



**City Council - Meeting Agenda
July 10, 2018 - 5:30 P.M. - Foley City Hall**

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes.
 - Adopt Resolution #2018-20 Appointing Election Judges for 2018
 - Approve payment of bills.
5. Public Hearing – Alley Vacation Near 610 Norman Ave N.
 - Adopt Resolution #2018-18 Partially Vacate Alley
6. 2018A Bond Sale Results – George Eilertson, Northland Securities
 - Adopt Resolution #2018 - 19 Approving Sale of 2018A Bonds
7. Update on wastewater facility plan – Jessica Hedin
8. Discussion on private wells within Drinking Water Supply Management Area (DWSMA).
 - Adopt Ordinance #436 – Regulating the Establishment of Private Wells.
9. Discussion on parking and city parking lot regulations.
 - Adopt Ordinance #437 – Parking
10. Mayor's Comments & Open Forum.
11. Department Reports:
 - Police Department –Katie McMillin/Josh Lindgren
 - City Engineer – Jon Halter
 - Discussion on Hwy 23 Pedestrian Safety Improvements – revised quote for lighting received via email from Jon Halter.
 - Public Works – Mark Pappenfus
 - Administration – Sarah Brunn
12. Old Business
 -
13. New Business
 -
14. Adjourn

CITY OF FOLEY, MINNESOTA
REGULAR CITY COUNCIL MEETING – June 5, 2018

The Foley City Council held a regular meeting on June 5, 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 du'Monceaux, to approve the agenda. Motion carried, unanimous.

Consent Agenda

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

- Approve minutes of May 1, 2018.
- Approve Encroachment Agreement with CFR, LLC.
- Adopt Resolution #2018-16 Accepting Donation.
- Approve payment of bills paid for by checks #50503 - #50583.

Motion carried, unanimous.

2017 Audit Report – Schlenner & Wenner

Jon Archer & Ashley Meagher representing Schlenner & Wenner were at the meeting to present the 2017 Audit Report. A summary of the report was presented. Archer gave an overview the audit process and what was reviewed. The firm reported no issues with management and working with staff. Material adjustments were discussed and have been reduced significantly over the past two years. Lack of internal controls were discussed and is quite common for a city of the size of Foley. There is also a material finding as Schlenner & Wenner prepares the city's financial statements. Meagher gave an overview of the general fund revenues and expenditures and fund balance. The general fund balance is well above the required 65% fund balance requirement. The remaining governmental funds were reviewed and include the fire, debt service and capital improvement funds. The enterprise funds were discussed and have healthy fund balances and net position. Archer indicated that despite healthy cash balances the cost of infrastructure is quite expensive and can reduce the cash quickly if the city moves forward with improvements. Overall liabilities have been decreasing over the past five years as debt has been paid down. However, the issuance of debt in 2018 will increase overall liabilities and debt. Archer also reviewed some ratios and how Foley compares to other cities. Kasner asked about the city's overall liabilities. Motion by du'Monceaux, seconded by Gondeck, to accept the 2017 Audit Report. Motion carried, unanimous.

Public Hearing – Annual Liquor License Renewals/Temporary Events

Mayor Bettendorf recessed the regular city council meeting at 5:52 p.m. to conduct the public hearing on the liquor license annual renewals/temporary events as presented:

- On Sale Liquor: Mr. Jim's, Foley American Legion, and Stone Creek.
- Sunday On Sale Liquor: Mr. Jim's, Foley American Legion, and Stone Creek.

- Off Sale Liquor: Coborn's Liquor., Foley American Legion, and SuperSpirits.
- Non-enclosed Premises On Sale Liquor: Foley American Legion and Mr. Jim's.
- Mr. Jim's – New Applicant/Transfer - Marguerite DeMarais
- Temporary 3.2 percent malt liquor licenses:
 - Foley Lion's Club - June 18-20, 2018 for Foley Fun Days.
 - St. John's Church, 621 Dewey Street - July 22, 2018.
 - Foley Area Chamber – Oktoberfest – Lion's Park– September 22, 2018

No one spoke. Mayor Bettendorf reconvened the regular city council meeting at 5:53 p.m. Motion by Swanson, seconded by Kasner, to approve the annual liquor license renewals/temporary events. Motion carried, unanimous.

Annual Tobacco License Renewals

The city council was presented with the annual tobacco license renewals of the following establishments:

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

Motion by Gondeck, seconded by du'Monceaux, to approve the annual tobacco renewals. Motion carried, unanimous.

Larry Nadeau – Foley Area Smoke Alarm Campaign

Larry Nadeau, 161 4th Avenue N, was at the meeting to fill in for his son Kenny Nadeau. Nadeau gave an overview of a service project for smoke alarm installations which includes the ability to sign up for smoke alarm installations and receive some education. Nadeau requested assistance from city staff to help coordinate the installations. The city council agreed to support the project and designate staff to support. Swanson questioned the reason most smoke detectors fail. The council approved the moving forward of the project.

2018A Bond Sale for Dewey, 2nd, 3rd, Gopher, Broadway Project – George Eilertson, Northland Securities

George Eilertson, Northland Securities was at the meeting to give an overview of the next steps in the process for obtaining a bond rating and moving forward with the issuance of debt. Eilertson stressed the debt is wrapped around the existing city debt. Gondeck questioned how we look overall. Eilertson gave an overview of the rating process. Swanson asked about the stability of the rates until our issuance. The council was presented a municipal advisor agreement which must be addressed prior to the consideration and sale of bonds. Motion by Swanson, seconded by Gondeck, to approve the municipal advisor agreement. Motion carried, unanimous.

The council was then presented with a financing plan and resolution to call for the sale of bonds to fund the 2018 project. The financing plan is very similar to the plan outlined by the financial advisor a few months back. Motion by Gondeck, seconded Kasner, by to adopt Resolution #2018-17 Calling for Sale of 2018A Improvement Bond. Motion carried, unanimous.

