

## City of Foley Council Agenda Report for January 5, 2016

To: Mayor Dave Mosford, City Council Members & Interested Parties:

From: Robert Barbian, Administrator

Date: December 29, 2015

1. Consent Agenda Items:
  - a. Minutes of December 15<sup>th</sup>.
  - b. Approval of resignations from: Al Foss, Firefighter and Miles Seppelt EDA member.
  - c. Resolution of Support of LGA. The Coalition of Greater MN Cities is asking that Cities adopt a resolution in favor of restoring LGA funding. Further they are asking that the resolution be sent to our local House and Senate members, House Tax Committee Chair Rep. Greg Davids, Senate Tax Committee Chair Sen. Rod Skoe, House Speaker Kurt Daudt, Senate Majority Leader Tom Bakk and Gov. Mark Dayton. Following the report you will also find a key messages page and LGA myths.
  - d. Public Safety Committee met December 15<sup>th</sup>. They discussed the Police Budget, staffing and hiring. After considerable deliberation the consensus on and recommendation to the Council is to utilize part time officers to a greater extent and not add a full time officer at this time. The vote was 3 in favor of part time, 2 in favor of a full time officer position with less part time and 1 undecided. The committee plans to meet January 11<sup>th</sup> to proceed further if needed. Also discussed was the parking ordinance.
  - e. 4<sup>th</sup> Avenue Resolution on Variance, please see memo prepared by Jon Halter, PE City Engineer SEH
  - f. Approve submittal of Transportation Alternatives Program (TAP) grant application and match. This is a MDOT grant program for pedestrian and bicycle improvements. TAP funding includes Safe Routes to Schools. TAP offers a means to fund pedestrian routes. An application this year would go through a review process in 2016 and if chosen be constructed in 2020 or 2021.

There are two segments of trail identified that were part of the application in 2014 and included in 2015.

1. From the school at Penn Street east along Hwy 23 to 13<sup>th</sup> Avenue. The trail is 2,425 feet.
2. Along Hwy 25 from Birch Dr. south to Norway connecting to existing trails both north and south providing a connection to the downtown. The Trail proposed is 1,425 feet.

A pair of speed indicator signs and a pedestrian crossing with interconnected warning lights is also included in the application. The crossing is at Broadway.

The funding is for 80% of the construction costs. The balance is to come from other sources, although the City will need to commitment to fund the project at time of application. The City may then seek other funding. The School District discussions, initiated by the Council with duMonceaux as a representative is proceeding well. To improve pedestrian school access was identified by School District Planning process and the City as a goal. The School Board discussion and decision is likely in January. In addition the School District has indicated that they have plans to advance a Safe Routes to School Planning Grant application. The sources and uses for the TAP application is below.

	Sources			
	TAP	City	School	Total
Highway 25 Trail Construction	\$57,618	\$14,404		\$72,022
Highway 25 Trail Engineering		\$18,006		\$18,006
Highway 25 Trail Contingency		\$7,202		\$7,202
Highway 25 Legal & Admin		\$720		\$720
<b>Subtotal Highway 25</b>	<b>\$57,618</b>	<b>\$40,332</b>	<b>\$0</b>	<b>\$97,950</b>
Highway 23 Trail Construction	\$265,920	\$61,494	\$4,986	\$332,400
Highway 23 Trail Engineering		\$81,854	\$1,247	\$83,100
Highway 23 Trail Contingency		\$32,741	\$499	\$33,240
Highway 23 Legal & Admin		\$3,274	\$50	\$3,324
<b>Subtotal Highway 23</b>	<b>\$265,920</b>	<b>\$179,363</b>	<b>\$6,781</b>	<b>\$452,064</b>
Pedestrian Crossings Construction	\$57,524		\$14,381	\$71,905
Pedestrian Crossings Engineering			\$17,976	\$17,976
Pedestrian Crossings Contingency			\$7,191	\$7,191
Pedestrian Crossings Legal & Admin			\$719	\$719
<b>Subtotal Pedestrian Crossings</b>	<b>\$57,524</b>	<b>\$0</b>	<b>\$40,267</b>	<b>\$97,791</b>
<b>Totals</b>	<b>\$381,062</b>	<b>\$219,695</b>	<b>\$47,048</b>	<b>\$647,805</b>

