



**City Council – Meeting Agenda
September 5, 2017 – 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 August 1st and 15th, 2017.
 - Approve closing of Penn Street for Homecoming Parade on September 29, 2017.
 - Adopt Resolution #2017-20 Accepting Donation.
 - Adopt Resolution #2017-23 Accepting Donation.
 - Adopt Resolution #2017-21 Cancelling Special Assessment.
 - Approve payment of bills.
5. Public Hearing - Blue Water Sands LLC – Variance Request
 - Adopt Resolution #2017-24 Approving Variance Request
6. Foley Fire Relief – Bryan Moshier
7. Ryan Schmit – South Trailer Redevelopment
 - Adopt Resolution #2017 – 25 Ordering Feasibility Report for Gopher Avenue
8. Discussion on 2018 Budget
 - Adopt Resolution #2017-22 Approving Proposed 2018 Tax Levy
9. Mayor’s Comments & Open Forum.
10. Department Reports:
 - Police Department –Katie McMillin
 - City Attorney – Adam Ripple
 - City Engineer – Jon Halter
 - Discussion on Downtown Demonstration Project
 - Discussion on Birch Drain Tile Project
 - Public Works – Mark Pappenfus
 - Discussion/Approve Fire Dept. Rescue Tools Quote
 - Discussion/Approve Hydraulic Breaker for Bobcat
 - Administration – Sarah Brunn
11. Old Business
 - Discussion on timed parking in downtown.
12. New Business
13. Adjourn

CITY OF FOLEY, MINNESOTA
REGULAR CITY COUNCIL MEETING – August 1, 2017

The Foley City Council held a regular meeting on August 1, 2017, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

Consent Agenda

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

- Approve minutes of July 11, 2017.
- Approve bills paid for by checks #49801 - #49855.
- Motion carried, unanimous.

Overland Group - Dollar General Rezoning and Site Plan Review

Mayor Bettendorf recessed the regular city council meeting at 5:31 p.m. to conduct the public hearing on the rezoning request for PID's 130049750 & 130049751. No one spoke for or against the applications. Mayor Bettendorf reconvened the regular city council at 5:32 p.m.

Motion by Gondeck, seconded by Swanson, to adopt Resolution #2017-19 Rezoning Developer and City Lot. Motion carried, unanimous.

The site plan was reviewed with conditions of staff. Motion by Gondeck, seconded by du'Monceaux, to approve the site plan with conditions of staff as presented. Motion carried, unanimous.

Progressive Builders/Sherburne Land LLC - Variance Request

Mayor Bettendorf recessed the regular city council meeting at 5:33 p.m. to conduct the public hearing on the variance request. No one spoke for or against the application. Mayor Bettendorf reconvened the regular city council meeting at 5:35 p.m.

Motion by Swanson, seconded by Weis, to adopt Resolution #2017-18 Approving Variance Request. Motion carried.

Accessory Building Zoning Ordinance Amendments

Mayor Bettendorf recessed the regular city council meeting at 5:35 p.m. to conduct a public hearing on the proposed zoning ordinance amendments. No one spoke for or against the amendments. Mayor Bettendorf reconvened the regular city council meeting at 5:36 p.m.

Motion by Gondeck, seconded by du'Monceaux, to adopt Ordinance 429 - Amending Zoning Ordinance Sections 4 & 13. Motion carried, unanimous.

Discussion on Gopher Avenue Reconstruction

Councilmember Swanson expressed concern over a city commitment before any clean-up or commitment from a development were to occur. City Engineer Jon Halter gave an overview of the process of doing a street project. Bettendorf expressed concern with the city's expenditures and nothing happening. Ryan Schmit, owner of the south side trailer park introduced himself and his desire to redevelop the property. Bettendorf indicated a desire to see clean-up before city investment. Schmit asked for preliminary estimates on costs, which the city engineer reviewed. Brunn gave an overview of the need for residential lots. Halter elaborated the need to make a decision by September. Motion by Bettendorf, seconded by Swanson, to table this discussion until the September council meeting. Motion carried, unanimous.

