

Memorandum
January 19, 2024
Page 2

3 interest rate drops by the Federal Reserve happen in 2024, we can look forward to a lesser rate at the time of loan closing, likely in 2025. Jon has a resolution for approval accepting these funds.

The plans have been on the state engineer's desk since December 4, 2023, so we are expecting a review letter any day. This is his first review of a Build America Buy America (BABA) plan set, so the 6 to 8-week window is about right for return of comments. We expect to be able to bid once that review is complete. The area specialist was checking with the state director at the time of this memo for an update. I will provide a verbal update to Jon if possible before the meeting.

Assuming we get comments back in the 8-week window, we should still bid in February as predicted. The council still has the option to seek its own funds and move forward without the BABA restriction that are currently in place. The previously discussed pros and cons of doing so still apply.

dwb/mrb

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Dymoke Law Office, P.A.

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Melrose, Minnesota 56352

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January 24, 2024

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 December 14, 2023 through January 24, 2024, 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: 01/26/24

Re: Streetlights

As Engineer Blommel mentioned in his report, it is time to make a decision on the streetlight bid. We will need to make it contingent on an environmental review which is a requirement to use the Small Cities Grant funds. We do not anticipate any findings during the review.

Here are four scenarios to fund the project:

Bid Amount: \$530,000

<p>Scenario 1</p> <table> <tr><td>Small Cities Grant</td><td>97,459</td></tr> <tr><td>Private Donation</td><td>23,970</td></tr> <tr><td>ARPA</td><td>73,165</td></tr> <tr><td>Street Lights</td><td>191,110</td></tr> <tr><td><u>Street Improvements</u></td><td><u>144,296</u></td></tr> <tr><td></td><td>530,000</td></tr> </table> <p>Remaining in Street Improvement Fund 192,022</p>	Small Cities Grant	97,459	Private Donation	23,970	ARPA	73,165	Street Lights	191,110	<u>Street Improvements</u>	<u>144,296</u>		530,000	<p>Scenario 2</p> <table> <tr><td>Private Donation</td><td>23,970</td></tr> <tr><td>ARPA</td><td>73,165</td></tr> <tr><td>Street Lights</td><td>191,110</td></tr> <tr><td><u>Street Improvements</u></td><td><u>241,755</u></td></tr> <tr><td></td><td>530,000</td></tr> </table> <p>Remaining in Street Improvement Fund 97,563</p>	Private Donation	23,970	ARPA	73,165	Street Lights	191,110	<u>Street Improvements</u>	<u>241,755</u>		530,000				
Small Cities Grant	97,459																										
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<p>Scenario 3</p> <table> <tr><td>Small Cities Grant</td><td>97,459</td></tr> <tr><td>Private Donation</td><td>23,970</td></tr> <tr><td>ARPA</td><td>73,165</td></tr> <tr><td>Public Safety</td><td>13,345</td></tr> <tr><td>Street Lights</td><td>191,110</td></tr> <tr><td><u>Street Improvements</u></td><td><u>130,951</u></td></tr> <tr><td></td><td>530,000</td></tr> </table> <p>Remaining in Street Improvement Fund 205,367</p>	Small Cities Grant	97,459	Private Donation	23,970	ARPA	73,165	Public Safety	13,345	Street Lights	191,110	<u>Street Improvements</u>	<u>130,951</u>		530,000	<p>Scenario 4</p> <table> <tr><td>Private Donation</td><td>23,970</td></tr> <tr><td>ARPA</td><td>73,165</td></tr> <tr><td>Public Safety</td><td>13,345</td></tr> <tr><td>Street Lights</td><td>191,110</td></tr> <tr><td><u>Street Improvements</u></td><td><u>228,410</u></td></tr> <tr><td></td><td>530,000</td></tr> </table> <p>Remaining in Street Improvement Fund 107,908</p>	Private Donation	23,970	ARPA	73,165	Public Safety	13,345	Street Lights	191,110	<u>Street Improvements</u>	<u>228,410</u>		530,000
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Recommendation: Choose one of the four scenarios presented to fund the streetlight project and accept the bid contingent on environmental review.

