture shall be for each violation.

Section 14.06: PAYMENT OF FINES AND PENALTIES. The Court or office receiving payment of all fines, forfeitures and penalties recovered for any violation of this City Code shall pay the amount into the City Treasury in the manner, time and proportion the law provides.

Section 14.07: ADMINISTRATIVE PENALTIES.

Subd. 1: Purpose. The City Council determines that there is a need for alternative methods of enforcing the City Code. While criminal fines and penalties have been the most frequent mechanism, there are certain negative consequences for the City and the accused. The delay in the criminal justice system does not ensure prompt resolution, citizens resent being labeled criminals for violating administrative regulations, the high burden of proof and potential incarceration are not appropriate for many Code violations, and the criminal process does not

CHAPTER 1: GENERAL PROVISIONS

always regard City Code violations as important. As a result, the City Council finds the use of administrative citations and imposition of civil penalties is a legitimate and necessary alternative enforcement method, which will be in addition to any other legal remedy that may be pursued for Code violations.

Subd. 2: Administrative Offense. An administrative offense is a violation of any section of this Code when one performs an act prohibited, or fails to act when the failure is prohibited, and is subject to the penalties set forth in this Code and the City's penalty schedule.

Subd. 3: Notice. Any Police Officer, the Building Inspector or any designee by the City with authority to enforce this Code shall, upon determining that there has been a violation, notify the violator, person responsible for the violation, or in the case of a vehicular violation, attach notice of the violation to the vehicle. The notice shall state the nature, date, and time of the violation, the name of the official issuing the notice, the amount of the scheduled initial penalty and any applicable charges.

Subd. 4: Payment. Once a notice is given, the person responsible for the violation shall, within seven (7) days after the notice is issued, pay the penalty amount to the City Clerk/Administrator in person or by mail, and payment shall be an admission of the violation. A late charge established in Appendix A shall be imposed for each seven (7) days the penalty remains unpaid after the first seven (7) day period.

Subd. 5: Hearing Officer. The City Council shall be the Hearing Officer authorized to hear or determine a cause of controversy under this Section. The Hearing Officer is not a judicial officer but is a public officer as defined by Minnesota Statute 609.415, as amended, and is subject to Minnesota Statutes relating to public officers.

Subd. 6: Hearing. Any person contesting an administrative offense under this Section may request, within seven (7) days after the notice is issued, to be heard by the Hearing Officer who shall hear and determine the grievance. Upon receiving a request for a hearing, the Hearing Officer shall set a hearing date and provide a written notice of the hearing at least five (5) days in advance, unless the parties accept a shorter time period. The Hearing Officer shall have authority to impose a penalty, dismiss the violation for cause, and reduce or waive the penalty upon the terms and conditions the Hearing Officer determines. The Hearing Officer must state the disposition reasons in writing. If the Hearing Officer sustains the violation, the violator shall pay the penalty imposed or sign an agreement to pay upon the terms and conditions set forth by the Hearing Officer.

Subd. 7: Failure to Pay. If a violator fails to pay a penalty imposed by this Section, or as agreed upon following hearing before the Hearing Officer, the City may bring a misdemeanor or petty misdemeanor charge against the alleged violator according to this Code and applicable law. If the violator pays the penalty or if the Hearing Officer finds the individual not to have committed the administrative offense, the City shall not bring a criminal charge for the same violation.

CHAPTER 1: GENERAL PROVISIONS

Subd. 8: Disposition of Penalties. All penalties collected under this Section shall be paid over to the City Clerk/Administrator, who shall deposit the penalty in the City's general fund and issue a receipt.

Subd. 9: Scheduled Penalties. Penalties shall be imposed for violating administrative offenses according to a penalty schedule the City Council establishes periodically by resolution.

Subd. 10: Appeal. An aggrieved party may obtain judicial review of the Hearing Officer's decision according to State law.

Subd. 11: Option to Withdraw. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time before paying the administrative penalty as is provided in this Ordinance, the individual may withdraw from participation in the procedures whereupon the City may bring criminal charges according to this Code and State law. Likewise, the City in its' discretion, may choose not to pursue an administrative offense and may bring criminal charges instead."

TITLE I: GENERAL PROVISIONS

GENERAL PROVISIONS

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TITLE I: GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

' 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the city code, for which designation code of ordinances, codified ordinances or code may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the Traffic Code. Sections may be referred to and cited by the designation " ' " followed by the number, such as ' 10.01. Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

' 10.02 RULES OF INTERPRETATION.

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(1) *AND or OR.* Either conjunction shall include the other as if written and/or, whenever the context requires.