Bills List - July 10, 2018

Gross Salaries	Payroll - 6/8/18	\$ 27,191.79
EFTPS	Federal Withholding	\$ 5,140.02
MN Dept of Revenue	State Withholding	\$ 1,184.93
State Treas. PERA	PERA	\$ 4,836.19
Nationwide	Deferred Comp	\$ 645.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 65.00
SelectAccount	HSA Contribution	\$ 480.00

Gross Salaries	Payroll - 6/22/18	\$ 32,947.01
EFTPS	Federal Withholding	\$ 6,185.49
MN Dept of Revenue	State Withholding	\$ 1,355.15
State Treas. PERA	PERA	\$ 5,085.88
Nationwide	Deferred Comp	\$ 645.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 65.00
MN PEA	PD Union Dues	\$ 39.00
SelectAccount	HSA Contribution	\$ 480.00

Gross Salaries	Payroll - 7/6/18	\$ 35,795.44
EFTPS	Federal Withholding	\$ 6,912.39
MN Dept of Revenue	State Withholding	\$ 1,410.16
State Treas. PERA	PERA	\$ 4,650.68
Nationwide	Deferred Comp	\$ 645.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$ 65.00
SelectAccount	HSA Contribution	\$ 480.00

Gross Salaries - FIRE & COUNCIL	Payroll - 7/6/18	\$ 26,929.00
EFTPS	Federal Withholding	\$ 4,520.24
MN Dept of Revenue	State Withholding	\$ 227.56

Already Paid - 7/10/18

Boy Scout Troop 10	Spring Clean Up	\$ 4,000.00
Delta Dental	Employee Dental Insurance	\$ 894.30
East Central Energy	Golf Street Lights Installation	\$ 2,800.00
First National Bank of Omaha	Credit Card Purchases	\$ 2,249.45
Further	HSA Admin Fee	\$ 35.40
Marco	Copier Lease	\$ 318.72
MN Dept of Revenue	Sales & Use Tax Return	\$ 194.00
Postmaster	PO Box Service Fee	\$ 116.00
Resource Training & Solutions/BCBS	Employee Health Insurance	\$ 7,088.00
RevTrak	Credit Card Transaction Fee	\$ 420.98
Sun Life Insurance	Employee LTD	\$ 185.16
USABLE Life	Employee Life Insurance	\$ 193.00
Verizon	Cell Phones	\$ 295.78

To Be Paid - 7/10/18

Advanced Disposal	Garbage Services	\$ 283.64
AllSpec Services	Building Inspector Services	\$ 498.85
AllStream	Phone	\$ 195.49
Auto Value	Pool, Fire, Street Repairs	\$ 50.95
Brian & Robin Braegelman	Lawn Escrow Distribution	\$ 1,000.00
Benton County Attorney	May 2018 Legal Fees	\$ 1,204.50
Benton County Highway Dept	FD & PD Fuel	\$ 748.26
Benton County Recorder	Assessment Recording	\$ 690.00
Benton Trophy & Awards	FD Waterball Fight Trophy	\$ 42.58
Bond Trust Services	Bond Payments	\$ 14,275.00
Central McGowan	FD & PD Medical Equipment	\$ 114.65
Cintas	Uniforms & Mats	\$ 400.12
Citizen-Tribune	Advertisements for Summer Jobs	\$ 370.00

Cloudnet
 Coborn's
 East Central Energy
 Foley Floral
 Gilman Coop Creamery
 Gopher State One Call
 Hall & Associates
 Handyman's Hardware
 Hawkins
 Johnson's Towing
 Keeps
 Knife River
 Kuechle Underground
 Locators & Supplies
 Macqueen Equipment
 MarTeck
 Midco
 Mn Rural Water Association
 Murphy Chevrolet
 Northland Trust Services
 Performance Pool & Spa
 Rinke Noonan
 SEH, Inc.
 Staples
 Stearns DHIA Central Lab
 Summit Companies
 WEX Bank
 Xcel Energy

Email Server Fee	\$ 10.00
Office & FD Supplies	\$ 37.12
Utilities	\$ 1,226.68
Foss Memorial	\$ 42.75
Street & Sewer Supplies	\$ 268.81
Email Tickets	\$ 199.50
WWTF Facility Plan & Antidegradation	\$ 341.40
Poop Repairs	\$ 178.46
Water & Pool Chemicals	\$ 3,157.64
Car Towed for Dewey Project	\$ 90.00
PD Uniforms	\$ 72.02
Street Supplies	\$ 310.00
Gopher, 2nd, 3rd Project	\$ 121,820.50
Park Supplies	\$ 126.62
Street Vehicle Repair	\$ 876.59
Pool, Park, General Supplies	\$ 1,378.50
Phone & Internet Services	\$ 702.19
McClure & Foss Training, 2018 Membership	\$ 500.00
PD Squad Repair	\$ 319.90
Bond Payments	\$ 35,670.00
Pool Repairs	\$ 427.85
Legal Services	\$ 4,654.00
General, Star Lot, I&I, WWTF, Dewey Engineering	\$ 30,149.09
Office Supplies	\$ 105.65
Water Testing	\$ 1,174.00
Fire Extinguisher Maint	\$ 36.75
Fuel	\$ 1,817.19
Utilities	\$ 5,801.23

Additional To Be Paid - 7/10/18

\$ -
\$ 418,140.20

Mayor's Comments & Open Forum

No one spoke.

Department Reports

Interim Police Chief Josh Lindgren was called out to an emergency and not available at the meeting. Mayor Bettendorf encouraged the council to reach out to the interim chief directly if there are questions on the monthly report.

City Engineer Jon Halter gave an update on the 2018 Improvements. Halter also reviewed the status on the service lateral work for those affected by the 2018 Improvements. Halter also indicated the downtown parking lot is substantially complete and open for use. Halter presented a change order for the larger construction project on the repair for the 300 block of Birch Drive of \$53,909. Staff also presented an option to repair the 2nd Avenue alley from Dewey to Main of \$16,407. Swanson questioned what caused the issue on Birch Drive and if this investment would prevent any water issues. Halter indicated the Birch repair is only to the surface, not what is underneath. Gondeck questioned if any assessments would occur. Staff indicated this is not an assessable portion, simply a maintenance/repair item. Halter did elaborate that when the road is reclaimed staff can review for soft spots and try to repair any poor soils. Halter indicated the hope is that this repair could get it through 10 years or so until a complete reconstruction of Birch Drive occurs. Kasner asked about cost savings with doing it during this year's project. Motion by Swanson seconded by Kasner to approve the change order and direct staff to proceed with both the Birch Drive and 2nd Avenue alley repairs for a total of \$70,316.75. Motion carried, unanimous.