Memo

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 01/24/24

Re: Ordinance 2024-01 Fee Schedule

The only changes I made were increasing the usage-based and flat rate water service fees by 4%. This is based on Jason Murray's prior analysis recommending we increase water fees by 4% per year.



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

ORDINANCE 2024-01

AN ORDINANCE FIXING THE LICENSE, CONSUMPTION AND PERMIT FEES UNDER THE FREEPORT CITY CODE OF 1995 (APPENDIX I)

BE IT ORDAINED BY THE CITY COUNCIL OF FREEPORT, MINNESOTA:

Section 1. The Freeport City Code of 1995 authorizes the City Council to fix the fees and charges imposed by the Code for various city services. The fees and charges imposed may be amended from time to time by the council and is to be entitled Appendix I.

Section 2. The license, consumption and permit fees, as well as other related charges, are hereby amended, as follows:

<u>City Code</u>	<u>Description</u>	<u>Fee (\$)</u>
500 - Zoning		
	Building Permit	per Building Inspector's fee schedules
	Conditional Use or Variance Requests	150.00
	Rezoning Request	250.00
	Zoning Permit	25.00
	Curb/Gutter/Driveway Permit	25.00
510 – Rental Housing		
	Rental Registration License Fee (annual)	75.00
	Delinquency Penalty	5% each day late
	Reinspection Fee	50.00
605 - Noxious Weeds		
	Minimum Charge for Removal	150.00
	Equipment Use Fees:	
	Tractor, Mower, and Labor (hourly)	150.00
705 - Private Drains		
	Disposal into Sanitary Sewer Violation (monthly)	75.00

710 - Wastewater Service Charges

Usage Charge with Meter (per 1,000 gallons)	2.23
<i>Flat Charges (monthly)</i>	
Commercial, Without Meter	35.18
Commercial, Convenience Store/Car Wash	38.49
Commercial, Large Business (e.g. service station, church)	32.92
Commercial, Liquor Stores, On/Off Sale	37.75
Commercial, Restaurants	73.16
Commercial, Small Business	30.89
Residential, Without Meter	38.33
Residential, Manor Apartments	155.56
Residential, Multiple Family	54.32
Residential, Single Family	26.86
School	52.60
<i>Other</i>	
Wastewater Bulk Dumping Fee	25.00
Wastewater Hook-up Charge (per parcel)	1,200.00
Wastewater Main Stub-out Charge (per parcel)	3,800.00

715 - Water Service Charges

<i>Usage-based Charges (per 1,000 gallons)</i>	
Usage Charge with Meter	2.34
Usage Charge Irrigation Meter	3.45
Water Tower Debt Service Fee	2.60
Water Tower Maintenance Fee	1.86
Hydrant Water Sales	10.00
<i>Flat Charges (monthly)</i>	
Service Charge	8.18
Water Security Fee	.87
Water Testing Fee	.53
Water Tower Debt Service Fee	3.39
<i>Other</i>	
Disconnect	50.00
Reconnect	50.00
Late Payment Fee (monthly)	15.00
Utility Labels (full or partial set)	35.00
Water/Sewer Account Update	15.00
Water Account/Meter Investigation	20.00
Water Hook-up Charge (per parcel)	1,200.00
Water Main Stub-out Charge (per parcel)	3,800.00
Water Meters	actual cost of meter

910 – Animals and Pets

Animal License Fee	5.00
Boarding (per day)	8.00
Animal Impound Fee, 1 st Offense	50.00
Animal Impound Fee, 2 nd Offense	75.00
Animal Impound Fee, 3 rd Offense	100.00
Animal Disposal Fee	75.00

