

CITY OF FOLEY, MINNESOTA  
REGULAR CITY COUNCIL MEETING – April 4, 2017

The Foley City Council held a regular meeting on April 4, 2017, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Councilmembers Jeff Gondeck, Kris du'Monceaux, Gary Swanson.

Members Absent: Councilmember Brian Weis

The pledge of allegiance was recited.

Motion by Gondeck, seconded by du'Monceaux, to approve the agenda. Motion carried, unanimous.

**Consent Agenda**

Motion by du'Monceaux, seconded by Gondeck, to approve the consent agenda which includes the following:

- Approve minutes of March 7, 2017.
- Approve closure of 3rd Avenue for Vet Clinic on April 15, 2017.
- Approve Vet Clinic Hold Harmless Agreement.
- Approve part-time police officer eligibility list.
- Approve hire of Joshua Neumann for part-time police officer.
- Approve sale of Fire Department 2000 GMC Yukon XL.
- Approve sale of Public Works 1993 Volvo Plow Truck.
- Approve payment of bills paid for with checks #49522 - #49580.

Motion carried, unanimous.

**Amanda Guertin - Discussion on County Water Plan**

Amanda Guertin indicated the county is currently working on the 10-year water plan. Guertin indicated she is attending the meeting to obtain feedback on water concerns in the city. Gondeck indicated some county residents have expressed concerns with water quality. Guertin indicated the city limits area has not had many concerns with nitrates. Foley is considered medium to low risk in relation to water standards. Guertin said she can be contacted should any questions or concerns come about. There was also discussion on public notices in the paper.

**Pat Wier - Innovative Power Systems - Solar Buy-In**

Pat Wier gave an overview of the solar buy-in process. Cost figures were reviewed and cost savings were discussed. Bettendorf asked if private property owners could sign up. Wier indicated the solar buy-in is only offered for government or commercial entities. Bettendorf asked about impact to farmland. Brunn overviewed the pros and cons of the arrangement. The council would like more feedback or comments from other public entities. Staff will bring back more information at an upcoming meeting.

**Public Hearing - Zoning Ordinance Amendments**

Mayor Bettendorf recessed the regular city council meeting at 5:52 p.m. to conduct the public hearing on zoning amendments on the variance ordinance and accessory building size. Mayor Bettendorf reconvened the regular city council meeting at 5:53 p.m. Motion by Swanson,

seconded by du'Monceaux, to adopt Ordinance 428 Amending Zoning Ordinance. Gondeck clarified the accessory building size. Motion carried, unanimous.

### **Discussion on chicken ordinance**

Gondeck indicated the planning commission has been reviewing this ordinance for many months. du'Monceaux indicated support for the ordinance and did not see the staff concerns with keeping chickens in town. Swanson expressed concerns with who would monitor the ordinance and chickens should problems arise. Gondeck indicated he did not support the ordinance with limited staff resources to monitor the chickens. Bettendorf expressed concerns with chickens leading to the keeping of other animals in town and staff resources are limited already. Motion by Gondeck, seconded by Swanson, to not adopt the chicken ordinance. Gondeck, Swanson, Bettendorf - aye. du'Monceaux - nay. Motion carried.

### **Discussion on city rental house**

Pappenfus gave an overview of the history and current condition of the rental house. Pappenfus indicated the city's desire to keep the land and remove the house. Bettendorf indicated a desire to sell the house to be moved and also include the removal of the basement in the bid. Swanson expressed concern with the condition on if we could get anything for it. City Attorney Adam Ripple indicated Sauk Rapids had difficulty selling and moving houses for a recent road project. Gondeck indicated offering the house to be moved and the city taking care of the foundation. Motion by Gondeck, seconded by Swanson, to start the lease termination process of the existing tenant. Motion carried, unanimous. Staff will then return with options on selling or removing the house from the property.

### **Mayor's Comments and Open Forum**

Rosalie Musachio, 150 Cottage Grove, questioned if the city has a water conservation plan and what could be done to improve conservation. Musachio also questioned the condition and erosion of Stony Brook.

### **Department Reports**

Chief Katie McMillin gave an overview of the monthly law enforcement report and the passing of the random police board audit. du'Monceaux asked about recent activity in town. Gondeck indicated the part-time hiring process was conducted and went very well.

Adam Ripple, City Attorney, gave an overview the process to pursue the excess right-of-way along Highway 23 and also the tax forfeit piece. Motion by Swanson, seconded du'Monceaux, to proceed in requesting to acquire the identified property. Motion carried, unanimous.

City Engineer Jon Halter updated the council on the status of 4th Avenue N project and punch list items. Halter indicated a desire to wait until after Foley Fun Days to do the final blacktop, which may extend the project timeline a bit. Halter also updated the council on construction on Highway 25 this summer. Staff will be attending a meeting for more information.

Public Works Director Mark Pappenfus presented the Fire Department annual report. Pappenfus indicated clean-up day is scheduled for April 22nd and also updated on the activities of the public works department.

City Administrator Sarah Brunn updated the council on I/I penalties, pool hiring, and activities of the planning commission.

**Old Business**

There was no old business.

**New Business**

Brunn gave an overview of an award the Public Works Department received on wastewater operators. Pappenfus also indicated he spoke at a wastewater conference last week.

**Closed Session to Discuss Land Sale**

Mayor Bettendorf closed the city council meeting at 6:27 p.m. pursuant to Minn. Stat. 13D.05 Subd 3(c) to determine the asking price for real property to be sold by the City. The property was identified as 320 Broadway Avenue N.

Mayor Bettendorf re-opened the meeting and indicated the council determined an asking price for the property located at 320 Broadway Avenue N and directed staff to proceed in the negotiations for the property located at 320 Broadway Ave N.

**Performance Review of City Administrator**

Mayor Bettendorf again closed the city council meeting to conduct the 6-month performance review of City Administrator Sarah Brunn.

Mayor Bettendorf re-opened the meeting at 6:58 p.m. The performance of the City Administrator was discussed and determined satisfactory.

Motion by Gondeck, seconded by du'Monceaux, to adjourn. Motion carried, unanimous.

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Sarah A. Brunn, Administrator