- g. Fire Department Appointment of Officers: Recommended: term of Jan. 1, 2016 thru Dec. 31, 2019.  
Fire Chief: Mark Pappenfus, Asst. Fire Chief: Larry Nadeau, Captains: (2) Rick Herbrand & Josh Beutz

Excerpt from the Dept. Personal Policies: The officers of the department shall be the Chief, Assistant Chief, two Captains, two Lieutenants and Secretary. These officers shall be appointed to a four (4) year term. The Chief may appoint any position deemed necessary for the proper transaction of the departments business (such as Training Officer, Safety Officer, etc.). (For more information request a copy of the Fire Dept. Personal Policies.)

- h. Bills will be sent out Monday.

6. Public Hearing Liquor Licenses:

The Other Bar & Grill new owners are applying for the same licensee as previously held. The background checks have been completed and found satisfactory.

The Wanton Chinese Restaurant has applied for a 3.2 liquor license in order to serve beer. The background checks have been completed and found satisfactory.

- 8. Petition on 4<sup>th</sup> Avenue for decorative lighting and Streetscaping. A separate attachment is included in the Council Packet which contains the Petition. It has multiple pages to include all that have signed. The cover page provides, at a glance street frontages and circles on those properties for the owners that have signed.

The Petition has 44% of the owners requesting decorative street lighting and streetscaping as estimated in the Feasibility Report dated October 6, 2015. Under past action the Council included decorative street lighting.

There are two items for the Council to consider. 1. Is the petition valid? I am not aware of any improprieties and from my observations it appears valid. State Statutes require a Resolution be considered for this City Council determination. 2. Does the Council wish to move forward in ordering the report on the improvements?

Here is a brief outline of the five primary steps of a petition, summarized by Adam Ripple.

1. Adopt a resolution on the validity of the petition. This is the 35% requirement of Minn. Stat. 429.031 Subd. 1(f). This is a fact question for the council—it should likely be unanimous. It takes a simple majority to approve. The resolution must be published in the newspaper because an appeal deadline runs once published.
2. Proceed with feasibility report. The Council may, but is not required to, proceed with the petitioned improvements if the petition is valid. The process is similar to the typical 429 process and requires a feasibility report to be order. This is a simple majority vote. If the council wishes to proceed, presumably SEH can just update the prior report.
3. Improvement Hearing. Before ordering improvements, an improvement hearing must be held. The standard 2 weeks published notice and 10 days mailed notice requirements apply.
4. Order Improvements. This is done by resolution. It must be done within 6 months of the hearing, otherwise the process must start from scratch. Unlike the standard council initiated process that requires a 4/5ths vote, petitioned improvements may be order by a simple majority vote of the council.
5. Assessment Hearing. This requires published and mailed notice. This hearing can be combined for the council-initiated and petitioned improvements (assuming the council moves forward).

For sake of reference the streetscaping, intersection treatment cost is \$52,511.00 and side walk treatment is \$67,129.00 for a total of \$119,640.00. 30% or 35,892.00 is requested to be assessed by the petitioners and the balance, 83,748.00 a city responsibility.

To read more about the process see the League of MN Cities Memo, Special Assessment Tool Kit <http://www.lmc.org/media/document/1/sagtext.pdf?inline=true>

9. Annual Appointments: In the Council packet please see the Boards and Committees Current Appointments to see existing appointments and those expiring. Appointments are needed for: Health Officer & Board, Public Safety, Library Board, Planning Commission and EDA. Health Officer & Board all members willing to serve, Public Safety 9 seats are up, existing 6 members interested in serving 2 undecided. Library Board 1 seat up interested in serving again. Planning Commission 3 seats up with all interested in serving again. Up to 6 candidates can be appointed. EDA has one seat available.

A notice of appointments available was published and spread word of mouth. Letters of interest received for appointments are in the Council Packet. Mike Kasner for Public Safety, Marsha Kasner for Public Safety, Tom Kaproth for Public Safety, Amanda Wilken for Public Safety and Planning. Letters received are attached.