Jon Halter gave an overview of the process and options for installing Highway 23 safety improvements. Halter indicated there could be additional costs. Kasner asked the approximate cost to relocate the radar feedback signs. Halter indicated it depends on if they are solar or hard-wired. There was discussion on costs of improvements. Kasner indicated the city needs to move forward to install safety improvements and the costs would be a good investment. Kasner would like to see the radar feedback signs installed sooner. Halter reviewed the process needed to install improvements early. Staff can do more research on the item and bring quotes back to the next meeting.

Public Works Director Mark Pappenfus updated the council on the pool and staffing. Pappenfus also presented a state bid quote on the purchase of a small loader. After trade-in the total would be \$79,750. Swanson asked how soon the equipment is needed with Pappenfus indicating a desire to purchase as soon as possible. Pappenfus also indicated equipment money being allocated in this year's capital improvement plan to fund the purchase. Motion by Swanson, seconded by Gondeck, to move forward with the purchase. Motion carried, unanimous.

City Administrator Sarah Brunn updated the council on a request for an alley vacation near 610 Norman Avenue N. City staff recommends proceeding with this request and presented a map and further details. The council would need to schedule a public hearing before approving the request. Motion by Gondeck, seconded by Swanson, to set a public hearing for July 10, 2018. Motion carried, unanimous.

Brunn also presented a map on the drainage for Kampa Meadows. Staff reviewed the history of the drainage ditch and how the city has no responsibility as the ditch is on private property.

Swanson suggested assisting getting it back in order and then turning it back over to the private property owners. Kasner expressed concerns with flooding the school road and property. Karen Grow, 10 Green Meadow Street, complained about the weeds and how it does not drain and does not add to their property value. Motion by Swanson, seconded by Gondeck, to have city staff work with the county to do a one-time only mowing. Moving forward it would be the responsibility of the private property owners. Motion carried, unanimous.

Brunn presented a map on the outlot in Kampa Meadows and questioned the council on if they had any interest in purchasing the property for a very minimal amount. Council directed staff to proceed with contacting the owner to see if there was any interesting in them giving it to the city.

Brunn presented an update on Foley Fun Days. No contract with the carnival has been received. City staff made numerous attempts through the civic group and directly with the carnival reps on obtaining contract language preventing the pounding of stakes into the new roadway. The council directed staff to contact the civic group directly and indicate the carnival will not be allowed in town until contract language is received and approved by the city.

Old Business

Brunn provided an update on the wastewater facility plan. Revised limits have been received from the MPCA which may now eliminate the need to further the antidegradation process. Staff will be bringing forward a more detailed update at the next meeting.

Staff also requested direction on the golf court lighting. The developer has agreed to pay half the costs associated with it. Motion by du'Monceaux, seconded by Swanson, to proceed with the project and bill the developer for half of the costs. Motion carried, unanimous.

Motion by Gondeck, seconded by Swanson, to adjourn. Motion carried, unanimous.

Sarah A. Brunn, Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2018-20

A RESOLUTION APPOINTING ELECTION JUDGES FOR THE PRIMARY AND
GENERAL ELECTION

WHEREAS, Election Judges are needed for the upcoming Primary Election on August 14, 2018;

WHEREAS, Election Judges are needed for the upcoming General Election to be held November 6, 2018;

WHEREAS, in accordance with State Law, council appointment of election judges is necessary for training and conducting local elections; and

NOW, THEREFORE, BE IT RESOLVED that the following people are hereby designated as Election Administrator and Judges for the Primary and General Elections in 2018:

Election Administrator/Judge:	Sarah Brunn
Judges:	Karen Kampa
	Lou DeMarais
	Mary Ann Grow
	Stephen Bartell
	Jan Nathe
	Evelyn Kirby
	Monica Shaw

Adopted by the council, this 10th day of July, 2018.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator

PETITION FOR PARTIAL VACATION OF ALLEY

Dated: July 10, 2018

To the Foley City Council, Benton County, Minnesota:

The undersigned is the property owner abutting the portion of alley ("Alley") described in **Exhibit A** and depicted in **Exhibit B**.

The description of the land over which the Alley passes and its owner is as follows:

<u>OWNER</u>	<u>ADDRESS</u>	<u>DESCRIPTION OF LAND</u>
Benjamin J. Adams	610 Norman Avenue North	See Exhibit C

I am property owner abutting the Alley. My house and garage are located on opposite sides of the Alley. The Alley does not abut any public water. The Alley has not be developed serves no useful current or future purpose and it is in the interest of the public to vacate the Alley. I would like to fence my property and construct a private driveway on Norman Avenue North. I acknowledge the existence of utilities in the Alley: an old sanitary sewer line that can be abandoned and capped; an overhead electrical line owned by Xcel Energy; and an overhead cable line owned by Midcontinent Cable. If the Alley is vacated, I acknowledge the reservation of utility easements. I ask that you proceed with the vacation of the Alley pursuant to Minn. Stat. § 412.851. I request that the Foley City Council accept this Petition and vacate the Alley. I waive the rights and requirements of service, notice, a hearing, damages, and appeal of the petitioned vacation of the Alley. I agree to pay all administrative costs incurred by the City in vacating the Alley, as well as the costs of capping the old sanitary sewer line in the Alley.

Benjamin J. Adams

Property Address: 610 Norman Avenue, Foley, Minnesota

Benjamin J. Adams

EXHIBIT A
(Easement Description)

The westerly portion of the alley lying between the following two properties in Benton County, Minnesota:

All of Lots 8, 9 and 10, of Auditor's Subdivision of Block One (1) of Hall's Second Addition to the Village of Foley, excepting therefrom the following designated portion: Commencing at the Southeast corner of said Lot 10; thence North 30° West for a distance of 90 feet to the Northeast corner of said Lot 8; thence South 60° West along the Northerly lot line of said Lot 8 a distance of 130 feet to a point; thence South 30° East a distance of 90 feet to a point; thence North 60° East a distance of 130 feet to the point of beginning, according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for Benton County, Minnesota.

And

Lots Nineteen (19) and Twenty (20), all in Block Two (2), of Hall's Second Addition to the Town (now City) of Foley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.

EXHIBIT B
(Sketch of Requested Vacation)



EXHIBIT C
(Property Owned by Petitioner)

All of Lots 8, 9 and 10, of Auditor's Subdivision of Block One (1) of Hall's Second Addition to the Village of Foley, excepting therefrom the following designated portion: Commencing at the Southeast corner of said Lot 10; thence North 30° West for a distance of 90 feet to the Northeast corner of said Lot 8; thence South 60° West along the Northerly lot line of said Lot 8 a distance of 130 feet to a point; thence South 30° East a distance of 90 feet to a point; thence North 60° East a distance of 130 feet to the point of beginning, according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for Benton County, Minnesota.

