

CITY OF FOLEY MINNESOTA<sup>1</sup>  
REGULAR CITY COUNCIL MEETING – June 07, 2016

The June 07, 2016, City Council meeting was called to order at 5:30 P.M. at City Hall. Members Present: Mayor Dave Mosford, Council Members Kris du'Monceaux, Brian Weis, Leslie LeCuyer and Gerard Bettendorf.

The pledge of allegiance was recited.

**Approve the agenda:** Mosford called for a motion to approve the agenda. Motion made by Bettendorf, seconded by duMonceaux to approve the agenda. Motion carried.

**Open Forum:** Mayor Mosford introduced Officer of the Month, Jason Abbott. Officer Abbott informed the Council he has been with the Department since 2012 when Foley started the Police Department. He was promoted to full time in 2013. He informed the Council he was previously a K-9 handler, a former Chief of Police and in the National guard since 1989 where he has been a flight medic, and is working to obtain his paramedic certification through the military. He is also a hunter and has an active son in youth hockey.

Lou DeMarais, 230 Norman Ave. S, expressed her dissatisfaction with the recruitment and hiring process used by the City. She felt that the recruitment should have led to further consideration of other candidates and interviews should have occurred. It was covered that the new hires were the top candidates for the positions, a cost effective/efficient method to meet the needs of the City, recommended and selected by the Council. Bettendorf agreed with Lou DeMarais.

There were no other open forum comments.

**Consent Agenda:** Motion made by duMonceaux, seconded by LeCuyer to approve the consent agenda April 19th, May 3rd & May 17, 2016, minutes; gambling Permits: St. John's Catholic Church raffle, bingo & pull tabs July 24<sup>th</sup>; Resolution 2016-12 Accept Donation Rice Area Sportsmen's Club; Civic Group Fun Day; Accept Resignation Officer Eric Heck; Accept Resignation of Rebecca Caple-Gadacz, Hiring of Rita Neyssen; City Hall Maintenance, p.t., and payment of the list of bills

Mosford opened the **Public Hearing on Liquor Licensees:**

Foley Lion's Club – 3.2 On Sale during Foley Fun Days, June 20-22, 2016; St. John's Church – 3.2 On Sale during church bazaar July 24, 2016; Chamber of Commerce – 3.2 On Sale, October Feast, Sept. 24, 2016 @ Lions Park; and Annual Liquor License Renewals including Mr. Jim's – On Sale, Sunday On Sale, Non-Enclosed Premises; Foley American Legion– On Sale, Sunday On Sale, Off Sale, Non-Enclosed Premises; The Other Bar & Grill – On Sale, Sunday On Sale, Off Sale, Non-Enclosed Premises; Brickhouse Cinema – 3.2 On Sale, On Sale Wine; T J's Coffee Shop – On Sale Wine; Coborn's Liquor – Off Sale, Liquor Crib – Off Sale; Stone Creek VII – On Sale, Sunday On Sale; and Terry's Tavern – On Sale, Sunday On Sale, Off Sale, Non-Enclosed Premises (withdrawn). It was noted that Terry's Tavern withdrew payment and their application.

Mayor Mosford called for additional comments from the audience three times and hearing none, closed the hearing.

Motion made by Bettendorf, seconded by duMonceaux, to approve all the licenses except Terry's Tavern. Motion carried.

**Audit Report:** Jon Archer, CPA, Senior Manager Schlenner Wenner & Co., Certified Public Accountants & Business Consultants was introduced. Mr. Archer proceeded to give an overview of the audit. He went over numerous details covering the fund balance the new fire fund reporting, 2008 bond payoffs, 2015 bond issuance and various other details. A variety of questions from the Council occurred throughout the review. In summary, Mr. Archer indicated it was an overall good audit report.

**Contract Subscription Solar Garden, Geronimo Energy** The spokesperson Kurt Seestrom did not attend the meeting as he thought there were a number of questions that the Attorney's needed to work through. As such, the matter was to come back to the Council at another meeting.

**Tobacco Licenses:** Mayor Mosford brought forward the tobacco license applications: The Liquor Crib, Super America, American Legion #298, Family Dollar, Casey's General Store, Little Dukes, Coborn's Grocery Store, Coborn's Liquor, and Brenny Oil Company.

Motion made by LeCuyer, seconded by Bettendorf, to approve the Tobacco Licenses. Motion carried.

Barbian explained that The Other Bar was applying for an amplified music permit for their Grand Opening celebration July 22<sup>nd</sup> from 9 to 1 and July 23<sup>rd</sup> from 8 to 12. Motion was made by duMonceaux, seconded by Mosford, to approve the permit. Motion carried.

**2016 Street and utility Improvements:** The 4<sup>th</sup> Avenue N. project had eight bids with the low bid being \$902,872.10 and the high bid of \$1,352,496.00. Kuechle Underground was the low bid. The project is being scheduled for a start date in the middle of July and substantially completed by the end of September. It was noted that a newsletter would be developed and provided to businesses and owners as the project progresses. LeCuyer made a motion, seconded by duMonceaux to accept the low bid of Kuechle Underground at \$902,872.10. Motion carried.