10. Employee Policies & Compensation: Requested by Council & City Staff for agenda item in connection to Council Action covered in emails attached to this report. A copy of the City Personal Policy requested is included in the Council Packet. Articles on cost of living adjustment indexes requested is also attached.

11, 12, 13, 14 & 15 are general agenda comment items.

16. Supervisor Reviews: Last year the Council did my review and I did the supervisors, Katie and Mark. I may have advanced their summaries or gave general comments to the Council, but not certain. I learned since last year that in the past the council also did a review of each supervisor on a single page rating format that was then relayed to the supervisors by the Administrator. The Council can decide if they wish to relay or have me relay. I have attached the Employee Review Form.

### Other Activity Updates:

- The loader radiator went out and is being replaced. In the meantime, a loader is being rented for the holiday weekend should a storm come through. The radiator repair will be less than \$5K.
- The ice rink is being flooded and may be ready this weekend.
- Silt Sock update: The Company has been slowly progressing on the site work to remediate the bad soils by removing black top and filling in with sand. The company has also advanced the site plan and submitted the application. The application is being reviewed by staff for the Planning Commission. The application will be going out later in the week with a staff recommendation to follow next week. The Site Plan similar to previously will request a variance for parking.
- Meter reading are scheduled for Monday with bills to follow by the end of January.
- Traffic Analysis: The intersection of 4<sup>th</sup> Avenue & Dewey is being studied for stop sign placement consideration as discussed at the December 1<sup>st</sup> meeting. Some of you may have noticed a camera was placed to collect data. The Hwy 23 crossings are also being studied in order to determine methods and warrants in which crossings can be placed as discussed.
- The 2016 Property Tax Levy was finalized with the submittal to County and Minnesota Department of Revenue. The Council budget of a .02% increase lead to a decrease in City taxes for local residents.
- Storm water Infiltration repairs continue at a slow pace. Issues of water flowing into streets are occurring. Methods to lessen the impacts of the problems of water, moss and ice in the roads and across driveways is primarily being dealt with by talking to residents about having outflows stop at property lines and not the street. Efforts to encourage water ponding on lawns for infiltration will continue yet with flexible tubing is temporary. There are about a half dozen problem areas occurring on 3 or 4 streets. Allowing this to indefinitely continue will shorten the life expectancy of the streets. Installing underground storm water systems and replacing streets is not in the financial management plan or an affordable cost effective solution. Ideas for cost effective and affordable solutions are needed.

***Should you have questions, comments and or concerns please contact me.*** Cell: 715-497-5262

- If you want to see me it is best to call ahead but you are welcome to just stop to see if I am available.
  - My regular office hours are 7:45 to 5, I take about 30 minutes for lunch around 1.
    - Scheduling after 5 is fine as I generally work 2 evening a week.

## Key Messages for Legislators

- A \$45.5 million increase in LGA for calendar year 2017 is the CGMC's highest priority for the 2016 session. Legislators should support this as part of a balanced tax bill.
- Efforts to arbitrarily cut Minneapolis, St. Paul, and Duluth undermine LGA and threaten the long-term viability of the program for all cities.
- An increase for greater Minnesota cities should not be held hostage to efforts to limit aid for the first class cities.
- It is unacceptable if there is no LGA increase when the state has a \$1 billion-plus surplus. If LGA can't be increased now, when would it ever be possible?
- Funding for workforce housing, broadband, infrastructure and other priorities are important, but they are not a substitute for raising LGA.
- Its time for legislators who *say* they support LGA to start *showing* it by speaking up to their colleagues who are against an increase and start publicly talking about the importance of LGA.





## Top LGA Myths

**1. LGA was never intended for first class cities.**

FACT: The original 1971 statute refers to Minneapolis and Saint Paul, specifically (Minn Stat. 477A.02, subd. 14 (1971)). In fact, 25% of the original LGA appropriation went to Minneapolis. For 2015, Minneapolis receives 15% of the total LGA appropriation.

