

CITY OF FOLEY, MINNESOTA
REGULAR CITY COUNCIL MEETING – June 6, 2017

The Foley City Council held a regular meeting on June 6, 2017, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Councilmembers Jeff Gondeck, Kris du'Monecaux, Brian Weis and Gary Swanson.

Members Absent: None

The pledge of allegiance was recited.

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

Consent Agenda

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

- Approve minutes of May 2, 2017
- Approve GRRL - Foley Library Agreement
- Approve purchase of downtown holiday decorations
- Adopt Resolution #2017-12 Approve Gambling Premises Permit
- Adopt Resolution #2017-14 Approve Gambling Premises Permit
- Adopt Resolution #2017-15 Debt Management Policy
- Approve seasonal hiring
- Approve payment of bills paid by checks #49652 - #49721

Motion carried, unanimous.

Public Hearing - Variance Request - 301 John Street

Mayor Bettendorf recessed the regular City Council meeting at 5:32 p.m. to conduct the public hearing for an accessory structure 2.5 foot variance request. Tom Mazcaeck, 362 Maple Drive, contractor for the project, gave an overview of the project and requested a variance. The variance still meets building code standards. Swanson asked if there were any discussions with the neighbors. Bernadette Stangler, 301 John Street, explained no concerns have been addressed with her.

Mayor Bettendorf reconvened the regular City Council meeting at 5:36 p.m.

Motion by Gondeck, seconded by Swanson, to adopt Resolution #2017-13 Approving Variance at 301 John Street. Motion carried, unanimous.

New Life Church - Fence Site Plan Approval

Jim VonWald, pastor was present. Motion by du'Monceaux, seconded by Weis, to approve the fence site plan. Swanson questioned if there were any concerns with future parking. VonWald indicated no based on the significant amount of land owned. Motion carried, unanimous.

Schlenner & Wenner - 2016 Audit Report

Jon Archer & Ashley Megher with Schlenner & Wenner gave an overview of the city's audit. The audit concluded with a clean and unmodified opinion. Archer reviewed revenues, which were higher than budgeted in 2016. Expenditures were reviewed. The general fund balance was reviewed. Archer indicated assigning more of the fund balance would be beneficial to the city. The special revenue funds, including the fire and pool, were reviewed. The bond funds were reviewed, which contain three major outstanding debt services. The capital improvement funds were reviewed, including accounting for the shared 4th Avenue N project. The enterprise funds (water/sewer) were reviewed and show a net operating income, meaning the funds are sustaining itself. A summary of the government wide revenues was reviewed, noting a high miscellaneous line item due to the shared project with the county. The government wide expenses were reviewed. The compliance items were discussed, including the audit findings. Motion by Gondeck, seconded by Swanson, to accept the 2016 audit report. Motion carried, unanimous.

Public Hearing - Annual Liquor License Approvals

Mayor Bettendorf recessed the regular City Council meeting at 5:54 p.m. to conduct the public hearing on the annual liquor license renewals, temporary malt liquor licenses, and special on sale liquor license requests as indicated below:

- On Sale Liquor: Mr. Jim's, Foley American Legion, Jax Firehouse and Stone Creek.
- Sunday On Sale Liquor: Mr. Jim's, Foley American Legion, Jax Firehouse and Stone Creek.
- Off Sale Liquor: Coborn's Inc., Foley American Legion, Jax Firehouse and Super Spirits.
- On Sale Wine: TJ's Coffee Shop
- Non-enclosed Premises On Sale Liquor: Jax Firehouse, Foley American Legion, and Mr. Jim's.
- Temporary 3.2 percent malt liquor licenses:
 - Foley Lion's Club - June 19-21, 2017 for Foley Fun Days.
 - St. John's Church, 621 Dewey Street - July 16, 2017.
 - Foley Area Chamber – Oktoberfest – Lion's Park– September 23, 2017
 - Special On-Sale Liquor – Mr. Jim's – June 17, 2017 –Noise Ordinance Exemption – Outdoor Band/Liquor

No one spoke for or against the applications. Mayor Bettendorf reconvened the regular City Council at 5:56 p.m.

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

Approve Annual Tobacco License Renewals

The annual tobacco licenses were presented:

- Brenny Oil
- Casey's General Store
- Coborn's
- Coborn's Liquor
- Little Dukes
- Family Dollar
- SuperAmerica

- Super Spirits

Motion by Gondeck, seconded by Weis, to approve the annual tobacco license renewals. Motion carried, unanimous.