And

Lots Nineteen (19) and Twenty (20), all in Block Two (2), of Hall's Second Addition to the Town (now City) of Foley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2018 - 18

A RESOLUTION TO PARTIALLY VACATE ALLEY

WHEREAS, Benjamin J. Adams (“Owner”) owns the property at 610 Norman Avenue North in Foley (the “Property”), described as follows:

All of Lots 8, 9 and 10, of Auditor’s Subdivision of Block One (1) of Hall’s Second Addition to the Village of Foley, excepting therefrom the following designated portion: Commencing at the Southeast corner of said Lot 10; thence North 30° West for a distance of 90 feet to the Northeast corner of said Lot 8; thence South 60° West along the Northerly lot line of said Lot 8 a distance of 130 feet to a point; thence South 30° East a distance of 90 feet to a point; thence North 60° East a distance of 130 feet to the point of beginning, according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for Benton County, Minnesota. (Tax PID No. 130042000)

and

Lots Nineteen (19) and Twenty (20), all in Block Two (2), of Hall’s Second Addition to the Town (now City) of Foley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota. (Tax PID 130042810)

WHEREAS, an alley is currently located between Auditor’s Subdivision of Block One (1) of Hall’s Second Addition to the Village of Foley and Block Two of Hall’s Second Addition to the Town (now City) of Foley, as described and shown on attached **Exhibit A**, which is dedicated to the City of Foley; and

WHEREAS, the Alley is not improved; and

WHEREAS, Owner’s house and garage are located on opposite sides of the Alley; and

WHEREAS, no portion of the Alley desired to be vacated abuts upon, or is adjacent to any public water; and

WHEREAS, due and proper published and posted notice of public hearing has been given by the City as required by law; and

WHEREAS, after a public hearing held on this date, the City Council finds that it is in the public interest to vacate a portion of the Alley as hereinafter described.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Foley, Minnesota, as follows:

1. The City's easement in and over the Alley is hereby vacated.
2. Utility easements for existing overhead electrical and cable lines located in the Alley are hereby reserved.
3. Approval is conditioned on Owner's payment of all administrative costs incurred by the City in vacating the Alley.
4. Approval is conditioned on Owner's payment of all costs incurred by the City for capping the old sanitary sewer line located in the Alley.
5. The Mayor and the City Clerk are hereby authorized and directed to execute and record this Resolution with the Benton County Recorder.

This Resolution is adopted on this 10th day of July, 2018.

CITY OF FOLEY, MINNESOTA

By _____
Gerard Bettendorf, Mayor

ATTEST:

Sarah Brunn, City Administrator

[illegible]

The foregoing was acknowledged before me this ____ day of _____, 2018, by Gerard Bettendorf, as the Mayor of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

[illegible]

The foregoing was acknowledged before me this ____ day of _____, 2018, by Sarah Brunn, as the City Administrator of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

EXHIBIT A

(Description and Sketch of Vacation)

The westerly portion of the alley lying between the following two properties in Benton County, Minnesota:

All of Lots 8, 9 and 10, of Auditor's Subdivision of Block One (1) of Hall's Second Addition to the Village of Foley, excepting therefrom the following designated portion: Commencing at the Southeast corner of said Lot 10; thence North 30° West for a distance of 90 feet to the Northeast corner of said Lot 8; thence South 60° West along the Northerly lot line of said Lot 8 a distance of 130 feet to a point; thence South 30° East a distance of 90 feet to a point; thence North 60° East a distance of 130 feet to the point of beginning, according to the plat and survey thereof on file and of record in the Office of the County Recorder in and for Benton County, Minnesota.

And

Lots Nineteen (19) and Twenty (20), all in Block Two (2), of Hall's Second Addition to the Town (now City) of Foley, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.



EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE
CITY OF FOLEY, MINNESOTA

HELD: JULY 10, 2018

Pursuant to due call, a regular or special meeting of the City Council of the City of Foley, Benton County, Minnesota, was duly held at the City Hall on July 10, 2018, at 5:30 P.M., for the purpose, in part, of providing for the issuance and sale of \$2,355,000 General Obligation Improvement Bonds, Series 2018A.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF \$2,355,000 GENERAL
OBLIGATION IMPROVEMENT BONDS, SERIES 2018A, PLEDGING FOR THE
SECURITY THEREOF SPECIAL ASSESSMENTS AND LEVYING A TAX FOR THE
PAYMENT THEREOF

A. WHEREAS, the City Council of the City of Foley, Minnesota (the "City") has heretofore determined and declared that it is necessary and expedient to issue \$2,355,000 General Obligation Improvement Bonds, Series 2018A (the "Bonds" or individually, a "Bond"), pursuant to Minnesota Statutes, Chapters 475 and 429 to finance various public improvement projects within the City (the "Improvements"); and

B. WHEREAS, the Improvements and all their components have been ordered prior to the date hereof, after a hearing thereon for which notice was given describing the Improvements or all their components by general nature, estimated cost, and area to be assessed; and

C. WHEREAS, the City has retained Northland Securities, Inc., in Minneapolis, Minnesota ("Northland"), as its independent municipal advisor for the sale of the Bonds and was therefore authorized to sell the Bonds by private negotiation in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9) and proposals to purchase the Bonds have been solicited by Northland; and

D. WHEREAS, the proposals set forth on Exhibit A attached hereto were received by the City Administrator, or designee, at the offices of Northland at 10:00 A.M. this same day pursuant to the Notice of Sale established for the Bonds; and

E. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Minnesota, as follows:

1. Acceptance of Proposal. The proposal of _____, in _____ (the "Purchaser"), to purchase the Bonds in accordance with the Notice of Sale, at the rates of interest hereinafter set forth and to pay therefor the sum of \$_____, plus accrued interest to the settlement date, is hereby accepted and the Bonds are hereby awarded to the Purchaser.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities. The Bonds shall be dated August 7, 2018, as the date of original issue, be issued forthwith on or after such date in fully registered form, be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2021	\$	2028	\$
2022		2029	
2023		2030	
2024		2031	
2025		2032	
2026		2033	
2027		2034	

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

(b) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

- (i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.
- (ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of

CEDE & CO, as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

- (iii) With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.
- (iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.
- (v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10, references to the Nominee hereunder shall refer to such new Nominee.
- (vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a

condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

- (vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.
 - (viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than fifteen calendar days in advance of such special record date to the extent possible.
 - (ix) Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.
- (c) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:
- (i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.
 - (ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time,

in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Bonds will be delivered to the Beneficial Owners.