925 - Fire and Rescue Department

Defibrillator	100.00
Air Bags	100.00
Jaws (extrication)	200.00
Generator	200.00
Cold Compress	2.00
Gloves	5.00
Bandages	10.00
Splints	5.00
Blankets	10.00
Responders, Resident (hourly per responder)	20.00
Responders, Non-Resident (hourly per responder)	40.00
Oxygen	25.00
Suction	15.00
Foam (per 5 gallons)	125.00
Administrative Fee	30.00
Vehicles: Pumpers #1 & #2 (per vehicle)	425.00
Vehicles: Water Truck, Rescue Van (per vehicle)	325.00
Vehicles: Brush Truck (per vehicle)	300.00

1005 - Peddlers and Solicitors

10-day permit within a 12-month period	50.00
30-day permit within a 12-month period	100.00
90-day permit within a 12-month period	150.00
Violation (daily)	25.00

1100 - Public Parks

Park Rental (daily, includes shelter/gazebo)	35.00
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1200 - Liquor and Beer

Off-Sale Liquor (annual)	100.00
On-Sale 3.2% (annual)	200.00
On-Sale Liquor (annual)	2,345.00
Special Sunday Sales (annual)	200.00
Temporary On-Sale 3.2%	15.00
Temporary On-Sale Liquor	25.00

2010 - Public Nuisance

Nuisance Response (minimum)	150.00
Equipment Use Fees:	
Tractor, Mower, and Labor (hourly)	150.00

Other

Administrative Staff Time (hourly)	85.00
Annexation Request Security Deposit	1,000.00
Blanket Easement Vacation	Actual cost
Business Subsidy/Industrial Park Purch Security Deposit	5,000.00
Charitable Gambling Transaction Fee	25.00
City Hall Room Rental	35.00
Copying Charge (per page)	0.25
Driveway Aprons, Curb and Gutter	Actual cost
Lawn Tractor, Lawn Mower & Labor (hourly)	150.00
Map Creation	50.00
Map Request	10.00
Mileage Reimbursement	Current IRS rate
Special Assessment Search	10.00
Street Reconstruction (per the Manual of Assessment Standards and Policies)	

Adopted by the Freeport City Council this 31st day of January, 2024.

Michael Eveslage, Mayor

ATTEST:

Jon Nelson, Clerk-Treasurer



CITY OF FREEPORT

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112
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RESOLUTION 2024-01

A RESOLUTION APPOINTING FREEPORT STATE BANK AS OFFICIAL DEPOSITORY

RESOLVED, That Freeport State Bank, is hereby designated as a depository for the funds of this corporation, and any officer or other person hereinafter named is hereby authorized for and on behalf of this corporation to open or to continue an account or accounts with said Bank and to execute and deliver to said Bank signature card or cards supplied by said Bank containing specimen signatures of the officers or other persons hereinafter named and agree to said Bank's Rules and Regulations Governing Bank Accounts, and that any officer of this corporation or any other person hereinafter named is hereby authorized, for and on behalf of this corporation, to endorse or cause to be endorsed, to negotiate or cause to be negotiated, and to deposit or cause to be deposited in such account or accounts from time to time checks, drafts and other instruments and funds payable to or held by this corporation.

RESOLVED, That checks, drafts or other withdrawal orders and any and all other directions and instructions of a charter with respect to funds of this corporation now or hereafter with said Bank may be signed by any two of the following:

Michael Eveslage (Mayor) Jon Nelson (Clerk-Treasurer) and said Bank is hereby fully authorized to pay and charge to such account or accounts any checks, drafts or other withdrawal orders so signed, and to honor any directions or instructions so signed, whether or not payable to the individual order of or deposited to the individual account of or inuring to the benefit of any of the foregoing officers or persons.