Ron Brown - 740 John Street - I/I Fees

Ron Brown, 740 John Street, explained his concern with not knowing about the I/I project when he purchased his property about a year ago. Brown indicated he has met with staff and S.E.H. and is working on the repairs. Brown requested fees be deferred until Aug. 1, 2017. Bettendorf indicated the city is not responsible for private side fixes. Bettendorf also indicated sellers have an obligation to disclose this type of issue. Bettendorf expressed concern with giving extensions or waiving these fees since this project has been going on for a long time and everyone should have been compliant. Waiving one would be problematic for the city. Gondeck indicated having owned the property for over a year is a long time and expressed concern of setting precedent by granting the request. Brown indicated the city never informed them of the problem. du'Monceaux asked when he received a letter or the latest correspondence and Brown indicated earlier this year. Pappenfus gave an overview of the situation and indicated all other properties in the city have had to resolve the problems. Motion by Gondeck, seconded by du'Monceaux, to deny the request of Brown. Motion carried, unanimous.

Sandy Kalaway - 620 Dewey Street - I/I Fees

Sandy Kalaway, 620 Dewey Street, gave an overview of the situation and a concern with the I/I inspector and process. City Engineer Jon Halter gave an overview of the situation and Administrator Sarah Brunn indicated no response was received from the out of compliance letter sent in January. Kalway gave an overview of his correspondence and conversations with the city staff. Bettendorf expressed concern with waiving the fees and setting a precedent. Motion by Gondeck, seconded by Swanson, to table the discussion until the next council meeting. Motion carried, unanimous. Staff gave an overview of the process and indicated Kalaway will be notified of the final decision.

Jonathan Brenny - 621 Norman Ave I/I Fees & Residential Irrigation

Jonathan Brenny indicated he understands the council will likely not waive fees. Brenny questioned what process is in place to notify the property owners of the I/I project. City Administrator Sarah Brunn and City Attorney Adam Ripple outlined the special assessment search process and how data practices work.

Brenny also indicated a request to adjust the sewer charges for those performing irrigation activities. Swanson expressed concern with the lower sewer rates and concerns regarding water storage. Gondeck agreed with Swanson's comments. Bettendorf expressed concern with overhead costs of providing existing utilities. Brunn gave an overview of some statistics in rates and how the city compares. Brenny asked what could be done to change this situation. Motion by Gondeck, seconded Swanson, to deny Brenny's request to adjust the sewer rate ordinance. Motion carried, unanimous.

Steve Newman - 451 3rd Avenue

Steve Newman, owner of 451 3rd Avenue, presented concerns over not being notified of their I/I compliance issue. They have made contact with their title company, Kensington Title and if an assessment search was completed. The council made no action on the request.

Department Reports – City Engineer

Jon Halter, City Engineer updated the council on the 4th Avenue N project, a meeting regarding the sewer facility plan, and the upcoming Dewey Street project. Motion by Gondeck, seconded by du'Monceaux, to set the public hearing for the Dewey Street project for July 11, 2017. Motion carried, unanimous.

Discussion on 320 Broadway Ave N Purchase Agreement

City Attorney, Adam Ripple, gave an overview of the terms of the purchase agreement. The sale price is set at \$28,000. Motion by du'Monceaux, seconded by Swanson, to approve the purchase agreement. Motion carried, unanimous.

Mayor's Comments & Open Forum

Robin Gondeck, 101 3rd Avenue, asked the council to control the meeting in the future for respect of everyone else's time. Gondeck indicated Mr. Brenny was allowed to speak way too long.

Department Reports

Katie McMillin, Police Chief, gave an overview of the monthly law enforcement report and enforcement of nuisance complaints. McMillin also updated the council on the Bike Safety Rodeo.

City Attorney, Adam Ripple updated the council on the Dewey Street agreement and right of way turnback.

Public Works Director, Mark Pappenfus updated the council on the pool, rental house, I/I project, demonstration project and consumer confidence report. Pappenfus also provided an update on the Highway 25 construction project.

City Administrator Sarah Brunn updated the council on planning commission activities, water/sewer shut off's, pool activities, capital improvement plans, and budget preparation and correspondence with legislators.

Bettendorf indicated he has a mayor's meeting scheduled with Newberger.

Old Business

There was no old business.

New Business

There was discussion on I/I enforcement options. The council directed staff to continue to work with property owners on moving back sump hoses to avoid nuisance issues and try to avoid administrative fines and prosecution at this point.

Motion by Gondeck, seconded by Swanson, to adjourn at 7:21 p.m. Motion carried, unanimous.