Mayor Mosford then moved the meeting to the Intersection of 4<sup>th</sup> Avenue & Dewey. He indicated the Traffic Analysis/Engineer's report recommends a four-way stop be placed at the intersection for safety. Discussion occurred on alternatives, costs and concerns. All of the Council members except Bettendorf expressed that a four-way stop would improve safety and makes sense. A motion was made by Mosford and seconded by Weis to have the Public Works Director and City Engineer meet with the County Engineer to pursue options to install a four-way stop at the intersection of 4<sup>th</sup> Avenue & Dewey. Motion carried.

Motion was made by LeCuyer, seconded by Bettendorf, to pass Resolution 2016-13 Awarding 2016 Street and Utility Improvements. Motion carried.

**Police Department hiring of PT Officers:** Chief McMillian outlined the hiring process starting out with two weeks of postings, an applicant scoring/ranking process, committee conducted interviews and Council member establishment of an eligibility list and any hiring. The committee, similar to the past is to be comprised of 2 to 3 Safety Committee members, 1 or 2 Community Members and an officer or herself. The top candidates would then be put on the eligibility list and when openings occur hired when authorized by the City Council. The Chief indicated that one or two PT officers would likely be the direction.

Motion was made by LeCuyer, seconded by Mosford to advance the hiring process as outlined to fill the vacancies. Motion carried.

**Emergency Operations Plan:** Chief McMillian gave an overview of the plan as was reviewed by the Public Safety Committee and reviewed by Jim McDermott, Benton County Emergency Manager. Question came up on how the public is informed of important numbers to call and if it could be in the paper as well as on the City web site. Also asked about training and if community participation could occur. Also covered was that hard copies are to be made available at library, city hall and police department. Mosford made a motion, seconded by Bettendorf, to adopt the Emergency Operations Plan. Motion carried

**Planning Commission recommendation on Out Buildings:** The Planning Commission received a variance request to allow a larger out building. After review the Planning Commission was recommending that an Ordinance change occur allowing the size to be increased to 960 square feet to allow for the more efficient use of standardized lumber. The supervisors reviewed recommendation believes this to be a good policy change but also like to see the outbuilding size be proportional to the lot size. Discussion occurred and the Council agreed provided all other restrictions apply including setbacks.

**Department Reports:**

**Police:** Chief McMillin reported that the department is very busy preparing for Foley Fun days/Bike Rodeo, calls are up at 289 for the month, theft in vehicles is up and noxious weed and tall grass complaints are coming in. The public is to keep in mind that the ordinance takes affect when the grass is 10" high and then takes about 15 days to enforce

**Public Works:** Pappenfus reported that the Department is busy getting ready for Fun Days, sweeping streets, painting white lines, preparing the pool to open Wednesday. Jessie finished his Pool Operations Certification, hired the 3 summer helpers and I/I continues to be a constant demand. He is also reported that he is preparing for reconstruction of 4<sup>th</sup> Ave.

**City Attorney:** Tomas Gerberding, taking Adam Ripple spot had no comments.

**Administrator:** Barbian reported that a Dept. Heads have been meeting, Budget work is starting, the Official Population Estimate for 2015 is 2,712 with 1,008 households, Pool part time staff of 18 hired, working to obtain a contract on Dewey Street reconstruction for 2017 to plan for next year and the loan program for Infiltration and Inflow corrections. Funds are limited but the public is encouraged to apply and make repairs.

There were no Open Forum speakers, old business or new business.

Mosford convened into closed secession at 7:30.

Open session convened at 8:15.

Motion by Mosford, second by Bettendorf, to accept the resignation of Barbian effective August 8<sup>th</sup> with accumulated benefits, vacation pay, payment of sick time and a month of severance drawn up into a separation agreement. Motion carried.

Motion made by Bettendorf, seconded by LeCuyer, to recess the meeting at 8:20 p.m. and reconvene June 7<sup>th</sup> at 12:05. Motion carried.

The June 7<sup>th</sup> meeting reconvened June 10, 2016, and called to order at 12:00 p.m. at City Hall. Members Present: Mayor Dave Mosford, Council Members Brian Weis, Leslie LeCuyer and Gerard Bettendorf. Absent: Kris du'Monceaux.

The pledge of allegiance was recited.

Mayor Mosford asked that Thomas Gerberding give an overview of the request from the American Legion. Attorney Gerberding stated that the American Legion request to use the property at 101 4<sup>th</sup> Avenue was not on the original agenda and as the agenda could not be modified at this time that the request would need to be considered at another meeting. The Council decided that it be discussed at the regular Council meeting of June 21<sup>st</sup>.

A motion was made by LeCuyer, seconded by Weis, to approve the separation agreement. Motion Carried.

Motion was made by Bettendorf, seconded by Weis, to adjourn the meeting at 12:25 p.m.

---

Robert Barbian, Administrator