Discussion on Birch Drive Drainage Improvements

City Engineer Jon Halter gave an overview of the need for drainage improvements on many streets of the city. Birch Drive is a particularly troublesome spot. Staff reviewed a proposal to cut out the north portion of the road and installing drain tile to help remove the water. Bettendorf asked if property owners could bury their hoses and connect directly into the drain tile. Halter indicated this design would allow for that potential. The project could possibly be completed this fall. Gondeck asked about assessments and Halter indicated this would not be an assessable project. Motion by Swanson, seconded by du'Monceaux, to proceed with obtaining quotes for the project. Motion carried, unanimous.

Mayor's Comments and Open Forum

Larry Nadeau, 161 4th Avenue S, provided a compliment to the city's changes to the accessory building ordinance and for the proactive work on street projects. Nadeau asked the council to consider resources in road maintenance to extend the life of the newly constructed roads.

Ryan Schmit, owner of North Mobile Home Park, discussed the placement of a trailer on city right of way and asked the council if it could be left for an extended period of time. City Attorney Adam Ripple commented on city liabilities and encouraged the council to require it to be removed. If the council desires to work with the land owner, Ripple recommended an indemnification agreement be drafted as soon as possible. Bettendorf and du'Monceaux expressed concern with it remaining and asked for it to be removed. Swanson asked about the condition of existing trailers in the park. Ripple requested a timeline for removal and the city decided it should be removed within 7 days. Staff will send a letter to the dealer immediately.

Department Reports

Police Chief Katie McMillin updated the council on the monthly law enforcement report. McMillin also indicated a desire to work the SuperBowl and having the council address a joint powers agreement in the future. Ripple indicated he has reviewed the agreement and expressed no concerns.

City Attorney Adam Ripple had not report.

City Engineer, Jon Halter indicated some survey work is being done on Dewey.

Mark Pappenfus, Public Works Director, updated the council on summer activities. Pappenfus also indicated that 22 letters have been sent on clean up or properties that have not yet been addressed. They will have until Sept. 1 or Oct. 1 to complete repairs. Swanson asked about comments on the demonstration project.

City Administrator Sarah Brunn updated the council on the rescheduling of the union meeting, upcoming planning activities, budget work and the chamber golf tourney.

New Business

Motion by du'Monceaux, seconded by Swanson, to not waive the statutory liability limits for the city's insurance renewal. Motion carried, unanimous.

Quotes were reviewed to sell and move the rental house. Motion by Gondeck, seconded by Swanson, to accept the high quote from Anderson and finish the project by expensing additional funds to complete the basement and sewer work. Motion carried, unanimous.

Motion by du'Monceaux, seconded by Gondeck, to adjourn at 6:13 p.m. Motion carried, unanimous.

Sarah A. Brunn, Administrator

CITY OF FOLEY, MINNESOTA
REGULAR CITY COUNCIL MEETING – August 15, 2017

The Foley City Council held a workshop meeting on August 1, 2017, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

Motion by Swanson seconded by du'Monceaux to approve the consent agenda which contained the following:

- Approve Joint Powers Agreement for Super Bowl.

Motion carried, unanimous.

Discussion on 2018 Proposed Budget

The council reviewed the 2018 proposed budget. Many projects were discussed including improvements at city hall, equipment needs and street improvements. Many amendments to the fee schedule were presented including increases in liquor, planning, park rental and water/sewer fees. The council discussed other options for generating more revenue for the city that does not require the tax levy. Staff provided some estimates on the impact of the proposed 4.89% increase. The county assessor has provided an estimate on a 2.1% increase in city tax capacity which will help offset some of the levy increase. The council recommended proceeding with the proposed budget as is for the preliminary levy in September.

Broadway Ave N/John Street Parking Lot Discussion

The council was presented with a design on hard surfacing and curbing the city downtown parking lot located near Five Star Auto. The design also includes a sidewalk connection. The council determined the improvements needed and would like to see the project done as soon as possible in order to provide more parking when Dewey Street is reconstructed. Motion by Swanson seconded by Weis to authorize design of downtown city parking lot. Motion carried, unanimous.

The council also discussed time parking in the downtown district. City staff will check with legal on enforcing city parking time limits and options.