**2. LGA was originally only for small rural cities.**

FACT: The first LGA formula distributed aid on a per person basis to counties who then redistributed it to cities within the county based on their levy size, the larger the levy the more LGA a city received. Aid went to cities across the state regardless of their size or geographical position and clearly based on a formula that was not just for small rural cities.

**3. The original intent of LGA was to fund “essential services” that cities couldn’t otherwise pay for.**

FACT: At no time since the inception of the program has there been a directive as to how LGA dollars are to be spent by cities. In fact, the first formula gave more aid to cities that levied more which has no relation to just “essential services.”

**4. First class cities have extremely high property tax base and do not need LGA.**

FACT: When compared to Minnesota’s 852 cities, Minneapolis ranks 113 in per-capita property wealth (\$1,014), St Paul ranks 216 (\$813), and Duluth ranks 261 (\$739). Cities receiving LGA with similar per-capita tax bases include Marshall (\$806), Mounds View (\$811), and Hampton (\$819).

Moreover, in the last ten years, there was not a large change in Minneapolis, Duluth, or Saint Paul’s property tax base (an 18% increase, 12% increase, and a 9% decrease, respectively). The average change in tax base (ANTC) for a Minnesota city from 2005 to 2015 was 18%.

**5. Duluth, Minneapolis, and Saint Paul are receiving more LGA funds than in the past.**

FACT: These cities’ share of LGA has declined since 1986. From 1986 to the reform of 2013, the share going to these first class cities fell from 39% of the total appropriation to 33% of the appropriation.

Since the formula reform of 2013, the total LGA share going to Minneapolis, Saint Paul, and Duluth *decreased* by 0.6% points (2013 to 2016).

**6. The LGA formula is “political.”**

FACT: The 2013 LGA formula reform was developed by a working group including legislators and all city groups. The bill containing the LGA formula (HF 1608/ SF 1491) had broad bipartisan support. Authors included Reps. Lien; Davnie, Lenczewski, Simonson, Faust, Mahoney, Davids, Carlson, C. Johnson, Hamilton, Torkelson, Kiel, Nelson, McNamar, Hansen, Marquart, Fabian, Loeffler, Bly, and Bernardy.

The formula is based on objective statistical analysis and is blind to where a city is located or who their legislator is. What would be political – and unprecedented – would be changing the formula based on incorrect ideas about what cities have high property tax wealth, receive the most LGA, and deserve to be cut without reference to objective formula factors.

**From:** Jessica Hall [mailto:jhall@ci.foley.mn.us] **Sent:** Thursday, December 17, 2015 8:35 AM  
**To:** 'Robert Barbian' **Cc:** Kris duMonceaux; Gerard Bettendorf; Leslie LeCuyer  
**Subject:** RE: 2016 Compensation Adjustments

Bob,  
I few things I want to mention regarding this decision. First, when was it discussed by the Council, it was never on the agenda? The only thing on the agenda was union negotiations for the Police Department. The decision regarding non-union employees appears to me that it was done under the radar. I think it would be wise for all of the Council to hear from employees about past practices regarding wage talks or policy changes, if nothing else, just to gain a better understanding of past practices and to fully understand the process already in place. Communication between employees and council would benefit all of us so we can have a better understanding of what they are thinking and they can understand the employee's point of view.

Secondly, when the budget was approved, which includes all salary step increases for us employees on a step schedule, this told us that step increases were approved. Those of us not part of a Union are not under any contract. It's been company policy to follow a step schedule and most employees depend on this increase at the first of the year. You have to remember that some of the employees are the sole bread winners for their families and this has a huge effect on them by deciding, in what I see as the last hour, to delay all compensation review and increases until further notice. Back to budget, if the Council was looking at making a change to Company policy and wage increases, why was this not discussed a few months back during budget talks?

I think you're going to have a lot of upset employees and it's only going to bring morale down even more.