- (iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10.

(d) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose. The Bonds shall provide funds to finance the Improvements. The total cost of the Improvements, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. Work on the Improvements shall proceed with due diligence to completion. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Improvements proceeds with due diligence to completion and that any and all permits and studies required under law for the Improvements are obtained.

4. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 2019, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2021	%	2028	%
2022		2029	
2023		2030	
2024		2031	
2025		2032	
2026		2033	
2027		2034	

5. Redemption. All Bonds maturing on February 1, 2029, and thereafter shall be subject to redemption and prepayment at the option of the City on February 1, 2028, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds not more than sixty (60) days and not fewer than thirty (30) days prior to the date fixed for redemption.

To effect a partial redemption of Bonds having a common maturity date, the Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of the Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Registrar (with, if the City or Registrar so requires, a written instrument of transfer in form satisfactory to the City and Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. Northland Trust Services, Inc., in Minneapolis, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and in paragraph 12.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
BENTON COUNTY
CITY OF FOLEY

R- _____

\$ _____

GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 2018A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	February 1, ____	August 7, 2018	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

THE CITY OF FOLEY, BENTON COUNTY, MINNESOTA (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, unless called for earlier redemption, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 2019, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve thirty-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the Northland Trust Services, Inc., in Minneapolis, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this

Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. The Bonds of this issue (the "Bonds") maturing on February 1, 2029, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2028, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds at least thirty (30) days prior to the date fixed for redemption.

Prior to the date on which any Bond or Bonds are directed by the Issuer to be redeemed in advance of maturity, the Issuer will cause notice of the call thereof for redemption identifying the Bonds to be redeemed to be mailed to the Bond Registrar and all Bondholders, at the addresses shown on the Bond Register. All Bonds so called for redemption will cease to bear interest on the specified redemption date, provided funds for their redemption have been duly deposited.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of the Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$2,355,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, redemption privilege and denomination, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council of the Issuer on July 10, 2018 (the "Resolution"), for the purpose of providing money to finance various public improvement projects within the jurisdiction of the Issuer. This Bond is payable out of the General Obligation Improvement Bonds, Series 2018A Fund of the

Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Bonds of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or the Holder's attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof

and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Foley, Benton County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its City Administrator, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Registrable by: NORTHLAND TRUST
SERVICES, INC.

Payable at: NORTHLAND TRUST
SERVICES, INC.

BOND REGISTRAR'S
CERTIFICATE OF
AUTHENTICATION

CITY OF FOLEY,
BENTON COUNTY, MINNESOTA

This Bond is one of the
Bonds described in the
Resolution mentioned
within.

/s/ Facsimile

Mayor

NORTHLAND TRUST SERVICES, INC.
Minneapolis, Minnesota
Bond Registrar

/s/ Facsimile

City Administrator

By: _____

Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common

TEN ENT - as tenants by the entireties

JT TEN - as joint tenants with right of survivorship and not as tenants in common

UTMA - _____ as custodian for _____

(Cust)

(Minor)

under the _____ Uniform

(State)

Transfers to Minors Act

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice:

The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by joint account.)

8. Execution. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and City Administrator and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on the Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue of August 7, 2018. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The City Administrator is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the City Administrator to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Improvement Bonds, Series 2018A Fund" (the "Fund") to be administered and maintained by the City Administrator as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained

in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund the "Construction Account" and "Debt Service Account":

(a) Construction Account. To the Construction Account shall be credited the proceeds of the sale of the Bonds, [less any amount paid for the Bonds in excess of the minimum bid,] plus any special assessments levied with respect to the Improvements and collected prior to completion of the Improvements and payment of the costs thereof. [Any unused discount or premium upon the sale of the Bonds shall be deposited into the Construction Account.] From the Construction Account there shall be paid all costs and expenses of making the Improvements listed in paragraph 16, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65; and the moneys in the Construction Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the receipt of the collection of taxes or special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Improvements there shall remain any unexpended balance in the Construction Account, the balance (other than any special assessments) may be transferred by the Council to the Debt Service Account or the fund of any other improvement instituted pursuant to Minnesota Statutes, Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied towards payment of the costs of the Improvements upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(b) Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (i) all collections of special assessments herein covenanted to be levied with respect to the Improvements and either initially credited to the Construction Account and not already spent a permitted above and required to pay any principal and interest due on the Bonds or collected subsequent to the completion of the Improvements and payment of the costs thereof; (ii) [all funds paid for the Bonds in excess of the minimum bid;] (iii) any collection of all taxes herein or hereafter levied for the payment of the Bonds; (iv) all funds remaining in the Construction Account after completion of the Improvements and payment of the costs thereof; (v) all investment earnings on funds held in the Debt Service Account; and (vi) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The Debt Service Account shall be used solely to pay the principal and interest and any premiums for redemption of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from the account as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Construction Account or Debt Service Account (or any other City account which will be used to pay principal

or interest to become due on the bonds payable therefrom) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Assessments. It is hereby determined that no less than twenty percent of the cost to the City of each Improvement financed hereunder within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments to be levied against every assessable lot, piece and parcel of land benefited by any of the Improvements. The City hereby covenants and agrees that it will let all construction contracts not heretofore let within one year after ordering each Improvement financed hereunder unless the resolution ordering the Improvement specifies a different time limit for the letting of construction contracts. The City hereby further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of such special assessments, and in the event that any such assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the City or the City Council or any of the City officers or employees, either in the making of the assessments or in the performance of any condition precedent thereto, the City and the City Council will forthwith do all further acts and take all further proceedings as may be required by law to make the assessments a valid and binding lien upon such property. The special assessments have heretofore been authorized. Subject to such adjustments as are required by the conditions in existence at the time the assessments are levied, it is hereby determined that the assessments shall be payable in equal, consecutive, annual installments, with general taxes for the years shown below and with interest on the declining balance of all such assessments at the rates per annum not less than the rate per annum set forth opposite the collection years specified below:

<u>Improvement Designation</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>	<u>Rate</u>
Dewey Street & Gopher Street		SEE ATTACHED SCHEDULE		

At the time the assessments are in fact levied the City Council shall, based on the then current estimated collections of the assessments, make any adjustments in any ad valorem taxes required to be levied in order to assure that the City continues to be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

17. Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

Year of Tax Levy

Year of Tax Collection

Amount

SEE ATTACHED SCHEDULE

The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levies shall be irrepealable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

18. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

19. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than 60 days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the

Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed twenty percent of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or five percent of the proceeds of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds and in all events within the period ending on the date which is the later of three years after payment of the Reimbursement Expenditure or one year after the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

20. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

21. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described:

(a) to provide or cause to be provided to the Municipal Securities Rulemaking Board, by filing at www.emma.msrb.org, (i) at least annually, its audited financial statements for the most recent fiscal year, and (ii) notice of the occurrence of certain events with respect to the

Bonds in not more than ten (10) business days after the occurrence of such event, in accordance with the Undertaking; and

(b) its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and City Administrator or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

22. Certificate of Registration. A certified copy of this resolution is hereby directed to be filed in the offices of the County Auditor of Benton County, Minnesota, together with such other information as the County Auditor shall require and to obtain the County Auditor's Certificate that the Bonds have been entered in the County Auditor's Bond Register and the tax levy required by law has been made.

23. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

24. Negative Covenant as to Use of Bond Proceeds and Improvements. The City hereby covenants not to use the proceeds of the Bonds or to use the Improvements, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Improvements, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

25. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i) requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States if the Bonds (together with other obligations reasonably expected to be issued and outstanding at one time in this calendar year) exceed the small-issuer exception amount of \$5,000,000.

For purposes of qualifying for the small issuer exception to the federal arbitrage rebate requirements for governmental units issuing \$5,000,000 or less of bonds, the City hereby finds,

determines and declares that (i) the Bonds are issued by a governmental unit with general taxing powers; (ii) no Bond is a private activity bond; (iii) 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the City (or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the City); and (iv) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all entities subordinate to, or treated as one issuer with the City) during the calendar year in which the Bonds are issued and outstanding at one time is not reasonably expected to exceed \$5,000,000, all within the meaning of Section 148(f)(4)(D) of the Code.

26. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

- (a) the Bonds are issued after August 7, 1986;
- (b) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;
- (c) the City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (d) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2018 will not exceed \$10,000,000;
- (e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2018 have been designated for purposes of Section 265(b)(3) of the Code; and
- (f) the aggregate face amount of the Bonds does not exceed \$10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

27. Official Statement. The Official Statement relating to the Bonds prepared and distributed by Northland is hereby approved and the officers of the City are authorized in connection with the delivery of the Bonds to sign such certificates as may be necessary with respect to the completeness and accuracy of the Official Statement.

28. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to the Bond Registrar on the closing date for further distribution as directed by the City's municipal advisor, Northland.

29. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

30. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF BENTON
CITY OF FOLEY

I, the undersigned, being the duly qualified and acting City Administrator of the City of Foley, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of the City, duly called and held on the date therein indicated, insofar as such minutes relate to providing for the issuance and sale of \$2,355,000 General Obligation Improvement Bonds, Series 2018A.

WITNESS my hand on July 10, 2018.

City Administrator

EXHIBIT A
PROPOSALS

[To be supplied by Northland Securities, Inc.]

LEVY SCHEDULES

[To be supplied by Northland Securities, Inc.]

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 436

AN ORDINANCE REGULATING THE ESTABLISHMENT OF PRIVATE WELLS

TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE, THE CITY COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS AS FOLLOWS:

SECTION 1. CITY CODE REVISIONS

The following language is adopted and shall be incorporated into a new Section 315 below.

SECTION 315 – Regulating the Establishment of Private Wells

SECTION 315:00. PRIVATE WELLS UNLAWFUL

Subd. 1. It shall be unlawful for any person to install a new private well, regardless of the amount of water intended to be withdrawn from such well, on any lot within the City of Foley Drinking Water Supply Management Area (DWSMA) as identified in **Exhibit A**, that has reasonable access to city water service. New private wells may be allowed on lots without reasonable access to city water service upon proof that a permit for such well has been issued by the Minnesota Department of Health. For such purposes, a lot within 150 feet of the city water system shall be deemed to have reasonable access to water service.

Subd. 2. No building or occupancy permit will be issued for new construction on a lot with access to city water service until such service is connected, or assurance of such connection is provided to the city council's satisfaction.

Subd. 3. Existing private wells within the City of Foley DWSMA and on property with reasonable access to the city water system which are not used solely for ground irrigation or livestock watering or other use approved by the city shall be sealed at the property owner's expense in accordance with Minnesota Department of Health requirements. All existing wells must be equipped with backflow protection.

Subd. 4. No pipe or other facilities of the city water system shall be connected with any private pump, well, or tank receiving water from any source other than the city system.

Section 315:04. PENALTY: Any violation of this Ordinance shall be considered a misdemeanor punishable by the misdemeanor fines and penalties set forth in Minnesota Statute Section 609.02, Subdivision 3, as may be amended from time to time.

Section 315:08. PRIOR ORDINANCES CONTINUED: Any other City of Foley ordinances regulating the city water system shall remain in full force and effect.

SECTION 2. EFFECTIVE DATE.

This ordinance shall become effective publication.

SECTION 3. SUMMARY PUBLICATION

At least four-fifths of the City Council's members direct the Administrator to publish only the title and summary of this Ordinance as follows:

"AN ORDINANCE REGULATING THE ESTABLISHMENT OF PRIVATE WELLS. It is the intent and effect of this Ordinance to regulate the establishment of private wells with the Drinking Water Supply Management Area of the City of Foley."