Brunn provided an updated on some I/I complaints. The council confirmed that staff is to continuing working with property owners and as long as cooperation continues should not seek enforcement action.

Motion by du'Monceaux seconded by Gondeck to adjourn at 6:50pm.

Sarah A. Brunn, Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2017 - 20

A RESOLUTION ACCEPTING DONATION

WHEREAS, the City of Foley encourages public donations to help defray the costs of the general public of providing services and improve the quality of life in Foley, and

WHEREAS, Rice Area Sportsmen has offered to donate \$2,000.00 to be used in the equipment budget of the Foley Fire Department, and

WHEREAS, Minnesota Statutes 465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution approved by two-thirds of the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Benton County, Minnesota, that this donation is hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City extends its sincere appreciation to Rice Area Sportsmen for their generous donation.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 5th day of September, 2017.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2017 - 23

A RESOLUTION ACCEPTING DONATION

WHEREAS, the City of Foley encourages public donations to help defray the costs of the general public of providing services and improve the quality of life in Foley, and

WHEREAS, the Sons of the American Legion Post 298 has offered to donate \$300.00 to be used towards the purchase of fire prevention materials for children, and

WHEREAS, the Foley Firefighter's Relief Association has offered to donate \$9,450.00 to be used as reimbursement for the purchase of the 2010 Chevrolet Tahoe, and

WHEREAS, Minnesota Statutes 465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution approved by two-thirds of the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Benton County, Minnesota, that this donation is hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City extends its sincere appreciation to the Sons of the American Legion and the Foley Firefighter's Relief Association for their generous donations.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 5th day of September, 2017.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2017 - 21

A RESOLUTION CANCELLING SPECIAL ASSESSMENTS FOR PARCEL ID 13.00400.00

WHEREAS, the City of Foley had assessed parcel 13.00400.00 for public infrastructure improvements and hazardous abatement cleanup;

WHEREAS, the parcel went into tax forfeiture and was determined to be re-assessed for the special assessments upon sale;

WHEREAS, the parcel has been unable to be sold at auction since 2013;

WHEREAS, the City has determined such parcel unable to be sold due to large, existing assessments of \$7,795.75;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Foley hereby cancels all existing special assessments which total \$7,795.75 on parcel 13.00400.00.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 5th day of September, 2017.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

Bills List - September 5, 2017

Gross Salaries	Payroll - 8/4/17	\$	24,578.07
EFTPS	Federal Withholding	\$	7,523.13
MN Dept of Revenue	State Withholding	\$	1,407.05
State Treas. PERA	PERA	\$	4,080.16
Nationwide	Deferred Comp	\$	620.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	85.00
MN PEA	Union Dues	\$	-

Gross Salaries	Payroll - 8/18/17	\$	21,388.77
EFTPS	Federal Withholding	\$	6,599.14
MN Dept of Revenue	State Withholding	\$	1,290.60
State Treas. PERA	PERA	\$	4,235.45
Nationwide	Deferred Comp	\$	620.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	85.00
MN PEA	Union Dues	\$	78.00

Gross Salaries	Payroll - 9/1/17	\$	18,699.94
EFTPS	Federal Withholding	\$	5,660.70
MN Dept of Revenue	State Withholding	\$	1,121.36
State Treas. PERA	PERA	\$	4,297.20
Nationwide	Deferred Comp	\$	620.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	85.00
MN PEA	Union Dues	\$	-

Already Paid - 9/5/17

Cloudnet	Server Fee	\$	10.00
Foley Drug	Fire Dept Epi-Pen	\$	305.00
Goldeneye Framing & Gallery	City Maps Re-Framing	\$	542.12
Midco	Internet	\$	125.00
MN Dept of Revenue	Sales & Use Tax Return	\$	712.00
Resource Training & Solutions/BCBS	Employee Health Insurance	\$	8,843.00
RevTrack	Credit Card Processing Fee	\$	423.65
Select Account	Flex Spending Admin Fee	\$	4.22
SunLife Assurance	Long Term Disability Insurance	\$	178.71

