

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – May 1, 2018

The Foley City Council held a regular meeting on May 1, 2018, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

Motion by Swanson, seconded by Gondeck, 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 April 3, 2018.
- Approve minutes of April 9, 2019.
- Approve promotion of Josh Lindgren to full-time police officer effective May 1, 2018.
- Approve promotion of Josh Lindgren to Acting Police Chief in May/June of 2018.
- Approve hiring of Dylan Kleinsasser as temporary, full-time police officer effective June 17, 2018.
- Approve hiring of Assistant Pool Manager I, Amelia Winkelman.
- Approve hiring of Assistant Pool Manager II, Emma Brenny.
- Approve 2018 seasonal wage rates.
- Adopt Resolution #2018-14 Amending EFT Policy.
- Approve designation of Sarah A. Brunn, Monica Shaw and Sara Judson-Brown to authorize EFT payments/receipts.
- Approve payment of bills paid for by checks #50429 - #50502.

Motion carried, unanimous.

**Liquor License Transfer – Mr. Jim's**

Mayor Bettendorf recessed the regular city council meeting at 5:32pm to conduct the public hearing on the liquor license transfer application of Tammy DeMarais for Mr. Jim's. No one spoke. Mayor Bettendorf reconvened the regular city council meeting at 5:34pm. Motion by Swanson seconded by Gondeck to approve the license transfer. Motion carried, unanimous.

**2018 Improvement Project – Dewey, 2<sup>nd</sup>, 3<sup>rd</sup>, Gopher & Broadway**

City Engineer Jon Halter presented the bids that were received for the 2018 Improvements. Six total bids were received with the low bid being Kuechle Underground, Inc. The tabulation has been completed and staff is recommending council proceed with award. There was discussion on who will be handling the construction supervision and how unforeseen circumstances and cost items are handled throughout the project. Motion by Gondeck, seconded by du'Monceaux, to adopt Resolution #2018-15 Awarding the 2018 Street and Utility Improvements. Motion carried, unanimous.

### **130 Broadway Ave N Site Plan Review**

The site plan for an addition to the property located at 130 Broadway Ave N was presented to the council for approval. The planning commission recommended approval with contingencies that the south side of the building have gutters installed and the Public Works Director approve the screening of the dumpsters located on the northeast parking lot. Motion by Gondeck, seconded by Kaster, to approve the site plan with the planning contingencies. Motion carried, unanimous.

### **Open Forum**

Danielle Wallace, 160 Hill Avenue, was at the meeting with concerns regarding a shed which encroaches onto to city right-of-way. Wallace presented pictures and had concerns regarding the safety of her children. Wallace has worked with city staff over the past year on finding a resolution. Staff indicated the shed was built on city right-of-way many years ago without city permission, and after Wallace purchased the home they realized it wasn't on their property. City Administrator Sarah Brunn indicated this item was to be presented to the city council under the administration department report later in the meeting. Brunn indicated staff recommendation is that the city have no part in removing the structure since they did not put it up and have no claim on the personal property, but could allow the Wallace's to remove it with a hold harmless agreement signed prior. Following removal of the shed, Wallace's can then apply for a permit to construct a fence on her property. Motion by du'Monceaux, seconded by Gondeck, to allow the Wallace family to remove the structure after a hold harmless agreement and building permit is approved. Motion carried, unanimous.

Alisha Schreifels, 140 3<sup>rd</sup> Avenue, was at the meeting with questions on the upcoming road project. There was discussion on where to park, process of water and sewer replacement, and assessment process. City Engineer Jon Halter indicated a newsletter would be mailed later in the week with many of the details. Halter continued that contractors make every attempt to maintain access to properties throughout the project. There was also discussion on the private lateral sewer work that many of the properties are required to have done to maintain their compliance with the inflow and infiltration ordinance. Halter will also be sending out correspondence on this work to the affected property owners.

Robin Gondeck, 101 3<sup>rd</sup> Avenue, questioned why the assessment amount on each property is different. Halter explained how the assessments are calculated based on front footage and square footage of the properties as determined by the city assessment policy. There was also discussion on the different options homeowners have to make service lateral repairs.

Alisha Schreifels, 140 3<sup>rd</sup> Avenue, reappeared to question driveway replacement.

Gerald Simon, 230 8<sup>th</sup> Avenue, questioned the proposed improvements to Highway 23 and the grant funds the city recently received. Simon commented the city should discuss with the state instead about making a trail from 7<sup>th</sup> Avenue, across Highway 23 and then onto county property to cross and connect with the school on Penn Street. Simon also indicated roustabouts and crosswalks in those locations do not work.

Robin Gondeck, 101 3<sup>rd</sup> Avenue, asked more detail on the order of construction, phasing and access.

Gerald Simon, 230 8<sup>th</sup> Avenue, reappeared to comment on the city's lack of sidewalk policies and why no sidewalk was put in on part of 4<sup>th</sup> Avenue South. Halter commented that the city

does put in sidewalks on at least one side of the road when possible, but in the case of 4<sup>th</sup> Avenue S could not because of the narrow right-of-way. City Administrator Sarah Brunn also indicated the city is working on improving sidewalk connections by making a connection on John Street with the city parking lot project and Broadway in front of the townhomes with the 2018 project.

### **Department Reports**

Police Chief Katie McMillin updated the council on the monthly law enforcement report and also on the enforcement of the no-parking zone along Norman Avenue N. Gondeck questioned if TZD hours are available. McMillin indicated some are available but officers need to complete some required training before working them. McMillin also updated the council that the new squad car was damaged in transit and McMillin is working with Murphy Chevrolet on how to resolve that issue.

City Engineer Jon Halter updated the council on gas line replacement being done by Xcel Energy prior to the work starting on the 2018 project.

Public Works Director Mark Pappenfus indicated many trees will need to be removed for the project. Some replacement trees have been considered in the project budget. Pappenfus also presented cost estimates for adding street lights out in golf court. The council requested staff reach out to the developer to participate in the costs to put those lights in. Pappenfus indicated city staff is reviewing the condition of Birch Drive where the water main break occurred. They are working with the 2018 contractor on a price for a patch or some type of repair in that location. Pappenfus asked all councilmembers to stop out and review the location and will bring back more information at the next meeting. Pappenfus also requested council permission to limit the hours of the compost site as the city is having trouble with commercial dumping. The council directed staff to make any changes necessary to control the situation. Gondeck also questioned if more enforcement could be made with county residents using the facility.

City Administrator Sarah Brunn updated the council on activities of the administration department and also indicated that the city received grant funds to help with pedestrian improvements along Highway 23 based on the plans that were developed and submitted to the state with the application. Changes to the plans could mean a loss of funding. Brunn also presented some revised figures on the wastewater facility plan. Brunn requested the council to consider a smaller growth projection as it would not require an environmental assessment worksheet. The council reviewed the revised growth projections and advised staff to proceed with the change when developing the facility plan.

Motion by Gondeck, seconded by Swanson, to adjourn at 6:38pm. Motion carried, unanimous.

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Sarah A. Brunn, Administrator