(2) *Acts by assistants.* When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

' 10.03 APPLICATION TO FUTURE ORDINANCES.

TITLE I: GENERAL PROVISIONS

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

' 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

' 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The area within the corporate boundaries of the city as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term *CITY* when used in this code may also be used to refer to the City Council and its authorized representatives.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. The county or counties in which the city is located.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes an individual, person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

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SIGNATURE or *SUBSCRIPTION*. Includes a mark when the person cannot write.

STATE. The State of Minnesota.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

' 10.06 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

' 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

' 10.08 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

' 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

TITLE I: GENERAL PROVISIONS

' 10.10 OFFICIAL TIME.

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

' 10.11 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

' 10.12 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

' 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

' 10.14 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

' 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

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(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

' 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

' 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

' 10.18 COPIES OF CODE.

The official copy of this code shall be kept in the office of the City Clerk for public inspection. The Clerk shall provide a copy for sale for a reasonable charge.

' 10.19 ADOPTION OF STATUTES AND RULES AND SUPPLEMENTS BY REFERENCE.

(A) It is the intention of the City Council that, when adopting this Minnesota Basic Ordinances, Code of all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

(B) It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this Code was enacted, unless there is clear intention expressed in the Code to the contrary.

TITLE I: GENERAL PROVISIONS

' 10.20 ENFORCEMENT.

(A) Any Licensed Peace Officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this code.

(B) As permitted by M.S. ' 626.862, as it may be amended from time to time, the City Clerk shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

(C) The City Clerk and any city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

(D) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Clerk or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Clerk to object to the termination before it occurs, subject to appeal of the Clerk's decision to the City Council at a regularly scheduled or special meeting.

(F) Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

' 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.

(A) In addition to those administrative penalties established in this code and the enforcement powers granted in ' 10.20, the City Council is authorized to create by resolution, adopted by a majority

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of the members of the Council, supplemental administrative penalties. The resolution may be in the form established in Appendix VI of the User's Guide to the MBC. Such resolution may not proscribe administrative penalties for traffic offenses designated by M.S. ' 169.999.

(B) These administrative penalty procedures in this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain provisions of this code. The procedures are intended to be voluntary on the part of those who have been charged with those offenses.

(C) Administrative penalties for violations of various provisions of the code, other than those penalties established in the code or in statutes that are adopted by reference, may be established from time to time by resolution of a majority of the members of the City Council. In order to be effective, an administrative penalty for a particular violation must be established before the violation occurred.

(D) In the discretion of the peace officer, City Clerk, or other person giving notice of an alleged violation of a provision of this code, in a written notice of an alleged violation, sent by first class mail to the person who is alleged to have violated the code, the person giving notice may request the payment of a voluntary administrative penalty for the violation directly to the City Treasurer within 14 days of the notice of the violation. A sample notice is contained in the Appendix to this chapter. In the sole discretion of the person giving the notice of the alleged violation, the time for payment may be extended an additional 14 days, whether or not requested by the person to whom the notice has been given. In addition to the administrative penalty, the person giving notice may request in the notice to the alleged violator to adopt a compliance plan to correct the situation resulting in the alleged violation and may provide that if the alleged violator corrects the situation resulting in the alleged violation within the time specified in the notice, that the payment of the administrative penalty will be waived.

(E) At any time before the payment of the administrative penalty is due, the person who has been given notice of an alleged violation may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

(F) At any time after the date the payment of the administrative penalty is due, if the administrative penalty remains unpaid or the situation creating the alleged violation remains uncorrected, the City, through its Attorney, may bring criminal charges in accordance with state law and this code. Likewise, the City, in its discretion, may bring criminal charges in the first instance, rather than requesting the payment of an administrative penalty, even if a penalty for the particular violation has been established by Council resolution. If the administrative penalty is paid, or if any requested correction of the situation resulting in the violation is completed, no criminal charges shall be initiated by the City for the alleged violation.

' 10.99 GENERAL PENALTY AND ENFORCEMENT.

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota

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Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) Pursuant to M.S. ' 631.48, as it may be amended from time to time, in either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in ' 10.98, if any person, firm or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

APPENDIX

NOTICE OF CODE VIOLATION

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section of the City Code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated ' _____ of the City Code relating to _____

The City Council has by resolution established an administrative penalty in the amount of \$ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14--day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by _____ (establish date), then the payment of the

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administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

Payment of the administrative penalty may be made by check, cash or money order to the City Treasurer.