To Be Paid - 9/5/17

Able Hose & Rubber	Sewer Supplies	\$	562.80
Adam Foss	Lawn Mowing - Ordinance Violations	\$	300.00
AllSpec Services	Inspection Services	\$	528.21
Allstream	Phone Services	\$	861.99
Auto Value	Repairs & Maint	\$	168.05
Batteries Plus	Batteries	\$	7.44
Benton County Public Works	Battery Replacement	\$	175.99
Benton County Recorder	Resolution Recording	\$	46.00
Benton County Highway Department	PD & FD Fuel Usage	\$	640.92
Benton County News	August Publications	\$	489.30
Braun Intertec	4th Ave N	\$	2,398.50
Central McGowan	PD Medical Supplies	\$	6.82
Chamberlain Oil Co	Street Supplies	\$	135.33
Coborn's	Office Supplies & Street Supplies	\$	15.00
Collins Brothers Towing	PD Possible Forfeiture Towing	\$	200.00
CORE Professional Services	Police Evaluation - Neumann	\$	250.00
Delta Dental	Employee Dental Insurance	\$	1,148.75

East Central Energy	Utilities	\$	980.60
Ehlers	TIF Reporting	\$	517.50
Emergency Automotive Technologies	FD Vehicle Maint	\$	1,146.68
Emergency Response Solutions	FD Vehicle Maint	\$	118.17
Emergency Services Marketing Corp	IamResponding Pager Services - 3 yr Term	\$	735.00
Ess Brothers and Sons	Manhole Protectors	\$	1,289.00
Farm-Rite Equipment	Bobcat Breaker	\$	450.00
First National Bank of Omaha	Credit Card Charges	\$	708.29
Foley Auto Glass	Street Repair	\$	275.00
Foley Fuel & Lumber	Repairs, Maint & Supplies	\$	449.77
Foley Hardware & Appliances	Repairs, Maint & Supplies	\$	197.75
G&K Services	Uniforms & Mats	\$	545.55
Gilman Coop Creamery	Spray Poly & Water Buckets	\$	31.37
Gopher State One Call	Email Tickets	\$	47.25
Grainger	Line Volt Mechanical	\$	174.13
Hardrives	Sewer Maint	\$	560.00
Hawkins	Pool & Water Chemicals	\$	1,854.43
Henry's Waterworks	Cold Patch & Valve Box	\$	1,192.50
Kirby Built	Benches	\$	6,329.35
League of MN Cities	Annual Dues	\$	2,980.00
Locators & Supplies	Concrete Blade	\$	209.95
MN Rural Water Association	Operation Expo - McClure	\$	125.00
Marco	Copier Contract	\$	305.91
Mimbach Fleet	Street Supplies	\$	1,559.90
MN Mayors Association	Membership Dues - Bettendorf	\$	30.00
MN Dept of Health	Quarter 4 Connection	\$	1,434.00
Murphy Chevrolet	FD & PW Vehicle Maint	\$	3,412.78
Peplinski	Can Liners - Park Maintenance	\$	149.43
Preferred Controls Corp	PD Computer Maint	\$	349.00
Rinke Noonan	General, PD, Revolving Loan, Silt Sock, 4th Ave	\$	2,237.20
	Dollar General, MNPEA Contract		
Royal Tire	Street Vehicle Repair	\$	29.20
Security Locksmiths	Holdridge Rekey	\$	253.75
Short Elliot Hendrickson	General, Dewey, I&I, Waste Water, 4th Ave	\$	11,674.29
Select Account	FSA Reimbursement to Employees	\$	49.58
Staples	Office Supplies	\$	105.07
Stearns DHIA Lab	Water Testing	\$	472.00
Surplus Services	Street Supplies	\$	35.00
USABLE Life	Employee Life Insurance	\$	276.50
USA Blue Book	Water Treatments	\$	600.27
Verizon	PD & FD Cell Phones	\$	295.46
Wex Bank	Fuel	\$	1,216.57
Wimactel, Inc	Pool Phone	\$	60.00
Windahl Technologies	Police, Office & Shop Computer Repair	\$	1,680.00
Xcel Energy	Utilities	\$	6,732.98