RESOLVED, That any Two of the following: Michael Eveslage, (Mayor) Jon Nelson, (Clerk-Treasurer) hereby is or are authorized, for and on behalf of this corporation, at any time or from time to time to borrow money from The Freeport State Bank in such amounts, for such times, at such rate or rates of interest and upon such terms as he or they may see fit; to execute and deliver notes or other evidences of indebtedness of this corporation therefore, and renewals and extensions thereof; to sell, assign, transfer, pledge, mortgage or otherwise hypothecate to said Bank any bills receivable, accounts, contracts, warehouse, receipts, bills of lading, stocks, bonds, chattels, real estate or other property of this corporation as security; to give guaranties and other undertakings to said Bank; to discontinue with said Bank bills receivable of this corporation and to authorize modifications and extensions with respect thereto and to waive demand, presentment, protest and notice of dishonor; and to do, authorize and agree to any and all other things at any time or from time to time in connection with any of the foregoing as or they may deem appropriate.

RESOLVED, That said Bank shall be entitled to rely upon a certified copy of these resolutions until written notice of modification or rescission has been furnished to and received by said Bank.

(Confirmation continued on next page)

DATED THIS 31ST DAY OF JANUARY, 2024

Motion by:

Second by:

Council members in favor:

Opposed or abstained:

Michael Eveslage, Mayor

ATTEST:

Jon Nelson, Clerk-Treasurer

DRAFT



CITY OF FREEPORT

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RESOLUTION 2024-02

A RESOLUTION APPOINTING MAGNIFI FINANCIAL AS AN OFFICIAL DEPOSITORY

The undersigned, Michael Eveslage (Mayor) Jon Nelson (Clerk-Treasurer), each being first duly sworn, certifies, states and alleges the following so as to induce MAGNIFI FINANCIAL (hereinafter “Credit Union”, which shall include Lender in any banking capacity, as the context may require) to enter into loans, security agreements, mortgages and other agreements related to lending and banking with CITY OF FREEPORT (hereinafter “the Corporation”).

1. That CITY OF FREEPORT, is a duly organized existing Corporation under the law of the state of Minnesota or if not incorporated under the law of the state of Minnesota, authorized to do business in the state of Minnesota; and
2. That there are no proceedings pending or threatened for dissolution or forfeiture of the Corporation’s charter or authority to act in the state of Minnesota, whether voluntarily or involuntarily; and
3. That the Corporation is in good standing with the state of Minnesota and is presently in compliance with all applicable statutes, laws and regulations relative to the Corporation’s charter to own, operate and do business of the nature it is presently transacting and will hereafter transact in the state of Minnesota; and
4. That there is no provision in the Corporation’s charter, or bylaws or articles of the Corporation limiting the power of the board of directors as which thereafter executes this certification and authorization.

RESOLVED, that Credit Union is hereby designated as a depository for the funds of this corporation and any officer this corporation is hereby authorized to open or cause to be opened an account or accounts with Credit Union on such terms, conditions and agreements as shall be required by or to deposit or cause to be deposited in such account or accounts any money, checks, drafts, orders, notes and other instruments for the payment of money and to make any other agreements deemed advisable in regard thereto.

RESOLVED, that any one of the following officers or successors are hereby authorized in the name of this Corporation to:

Michael Eveslage as, Mayor
Jon Nelson as, Clerk-Treasurer

and Credit Union is hereby authorized to charge to the account of the Corporation any checks, drafts or other withdrawal orders, so signed, in closing those payable to the individual order of the person signing the same and including also checks or other withdrawal orders payable to Credit Union or to any other person or entity, which are applied in payment of any other indebtedness owing to Credit Union from the person or persons who signed such checks or other withdrawal orders.

RESOLVED, that any two of the following:

Michael Eveslage as, Mayor
Jon Nelson as, Clerk-Treasurer

Be and hereby are authorized to borrow money or make application for and obtain for and obtain Letter of Credit for an behalf of the Corporation; to make any agreements in respect thereto; and to sign, execute and deliver promissory notes, acceptance or other evidences of indebtedness therefor, or in renewal thereof, in such amounts and for such time, at such rate of interest and upon such terms as they see fit; and are hereby authorized to endorse, assign, transfer, mortgage , or pledge to Credit Union the bills receivable, warehouse receipts, bills lading, stocks, bonds, real estate, or other property now or hereafter owned by the Corporation, and to discount the same, to unconditionally guarantee payment of any or all bills receivable so negotiated or discounted, and to waive demand, protest and notice of non-payment.