*Jessica Hall, CPP  
Administrative Assistant*

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**From:** Robert Barbian [mailto:rbarbian@ci.foley.mn.us] **Sent:** Wednesday, December 16, 2015 3:44 PM  
**To:** Jessica Hall; 'Adam Foss'; [triplett@ci.foley.mn.us](mailto:triplett@ci.foley.mn.us); [foleypwks@cloudnet.com](mailto:foleypwks@cloudnet.com); 'Jason Abbott'; [jesse.roehl@yahoo.com](mailto:jesse.roehl@yahoo.com); 'Katie McMillin'; Mary Kaproth; [mpappenfus@gmail.com](mailto:mpappenfus@gmail.com); 'Scott McClure'  
**Cc:** 'Leslie LeCuyer'; 'Gerard Bettendorf'; 'kris dumonceaux'  
**Subject:** 2016 Compensation Adjustments

As many of you are aware the City of Foley is negotiating a contract with the Police Department. The Council started discussions on Union negotiations at the December 15<sup>th</sup> meeting.

Related to these discussions and to be consistent with all employees the Council acted to have Compensation Adjustments for 2016 put on hold and to coincide with the negotiation of the union contract. Further the changes, when they are decided upon are to be retroactive starting in January of 16.

There is no further information available on this Council decision from elected or appointed officials. As soon as information is available all parties will be informed.

Thank you

*Bob*

Robert Barbian  
City Administrator  
320.968.7260

# No cost-of-living increase for Social Security in 2016

Published: Oct 15, 2015 8:32 a.m. ET By, [JEFFRYBARTASH](#)

WASHINGTON (MarketWatch) - The downside to low inflation: Americans who collect Social Security won't get an increase in their monthly checks in 2016. Annual increases in Social Security are made every year based on changes in a component of the consumer price index known as CPI-W. The index fell 0.4% in the period used by the government to calculate the annual increase in cost-of-living adjustments, the Labor Department reported Thursday. The extra benefits normally would kick in on Jan. 1. Social Security recipients got a 1.7% cost-of-living adjustment in 2015, 1.5% in 2014 and 1.7% in 2013. The last time there was no increase was in 2010 and 2011. Inflation has fallen sharply over the past year mainly because of a plunge in gasoline costs. Yet while all Americans benefit, seniors tend to drive less and not save as much because of cheaper gas.



**COLA Estimates**  
December 30, 2015

[Determination of latest COLA](#)  
[COLA history](#)  
[CPI-W data](#)

Cost-of-living adjustments (COLAs) are based on increases in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). The CPI-W is determined and published by the [Bureau of Labor Statistics](#), Department of Labor. The COLA (if any) effective for December 2016 will be based on the increase in the third-quarter average CPI-W for 2016 over the average CPI-W for the last base quarter. The last base quarter is the third quarter of 2014, the last year in which a COLA became effective. The average CPI-W for this quarter is 234.242. Compared to this average, the latest CPI-W (see data below) is 0.8 percent *lower*.

## CPI-W for July 2015 through October 2015

Month	CPI-W
Jul 2015	233.806
Aug 2015	233.366
Sep 2015	232.661
Oct 2015	232.373

[2015 Trustees Report](#)

Annual reports by the Board of Trustees for the Social Security Trust Funds show estimates of future COLAs. Below are estimates based on 3 sets of economic assumptions from the 2015 OASDI Trustees Report, the latest available report.

Effective month	Month first payable	Low cost	Intermediate	High cost
Dec. 2016	Jan. 2017	3.5%	3.1%	2.5%
Dec. 2017	Jan. 2018	3.4%	2.7%	2.0%

The Board of Trustees regards the intermediate estimates as their best estimates



# Current US Inflation Rates: 2005-2015

The latest inflation rate for the United States is 0.5% through the 12 months ended November 2015 as published by the US government on December 15, 2015. The next update is scheduled for release on January 20, 2016 at 8:30 a.m. ET. It will offer the rate of inflation over the 12 months ended December 2015.

The chart, graph and table below displays **annual US inflation rates** for calendar years 2004-2014. Rates of inflation are calculated using the current [Consumer Price Index](#) published [monthly](#) by the Bureau of Labor Statistics ([BLS](#)). For 2015, the most recent monthly data (12-month based) will be used in the chart and graph. [Historical inflation rates](#) are available from 1914-2015. If you would like to calculate accumulated rates between different dates, the [US Inflation Calculator](#) will do that quickly.