Additional To Be Paid - 9/5/17

\$ 149,962.68

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2017 – 24

RESOLUTION APPROVING VARIANCE REQUESTS

WHEREAS, the applicant Blue Water Sands LLC owns Lot 5 Subdivision of Block 5 in Foley's 2nd Addition;

WHEREAS, the lot does not currently meet minimum lot size as identified by City of Foley Zoning Ordinance;

WHEREAS, the applicant wishes to tear down an existing single-family home and replace it with a two-family home;

WHEREAS, the applicant requested variances from lot size, lot width, lot depth and floor-area-ratio to build a two-family home;

WHEREAS, the Planning Commission has reviewed and recommends approval of the variances with conditions; and

NOW, THEREFORE, the Foley City Council makes the following findings of fact with respect to the requested Variance:

1. **Unique Circumstances**. There are exceptional or extraordinary circumstances or conditions applying to the property in question as the existing lot size is small and does not currently meet minimum lot size.
2. **Necessary to Preserve Reasonable Use of the Property**. The property cannot be put to a reasonable use without the variance. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The existing lot size limits ability to meet all requirements and provide for a typical sized structure, which is not reasonable.

3. **Not Merely Economic.** Cost or money savings are not the only reason for the variance. The variance is necessary to accommodate the use on a limited sized parcel.
4. **Maintains the Character of the Neighborhood.** The variance will not alter the area's essential character of the neighborhood as a residential neighborhood.
5. **Meets the Spirit of this Ordinance and Comprehensive Plan.** The variance maintains the spirit and intent of this Ordinance and the Comprehensive Plan.

FURTHER, the Foley City Council resolves as follows:

1. The Variance request is hereby approved with the following conditions:
 - a. Actual house plan (footprint) has been reviewed and approved by the City Council.
 - b. Applicant will combine parcel to the north with larger parcel before pulling building permit.
 - c. New services will be installed per recommendation by City Engineer/Public Works. Applicant will be responsible for costs associated with this installation and repair any disturbed roadway to complete the installation.

PASSED AND ADOPTED by unanimous vote of the City Council of the City of Foley this 5th day of September, 2017.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

City of Foley
Variance
Findings & Order

Date: 08/14/17

Applicant: Jason Hoeschen / Blue Water Sands LLC

Variance Requested: Lot size of 12,000 sq. ft., Lot width of 80 ft.,
Lot Depth of 125 ft. + FAR of 30%

1. Does the variance demonstrate harmony with the general purposes and intent of the zoning ordinance?

Yes ☒ No ☐

Why or why not: R-1 district which allows 2-family
homes.

2. Is the proposed variance consistent with the city comprehensive plan?

Yes ☒ No ☐

Why or why not: comp plan encourages redevelopment

3. Is the proposed use a reasonable manner not permitted by the zoning ordinance?

Yes ☒ No ☐

Why or why not: allows for 2-family homes in R-1 district

4. Is the plight of the landowner due to circumstances unique to the property not created by the landowner?

Yes ☒ No ☐

Why or why not: Small lot size limits ability to
build.

5. Granting the variance will not alter the essential character of the neighborhood?

Yes ☒ No ☐

Why or why not: residential use

6. Are the "practical difficulties" more than economic?

Yes ☒ No ☐

Why or why not: variance required whether single or two family dwelling.

IF ALL OF THE ANSWERS ARE "YES", THE CRITERIA FOR GRANTING A VARIANCE HAVE BEEN MET.

Facts supporting the answer to each question above are hereby certified to be the Findings.

actual
concept

plan to council, combine 4 ft. to larger lot
staff recommendation of
series + other
at owners
expense.

THE FOLEY PLANNING COMMISSION RECOMMENDS THE VARIANCE:

Approved ☒ Not Approved ☐

Date

08/14/17

William Brondel, acting
Chair, Foley Planning Commission

Date of Public Hearing: 09/05/17 Time: 5:30 p.m.