Signed: _____
(Name and Title of Person Giving Notice)

Memo

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 06/20/2023

Re: Personnel Policy Holiday Update

Council approved Juneteenth (June 19) as an official paid holiday for the City of Freeport. I have updated our personnel policy to reflect this change:

HOLIDAYS

The City observes the following official holidays for all regular full-time and part-time employees:

| | | |
|----------------------------|------------------|----------------------------|
| New Year's Day | Juneteenth | Thanksgiving Day |
| Martin Luther King, Jr Day | Independence Day | Friday after Thanksgiving* |
| Presidents' Day | Labor Day | Christmas Eve |
| Memorial Day | Veterans Day | Christmas Day |

*The Friday after Thanksgiving Day was provided to employees in exchange for not observing Columbus Day.

Official holidays commence at the beginning of the first shift of the day on which the holiday is observed and continue for twenty-four (24) hours thereafter.

Recommendation: Approve Personnel Policy update.

Memo

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 06/20/2023

Re: Current Sidewalk & Trail Items

We have discussed sidewalk & trail plans to help score higher on grant opportunities. I have compiled the following items to discuss if they are adequate or if anything can be added to help our cause with sidewalk grants.



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

SIDEWALK INSPECTION POLICY

1. Introduction

The City of Freeport, Minnesota has public sidewalks. Public sidewalks vary in age and in quality of condition. Not every mere inequality or irregularity in the surface of the sidewalk rises to the level of defect. The city recognizes that some sidewalk conditions create unreasonable hazards for pedestrians and other sidewalk users.

The city has limited employee and financial resources and cannot reasonably replace all sidewalks needing replacement or repair in the same year the sidewalk is identified as needing replacement or repair. Sidewalk replacement and repair can be costly. Comprehensive sidewalk surveys are expensive and require the use of limited city personnel and other resources. Under appropriate circumstances, some or all of the cost of sidewalk replacement may be passed to the adjacent property owner.

Accordingly, the city and its Public Works Department must exercise both discretion and professional judgement in determining whether and when sidewalks need to be replaced or repaired. The city expects that its agents, employees, and city officials will exercise discretion in identifying conditions requiring replacement and repair, in the scheduling of replacement and repair and in establishing priorities for replacement and repair.

2. Sidewalk inspection procedures

The Public Works Director shall establish procedures for regular sidewalk inspection. Those procedures will include:

- A. An initial city wide sidewalk survey to be completed by June 31, 2016
- B. A yearly routine sidewalk inspection to be completed by June 31st of every year.
- C. Criteria for determining whether a particular sidewalk condition is in need of a deviation or difference in elevation greater than 1 inch, as determined at the time of inspection.

3. Sidewalk replacement and repair policy

Upon completion of the initial sidewalk survey, the Public Works Director shall establish a replacement and repair schedule. This schedule is subject to modification based both on sidewalk conditions and the availability of resources for sidewalk replacement and repair.

The sidewalk replacement and repair schedule will:

- A. Divide the city into sections or otherwise prioritize replacement of the sidewalks identified as needing replacement or repair so all sidewalks identified in the initial sidewalk survey as needing replacement or repair are replaced or repaired.
- B. Take into consideration and weight the following factors:
 - i. Sidewalk location and amount of pedestrian traffic

- ii. Proximity of sidewalk identified as needing replacement or repair to other sidewalks also needing replacement or repair
- iii. The nature and severity of the condition needing replacement or repair
- iv. The city's budget for replacement or repair of sidewalks
- v. Whether, or to what extent, the cost of repair can be recovered from adjacent property owners
- vi. Availability of employees, equipment, and other resources for sidewalk replacement or repair
- vii. Public safety
- viii. History of prior accidents or complaints
- ix. Schedules of independent contractors and work necessary to prepare bids and bid specifications if work is to be performed by independent contractors

4. Sidewalk maintenance policy

City employees will be responsible for removing snow from sidewalks that abut city-owned buildings or parking lots. Adjacent property owners, including other public entities, are responsible for removing snow and ice from sidewalks that abut their property (see City Ordinance No. 800.01; Subd. 1). The city may, as a public service and for reason of public safety, remove and snow and ice from sidewalks (see City Ordinance 800.01; Subd. 2).

5. Review and modification of policy

The City Council may modify or clarify this policy at any time. Where the city council has delegated responsibility or authority to any city employee or official for development or implementation of any portion of this policy, that employee or official shall have full authority to modify that portion of the policy at any time.

6. Review of policy

The City Clerk and Public Works Director will keep on file comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review any other factors affecting the policy or its implementation.

7. Effective date of policy

This policy shall be effective as of March 29, 2016. Modification of the policy shall be effective on the date said modifications are approved by the city council resolution or the date city employee or official (with authority granted by the city council) has approved the policy modification or change.