## Table of Inflation Rates (%) by Month and Year (1999-2015)

Since figures below are 12-month periods, look to the December column to find inflation rates by calendar year. These also appear in the graph and chart above. For example, the rate of inflation in 2014 was 0.8%. The last column, “Ave,” shows the average inflation rate for each year. They are published by the BLS but are rarely discussed in news media, taking a back seat to a calendar year’s actual rate of inflation.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ave
2015	-0.1	0.0	-0.1	-0.2	0.0	0.1	0.2	0.2	0.0	0.2	0.5		
2014	1.6	1.1	1.5	2.0	2.1	2.1	2.0	1.7	1.7	1.7	1.3	0.8	1.6
2013	1.6	2.0	1.5	1.1	1.4	1.8	2.0	1.5	1.2	1.0	1.2	1.5	1.5
2012	2.9	2.9	2.7	2.3	1.7	1.7	1.4	1.7	2.0	2.2	1.8	1.7	2.1
2011	1.6	2.1	2.7	3.2	3.6	3.6	3.6	3.8	3.9	3.5	3.4	3.0	3.2
2010	2.6	2.1	2.3	2.2	2.0	1.1	1.2	1.1	1.1	1.2	1.1	1.5	1.6
2009	0	0.2	-0.4	-0.7	-1.3	-1.4	2.1	-1.5	-1.3	-0.2	1.8	2.7	-0.4
2008	4.3	4	4	3.9	4.2	5.0	5.6	5.4	4.9	3.7	1.1	0.1	3.8
2007	2.1	2.4	2.8	2.6	2.7	2.7	2.4	2	2.8	3.5	4.3	4.1	2.8
2006	4	3.6	3.4	3.5	4.2	4.3	4.1	3.8	2.1	1.3	2	2.5	3.2
2005	3	3	3.1	3.5	2.8	2.5	3.2	3.6	4.7	4.3	3.5	3.4	3.4
2004	1.9	1.7	1.7	2.3	3.1	3.3	3	2.7	2.5	3.2	3.5	3.3	2.7

<b>2003</b>	2.6	3	3	2.2	2.1	2.1	2.1	2.2	2.3	2	1.8	1.9	2.3
<b>2002</b>	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2	2.2	2.4	1.6
<b>2001</b>	3.7	3.5	2.9	3.3	3.6	3.2	2.7	2.7	2.6	2.1	1.9	1.6	2.8
<b>2000</b>	2.7	3.2	3.8	3.1	3.2	3.7	3.7	3.4	3.5	3.4	3.4	3.4	3.4
<b>1999</b>	1.7	1.6	1.7	2.3	2.1	2	2.1	2.3	2.6	2.6	2.6	2.7	2.2

# CITY OF FOLEY

## EMPLOYEE OBJECTIVES



Employee Name: \_\_\_\_\_

Evaluation Completed By: \_\_\_\_\_

Evaluation Period/Year: \_\_\_\_\_

### Rating Points

- 5 Excellent
- 4 Above Average
- 3 Average
- 2 Below Average
- 1 Poor

### Performance Observation & Measurement

1. Productivity: contributed to growth of Dept/City	5	4	3	2	1
2. Consistency: above & beyond job requirement	5	4	3	2	1
3. Quality: consistently high, exceeded standards	5	4	3	2	1
4. Quantity: high, production exceeded standards	5	4	3	2	1
5. Initiative: high contribution to solutions	5	4	3	2	1
6. Cost Management: served interests of City	5	4	3	2	1
7. Time Management: efficient use of resources	5	4	3	2	1

**Total Score:** \_\_\_\_\_

Comment on point(s) of strength:

Comment on how can these strength(s) can be better utilized:

Comment on point(s) of weakness:

How can these weaknesses be strengthened or improved:

Professional goals for upcoming year: (including time frame & measurement if applicable)

1.

2.

To be completed by the Supervisor

I have discussed both of the Performance Evaluations, as prepared by the Supervisor (myself) as well as that prepared by the Employee, with the employee.

Supervisor Name: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To be completed by the Employee

I have discussed both of the Performance Evaluations, as prepared by the Supervisor as well as that prepared by the Employee (myself), with my Supervisor.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_