Results: _____

THE FOLEY CITY COUNCIL DETERMINES THE VARIANCE:

Approved ☐ Not Approved ☐

The following conditions to be imposed on the property to insure compliance and to protect adjacent properties and the public interest:

Date

Mayor



City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325

August 17, 2017

Dear Property Owner,

Blue Water Sands LLC has requested a variance from lot size, width, depth and floor-area ratio to construct a 2-family home. You are receiving the enclosed notice because according to City of Foley Zoning Ordinance, individual property owners within 350 feet of the parcel included in the request shall receive written notice of the hearing's time, place and purpose. If you have any questions concerning this notice, please contact Foley City Hall, 968-7260 or contactus@ci.foley.mn.us. Thank you for your time.

Sincerely,

Sarah A. Brunn
City Administrator

**NOTICE OF PUBLIC HEARING
ON A REQUEST TO OBTAIN A VARIANCE**

Notice is hereby given that on the 5th day of September, 2017, at 5:30 P.M. at the Foley City Hall, in the City of Foley, pursuant to the City of Foley Zoning Ordinance, Section 24 – Variances, the City Council and the Planning Commission will hold a joint public hearing relating to the application of Blue Water Sands LLC to obtain a variance for lot size, width, depth and floor-area ratio to construct a 2-family home.

The property is described as:

Lot Five (5) Subdivision of Block Five (5) in Foley's 2nd Addition, Foley, Minnesota, according to the plat and survey thereof of said addition and on file and of record in the Offices of the Register of Deeds in Benton County.

Anyone wishing to appear with reference to the above variance request will be heard at this meeting.

Sarah A. Brunn
City Administrator

SEH SmartConnect Map

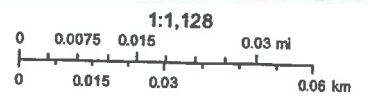


August 17, 2017

Benton County Parcels



Municipal Boundary



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the

SEH SmartConnect User
SEH

August 25, 2017

Foley Mayor & City Council
251 4th Ave. N.
Foley, MN 56329

Dear mayor & members of city council,

Hello, my name is Maria Orton. My husband Adam & I live at 181 4th Ave. S. We received a letter in the mail about the requested variance for the property located at 141 Broadway Ave. S. to construct a 2-family home. Unfortunately, both Adam & I have commitments that don't allow us to be here at tonight's meeting to share our thoughts. As a neighbor to the property that is being discussed we have a few concerns.

We understand that a variance request needs to be applied for because this lot does not meet the current R-1 zoning standards for area, width & depth since this lot was created before the current zoning ordinance was adopted. Adam & I have concerns about constructing a 2-family home on this lot for how small the lot is.

For the 11 years that we have lived here the property at 141 Broadway Ave. S. has been a rental & we have seen many times where renters have trashed the house & yard to make it look terrible. We are in favor of demolishing the existing buildings & building new, but worry that a 2-family home is going to bring about the same "clientele" as the previous.

We also know that the house right next to it on the north side is either right on the lot line or very close to it & the one to the south is close too. Allowing this one to encroach the side setbacks would be a concern in the event a fire would start. Adam is a volunteer fireman here for the City of Foley it worries him that if a fire were to start, these existing houses & this new one would be at a higher risk for loss.

Both Adam & I believe that getting rid of what's there will be an improvement to our neighborhood. But we don't agree with building a 2-family home on such a small lot. We think a nice single-family home could be built on it & still meet the setback requirements. It may not be big, but it could be designed & dressed up to fit into our "older" neighborhood nicely.

Thank you for your time to hear our concerns.

Sincerely,

Adam & Maria Orton
181 4th Ave. S.
Foley, MN 56329

**City of Foley
Variance Application**

Street Location of Property: 141 Broadway Ave S
Legal Description of Property: Lot 5 Subd of Blk 5 in Foley 2nd Addition, Benton County MN
Current Zoning of Property: R-1 Proposed Zoning: R-1
Type of Request: attachment
*** (Attach narrative describing details of project scope) ***

Property Owner: Blue Water Sands LLC 320-291-7990
Name 708 8th Ave S Phone
Address Saint Cloud, MN 56301 Fax hoeschj@yahoo.com
Email

Applicant: Jason Hoeschen Same as above
Name same as above Phone
Address same as above Fax
Email

Type of Request & Fee Amount:

<input type="checkbox"/> Rezoning/Amendment	\$150.00
<input type="checkbox"/> Conditional Use Permit	\$150.00
<input checked="" type="checkbox"/> Variance	\$150.00
<input type="checkbox"/> Planned Unit Development	\$150.00

<input type="checkbox"/> Preliminary Plat	\$500.00
<input type="checkbox"/> Final Plat	\$
<input type="checkbox"/> Annexation	\$150.00 +
<input type="checkbox"/> Site Plan Review/Other	
Total Fees Paid	\$150-

Has a request been made previously on this property? ☐ Yes ☒ No Explain: _____

This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions. A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and that I am responsible for all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or purchase agreement), or I am the authorized person to make this application and the fee owner has also signed this application.

- ☒ Supporting Documents Attached
- ☒ Appropriate Fees Paid
- ☒ Review by City Staff
- ☒ Completed Application Accepted

Application Filed: 6/17/17
Date Fees Paid: 6/17/17
Staff Initials: SH
Date Application Accepted: 6/21/17 7/21/17

Signature of Applicant

Date

Signature of Fee Owner

Date

City of Foley Variance Supplementary Application

Please use this form to explain how your variance request meets the requirements for a variance.

(1) Describe how will the variance demonstrates harmony with the general purposes and intent of the zoning ordinance. Zoning is R-1, single or two-family property. There are a number of multi-family R-1 properties in same area. Size of structure will be about same as a single family. There are nearby two-family houses in the R-1 zone that are smaller lots than one proposed.

(2) Describe how the variance is consistent with the Comprehensive Plan.

This is in the older part of town with lots smaller than current zoning. Foot print proposed is about the same as a single family structure yet will help alleviate some of the rental needs of the City.

(3) Demonstrate the "practical difficulties" in complying with the zoning ordinance. *

1. How is the proposed use a reasonable manner not permitted by the zoning ordinance?

The proposed duplex fits within the zoning guidelines for setback rules of front, side, and back. The only thing needed for a variance is for lot total square footage due to area of town.

2. Demonstrate the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Lots in the older part of Foley currently do not fit within zoning guidelines with regard to square feet yet proposed duplex can be built within setback guidelines and still have plenty of green space on the property.

3. Demonstrate, if granted, how the variance will not alter the essential character of the neighborhood.

Several multi-family properties are in the direct vicinity of proposed site, yet this will not add more building space than if a single family house were built. Plus, a variance is needed for whatever type of house is built.

**Economic considerations alone do not constitute practical difficulties.*

Blue Water Sands LLC

141 Broadway Ave S

Foley, MN 56329

Type of variance request is for two reasons: to build new construction on area different than current footprint of existing building, and to have the new construction a residential duplex in approved R-1 zoning but on existing lot having less than 12,000sqft.

Remodeling of current structure is not practical due to it's age and condition. The main building is estimated to have been built in 1900. To rebuild on current footprint is not feasible, nor able to be done because of proximity of neighboring house to the north that is partially on my property.

A variance will be needed for whatever type of construction is done on the property because of where it is located on the lot. A single-family or duplex built will have approximately the same footprint of 1850sqft. The proposed structure will be able to comply with all front, back, and side setback rules, only needing a variance due to total square footage of lot. The proposal has two garage stalls with the other two parking spots located behind the garages. Entry into the parking will be primarily straight ahead so neighbors should not worry about car lights shining into neighboring houses. Several evergreens would be planted along the northern border to diminish any slight headlight shining when the right side unit drives around the front yard tree to the parking stalls.

Talking to members of City Hall I found out about the lack of and need of rental housing, especially senior housing. This building will fulfill some of this need without needing to build a structure larger than what a single-family residence would occupy on the lot. The proposal also is planned to have a main floor master bedroom in both units.

There are at least four multi-family complexes within 300 feet of the proposed site, with one only 60 feet away. This proposed duplex will not alter the existing neighborhood but add new construction to a city looking for more of it.