Adopted by the City council of the City of Freeport on this _____ day of _____, 2016.

Rodney Atkinson, Mayor

Adrianna Hennen, Clerk-Treasurer

Section 2100 – Subdivision Ordinance

2100.13 Design Standards

Subd. 2 Sidewalks and Trails

1. **Sidewalks Required** – The City Council may require that a Plat include residentially zoned property or property which is planned for residential development of any type and which includes the provision for new Streets shall also include sidewalks on at least one side of the Street. In addition, the City Council may require that additional sidewalks or pedestrian trails be included in the Subdivision. When considering the need for additional sidewalks or pedestrian trails, the Planning Commission the City Council will consider proximity of the Subdivision to public service areas such as parks, schools, shopping facilities and other facilities of a similar nature. Sidewalks may require in non-residential areas depending upon the location of the Subdivision and its proximity to residential areas. The design of the pedestrian trails shall be considered in their relation to existing and planned pedestrian walkways, to reasonable circulation of traffic, to topographic conditions, to run-off of storm water, and to the proposed uses of the area to be served. All sidewalks and trails shall be constructed of concrete and shall have a minimum width of six (6) feet or wider if required by the City Council.

2. **Pedestrian Ways Required for Long Blocks** – In blocks longer than six hundred (600) feet, the City may require a pedestrian crossway with a minimum right-of-way of twenty (20) feet near the center of the block.

Section 800 - Sidewalks

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800.01 Repair and Maintenance of Sidewalks

Subd.1 Safety

The owner of the property within the city abutting a public sidewalk must keep the sidewalk in repair and safe for pedestrians. The owner and occupant of such property must use diligence to remove snow, ice, dirt, or rubbish from the sidewalk. Snow and ice must be removed within 24 hours after a snow or sleet storm. Sidewalks must be kept free of debris, including the trimming of tree limbs. When there has been an excessive accumulation of snow as determined and declared by the Mayor and Street Commissioner of the City of Freeport, then property owners shall be excused from the 24 hour requirement for removal of snow for such a period of time as determined by the Mayor and Street Commissioner.

Subd.2 Main Routes

In the event there is an excessive accumulation of snow as determined and declared by the Mayor and City Street Commissioner of the City of Freeport, the City Street Department Employee shall be instructed to remove the excessive snow from the boulevards of certain sidewalks which are designated as “main sidewalk routes” so as to permit the property owners to reasonably maintain the sidewalks thereafter. The following are designated as “main sidewalk routes” in the City of Freeport.

1. Main St. E. between 2nd Ave NE & 3rd Ave. NE north side.
2. 2nd St. NE/NW between 3rd Ave. NW and 3rd Ave. NE north
3. 1st Ave. N. between 2nd St. NE and 4th St. NW east side.
4. 2nd Ave. NE between Main St. E and 2nd St. NE west side.

800.03 Repairs by City

If the city council determines that a public sidewalk within the city is unsafe, the council may cause a notice to be served by certified mail or personal service upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein, ordering the owner to have the sidewalk repaired and made safe within 30 days, and stating that if the owner fails to do so, the city will do so, and that the expenses thereof must be paid by the owner and that if unpaid, it will be made a special assessment against the property concerned. If the sidewalk is not repaired within 30 days after receipt of the notice, the maintenance engineer must report the facts to the council and the council may by resolution

order the maintenance engineer to repair the sidewalk and make it safe or order the work be done by contract in accordance with the law. The maintenance engineer must keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the city clerk-treasurer. The cost of the repairs will be assessed against the property in the manner provided by Minnesota Statutes, section 429.101.

800.05 Construction of New Sidewalks

Where new sidewalk is constructed in an entire block, the city will pay one-third of the entire cost of the project, provided the owners of abutting property pay the balance, and provided further that construction be completed pursuant to specifications approved by the city council.

800.07 Repair of Existing Sidewalks

If the existing sidewalk of an entire block is in need of repair as determined by the city council, the city will pay one-third of the entire cost of repairing or reconstructing this sidewalk, provided the abutting property owners pay the balance, and provided further, that the repair and reconstruction be completed pursuant to specifications approved by the city council.

Memo

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 06/20/2023

Re: Farmer's Market

Al Wieling has contacted me for permission to hold a farmer's market in the Freeport City parking lot across from City Hall. He and three other vendors would like to start selling every Friday as soon as June 30 if allowed. The softball parking lot would be another possibility.

Prepare to discuss your thoughts on bringing a farmer's market to Freeport.