ADOPTED this 10th day of July, 2018.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

Exhibit A

Drinking Water Supply Management Area (DWSMA)

Vulnerability – City of Foley

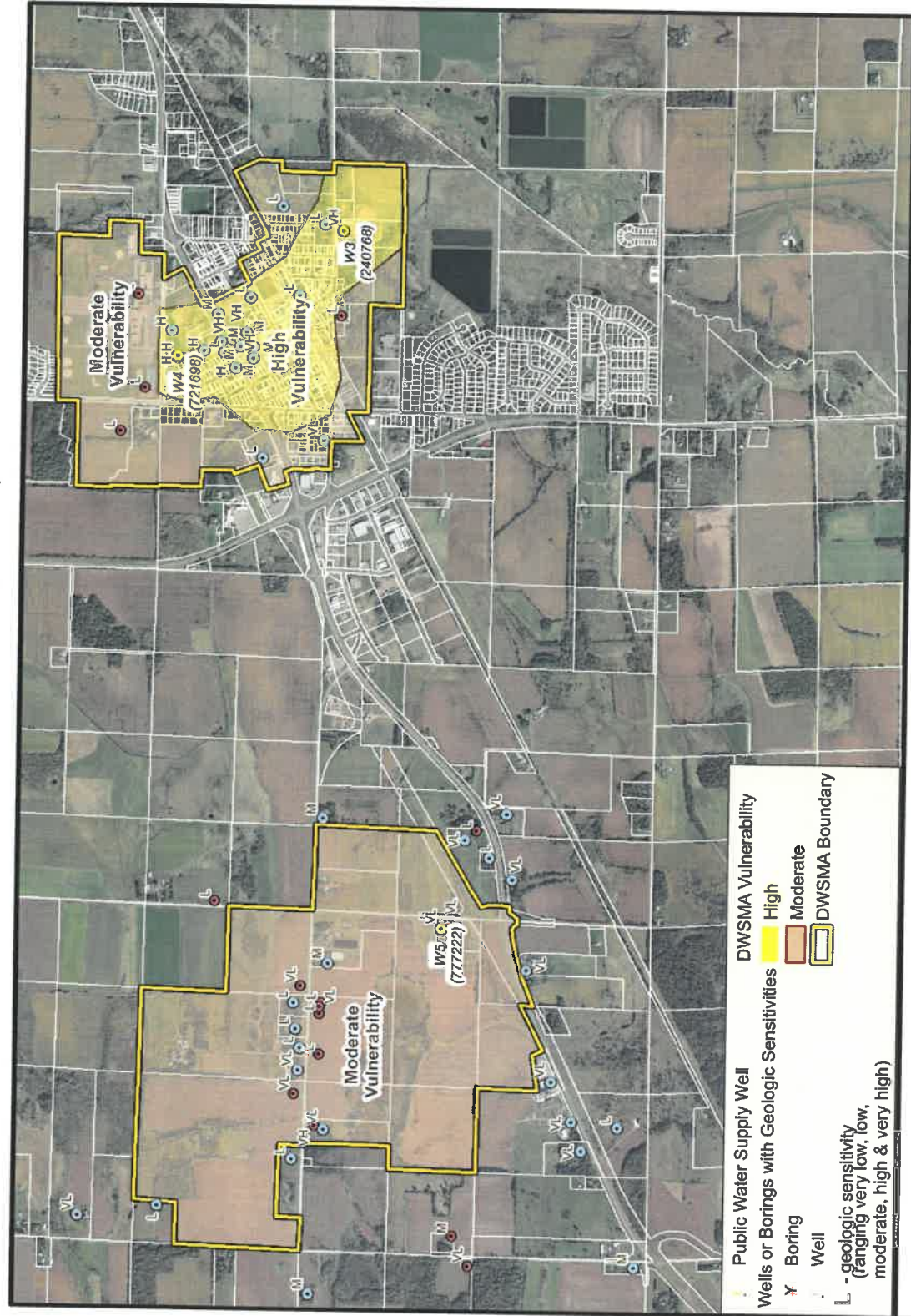


Figure 9
Drinking Water Supply Management Area Vulnerability
City of Foley



CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 437

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES
CHAPTER X, SECTION 1010 - PARKING

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley, Section 1010 be amended by repealing the entire ordinance to read as follows:

SECTION 1.

Section 1010 - Parking

Section 1010:00. Parking Between 2:00 A.M. and 6:00 A.M. No person, firm or corporation shall park or leave unattended any vehicle for more than thirty (30) minutes between the hours of 2:00 A.M. and 6:00 A.M. on any of the following city streets:

- a) On Dewey Street between 3rd Avenue and 6th Avenue;
- b) On Main Street between 3rd Avenue and Broadway Avenue.
- c) On 4th Avenue between Main Street and Highway 23;
- d) On Broadway between Main Street and Highway 23;
- e) City owned parking lot on the south end of 4th Avenue N & Main Street.
- f) City owned parking lot on the northeast corner of 4th Avenue N & John Street.

Section 1010:02. No Parking. No Vehicle or vehicles shall be parked on the south side of Carpenter Street between Norman Avenue N and 1st Avenue W, and on the west side of Norman Avenue N 300 feet north of Penn Street until 75th Street NE.

Section 1010:04. Angle Parking. Angle parking shall be required on the following streets:

- a) On Dewey Street from 3rd Avenue to 7th Avenue;
- b) On 4th Avenue North from 100 feet south of John Street to Main Street;
- c) On the east side of Broadway Avenue N from Highway 23 to Murphy Street;
- d) On the west side of 6th Avenue from 150 feet north of Dewey Street to Main Street;
- e) On the east side of 6th Avenue from Highway 23 to Dewey Street;
- f) On the west side of 7th Avenue from 200 feet north of Dewey Street to Dewey Street;
- g) On the south side of Holdridge Street from 8th Avenue to Holdridge Park.

On any such street, every vehicle parked shall be parked with the front of such vehicle facing the curb or edge of the traveled portion of the street at an angle of approximately 45 degrees. On all streets other than those named above, parallel parking shall be required.

Section 1010:08. Parking on the North Side of Dewey Street Between Stoney Brook and 6th Avenue. No person, firm, or corporation shall park or leave unattended any vehicle for more than ninety (90) minutes on the north side of Dewey Street between Stoney Brook and 6th Avenue.

Section 1010:12. City Parking Lot Time Limits. No person, firm, or corporation shall park or leave any unattended vehicle longer than 48 hours in the city parking lot located on the corner of John Street and Broadway Avenue N.

Section 1010:14. City Parking Lot Restrictions. All users of city-owned public parking lots must park inside the lines and cannot block the aisles or driveways. There is also no parking of trailers or dumpsters of any kind without prior permission of the City. Users are also required to comply with all posted rules and signs.

SECTION 2. SUMMARY PUBLICATION.