RESOLVED, all resolutions herein contained shall continue in force until express written notice of its recession or modification has been furnished to and received by Credit Union.

RESOLVED, that all transaction, if any, in respect to any deposits, withdrawals, rediscounts and borrowing by or in behalf of the Corporation with Credit Union prior to adoption of the resolutions herein contained be and the same hereby are in all things ratified, approved and confirmed.

RESOLVED, that any of the persons named above be and they are hereby authorized and empowered to make any and all other contracts, agreements, stipulations and order which they may deem advisable, from time to time, with Credit Union in respect to transactions between the Corporation and Credit Union in regard to funds deposited with Credit Union, money borrowed from Credit Union or any other business transacted by and between the Corporation and Credit Union.

RESOLVED, that any and all resolutions heretofore adopted by the City Council of the Corporation and certified to Credit Union as governing the operation of the corporation's account(s) with Credit Union, be and are hereby continued in full force and effect, except as the same may be supplemented or modified by the foregoing.

DATED THIS 31ST DAY OF JANUARY, 2024

Motion by:

Second by:

Council members in favor:

Opposed or abstained:

Michael Eveslage, Mayor

ATTEST:

Jon Nelson, Clerk-Treasurer



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RESOLUTION 2024-03

A RESOLUTION APPROVING DONATIONS RECEIVED IN 2023

WHEREAS, Minnesota State Statute 465.03 requires that governing bodies must formally accept donations and contributions and that every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full; and

WHEREAS, The City seeks to properly accept and record donations and contributions in accordance with all state statute and state auditor requirements;

NOW, THEREFORE BE IT RESOLVED, that the Freeport City Council formally accepts the following donations and any stipulations:

Donor Name	Amount	Stipulation
Freeport Lions	\$500.00	Lions Park, Concrete
Freeport Lions	\$5,870.18	Lions Park, 1 st Swing Set Payment

ADOPTED THIS 31ST DAY OF JANUARY, 2024

Mike Eveslage, Mayor

ATTEST:

Jon Nelson, Clerk-Treasurer



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RESOLUTION 2024-04

A RESOLUTION APPROVING THE DISBURSEMENT AND PAYMENT OF CLAIMS POLICY

Disbursement and Payment of Claims Policy

Expenditures

In order for an expenditure of public funds to be lawful, it should meet both of the following standards:

Public purpose

There must be a public purpose for the expenditure. The Minnesota Supreme Court has generally concluded that “public purpose” means an activity that meets all of the following standards:

- The activity will benefit the community as a body.
- The activity is directly related to functions of government.
- The activity does not have as its primary objective the benefit of a private interest.

The Minnesota Supreme Court has also held that the general objective of a public purpose is to promote the following for all of a city’s residents:

- Public health
- Safety
- General welfare
- Security
- Prosperity
- Contentment

Authority

There must be specific or implied authority for the expenditure in statute. Specific authority is usually fairly clear. In contrast, whether authority is implied by a particular statute is subject to interpretation. The city should consult with its city attorney as to whether authority for a specific expenditure is implied.

Payment of Claims

Pursuant to Minnesota Statute § 412.271, subd.1, no disbursement of city funds shall be made except by an order drawn by the mayor and clerk-treasurer. Except when issued for the payment of judgments, salaries and wages previously fixed by the City Council or by statute, principal and interest on obligations, rent and other fixed charges, the exact amount of which has been previously determined by contract authorized by the City Council, no order shall be issued until the claim to which it relates has been audited and allowed by the City Council.

Prompt Payment of Claims

Minnesota Statute § 471.425 requires that cities pay each vendor obligation according to the terms of the contract or, if no contract terms apply, within the standard payment period unless the city in good faith disputes the obligation.

The following requirements must be met:

- For cities who have regularly scheduled council meetings at least once a month, the standard payment period is defined as within 35 days of the date of receipt.