At least four-fifths of the City Council's members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

"AN ORDINANCE REGULATING PARKING IN THE CITY OF FOLEY. It is the intent and effect of this Ordinance to regulate parking in the City of Foley, including streets and city-owned parking lots."

PASSED AND ADOPTED by unanimous vote of the Foley City Council this 10th day of July, 2018.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator



Foley Police Department

Calls for Service - 2018

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	6	9	11	9	13	10							
Equipment Vio.	13	18	5	14	24	13							
Speed	12	10	13	9	20	10							
DWI/DUI	0	1	2	1	1	1							
DAR/S/C	3	1	1	1	0	1							
# Citations Issued	*9	*1	*1	*4	*7	*4							
Accidents	1	1	8	5	0	1							
Hit and Run	2	0	0	2	0	2							
Gas Drive Offs	5	2	0	1	1	1							
Thefts	4	7	12	4	6	14							
Controlled Substance	2	0	2	1	1	4							
Suspicious Activity	16	4	10	13	11	7							
Burglaries/Robbery	0	0	3	1	1	4							
Medicals/Welfare	15	9	12	19	32	18							
Assaults/Domestics	2	5	12	5	4	6							
Harassment	4	2	5	3	3	6							
CDP/Vandalism	1	1	1	1	3	1							
Animal Complaints	4	0	5	4	8	7							
City Ordinance	0	3	1	7	14	2							
Parking Tickets	26	16	32	0	1	1							
Disturbing the Peace	0	3	6	2	3	3							
Gun Permits	2	8	1	4	1	2							
Warrant Arrests	1	0	2	1	0	1							
Civil	3	9	8	4	4	3							
Lockout	3	4	3	3	5	3							
Assist other Agencies	11	12	10	13	13	20							
Special Events	17	19	18	3	12	3							
Misc.	23	27	50	48	73	48							
TZD Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours	0 Hours							
Total:	176	171	233	178	254	192							

Misc includes: Alarms, Extra Patrols, House watches, Matter of Info, etc.

From: Jon Halter
To: Mark Pappenfus; Sarah Brunn
Subject: Fw: Radar Feedback signs
Date: Monday, June 11, 2018 8:20:14 AM
Attachments: [image002.png](#)

Below is the construction cost estimate..... pretty close to my estimate. This does not include the soft costs.....\$14k plus soft costs and some conservative rounding, I would still estimate the cost to be \$20k

I will now check with the state to see what paperwork and other issues will need to be dealt with..... if we wanted to go this route.

Jon M. Halter, P.E. | Associate | Project Manager
SEH | 1200 25th Avenue South | P.O. Box 1717 | St. Cloud, MN 56302-1717
320.229.4344 direct | 320.250.6084 cell | 888.908.8166 fax
www.sehinc.com

SEH--Building a Better World for All of Us™

----- Forwarded by Jon Halter/seh on 06/11/2018 07:59 AM -----

From: Nick Bischoff <nbischoff@designelect.com>
To: Jon Halter <jhalter@sehinc.com>
Date: 06/08/2018 11:18 AM
Subject: RE: Radar Feedback signs

Budget for \$7,000.00 installed now \$6200.00 in the spring. That has been the bids this year.

Nick Bischoff
Estimator/Project Manager

Design

ELECTRICAL CONTRACTORS, INC.

4807 Heatherwood Road
P.O. Box 1252 ST.CLOUD, MN 56302
CELL PHONE: (320) 333-4510
PH: (320) 252-1658 FAX: (320) 252-4276



WWW.DESIGNELECT.COM

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From: Jon Halter <jhalter@sehinc.com>
Sent: Friday, June 8, 2018 10:46 AM
To: Nick Bischoff <nbischoff@designelect.com>
Subject: Radar Feedback signs

What is the going rate for installing solar radar feedback signs these days?

thanks

Jon M. Halter, P.E. | Associate | Project Manager
SEH | 1200 25th Avenue South | P.O. Box 1717 | St. Cloud, MN 56302-1717
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To: sbrunn@ci.foley.mn.us

Message Score: 50

High (60): Pass

From: jhalter@sehinc.com

My Spam Blocking Level: Medium

Medium (75): Pass

Low (90): Pass

[Block](#) this sender

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This message was delivered because the content filter score did not exceed your filter level.

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 07-10-18 COUNCIL MEETING
DATE: JUNE 29, 2018

Consent Agenda

A resolution approving 2018 election judges is included in your packet. Judge training for Benton County has already occurred with head judge training coming the end of July. Staff is comfortable with the number of election judges.

Public Hearing - 610 Norman Avenue N – Alley Vacation

Staff had placed this item on the agenda at last meeting in order to schedule the public hearing. We do recommend proceeding with this action. The surrounding property owner has agreed to pay for the costs associated with capping the sewer line and administration of the process. City staff has relocated all utilities within the right-of-way and sees no need to retain this property in the future.

2018 Bond Sale – George Eilertson, Northland Securities

Mr. Eilertson will be at the meeting to present the results of the city's bond sale to the council. A draft resolution has been provided to the council with a final version coming after the sale on the morning of the council meeting. The council will need to adopt the resolution in order to finalize the bond issuance and move forward with receiving debt proceeds to fund the project.

Update on wastewater facility plan

Jessica Hedin, from S.E.H. will be at the meeting to provide an update on the wastewater facility plan. She is working on preparing some information and it will be provided as soon as it is available.

Well Ordinance

Staff has drafted and is proposing an ordinance regulating the establishment of private wells. This is part of the city's wellhead protection program. This ordinance would regulate and in many cases prohibit private property owners from drilling wells within what is defined as the DWSMA (Drinking Water Supply Management Area) that have access to city water services. The DWSMA area is identified by the map in the exhibit of the ordinance. These areas are closely tied to the main wells which serve the City.

Parking Ordinance

City staff is proposing some additional changes to the parking ordinance to accommodate for timed parking in the city lots. An updated ordinance is required in order to enforce. You will notice additional details on requirements of parking in city-owned lots. This ordinance does limit the new city lot (by Five Starr) to 48 hours.

Hwy 23 – Pedestrian Safety Improvements

The council requested staff to obtain some additional information on the flashing speed signs for Highway 23. An email is included in your packet. Staff will also be able to answer additional questions at the meeting.

Additional Materials

Staff will be providing any additional materials for the council meeting on Monday, July 9th.

Upcoming Reminders

- City office filings are open from July 31-August 14.
- Primary Election Day is August 14th.