The proposal is planned to use Dunright Remodeling for the project. His team is providing the duplex layout and all site work. James Hamling is the building/contractor. His personal background in multi-family units is considerable. For nearly 12 years 80% of what he built was new construction multi-family units throughout the Twin Cities Metro area, varying in configuration from duplex to 24 plex's. The vast majority of the multi-unit residential was slab on grade units so this type of housing is very familiar and comfortable to his knowledge and experience base. He strongly feels that multi-family housing products will be a great resource for the Foley area to fill the affordable housing gap currently being felt by entry level home buyers.

Jason Hoeshen

Blue Water Sands LLC

Saint Cloud, MN 56301

Sarah Brunn

From: Sarah Brunn <sbrunn@ci.foley.mn.us>
Sent: Wednesday, July 26, 2017 3:03 PM
To: 'Sam DeLeo'
Subject: RE: Blue Waters LLC

Sam,

A few comments:

- Site plan is missing some dimensions and setback distances, those must be provided before planning commission can review.
- The applicant will be responsible for installing 2 separate water/sewer connections and any impact it has on the roadway. If you have more questions on this item, please contact Mark @ Public Works, 320-968-4082.
- Staff will be recommending combining the parcels as a condition of approval.
- Jason also mentioned that you only have a concept house plan indicated. Planning may want to put some parameters on the final approval. Either way, you may want to be prepared to answer why a final plan has not been determined and what changes you anticipate could occur. I also mentioned this to Jason on the phone.

I also included the full comments emailed by the city attorney below. Once these items are all addressed, hard copies can be submitted. I'll need 2 large set copies, around 22x34 and 15 – 11x17 set copies. Those can be dropped off here at City Hall.

City Attorney

This actually appears to be a request for 3 variances—lot size, lot width, lot depth and floor area. That is not a big deal since it is all related; I think it can be processed together.

While similar to minimum lot size, the lot does not meet lot width (80') or lot depth (125') requirements. However, as proposed, the property will be brought closer into zoning conformance for setbacks. It appears that the new building will meet all setbacks, while the current one does not.

Based on the drawing, the proposal also does not meet the floor area ratio (30%). Calculations of the current floor area ratio are not shown, but it appears that it is currently in compliance. Attaching the 4' strip to the north helps reduce the extent of the necessary variance.

The drawings show a "BSB" box that I presume depicts the building envelope after setbacks are figured in. It would be helpful if setback measurements are specifically shown.

Other than providing some clarity as noted above, I do not have concerns about the requested variance.

Thanks.

Sarah A. Brunn

City Administrator

sbrunn@ci.foley.mn.us

Sarah Brunn

From: Adam Ripple <ARipple@rinkenoonan.com>
Sent: Friday, July 21, 2017 3:08 PM
To: Sarah Brunn; Pappenfus, Mark; Scott, Nancy; Halter, Jon
Subject: RE: Blue Waters LLC

This actually appears to be a request for 3 variances—lot size, lot width, lot depth and floor area. That is not a big deal since it is all related; I think it can be processed together.

While similar to minimum lot size, the lot does not meet lot width (80') or lot depth (125') requirements. However, as proposed, the property will be brought closer into zoning conformance for setbacks. It appears that the new building will meet all setbacks, while the current one does not.

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The drawings show a "BSB" box that I presume depicts the building envelope after setbacks are figured in. It would be helpful if setback measurements are specifically shown.

Other than providing some clarity as noted above, I do not have concerns about the requested variance.

Adam A. Ripple
Attorney

RINKE NOONAN
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700 General
(320) 257-3868 Direct
(320) 656-3500 Fax

[website](#) | [email](#) | [bio](#) | [map](#)



Linked 

For prompt assistance, please contact my paralegal,
Mary Jo Rowan at (320) 656-3553 or mjrowan@rinkenoonan.com

From: Sarah Brunn [<mailto:sbrunn@ci.foley.mn.us>]
Sent: Friday, July 21, 2017 1:47 PM
To: Pappenfus, Mark <foleypwks@cloudnet.com>; Scott, Nancy <nscott64@hotmail.com>; Adam Ripple

Sarah Brunn

From: Nancy Scott <nscott64@hotmail.com>
Sent: Monday, July 24, 2017 9:02 AM
To: Jon Halter
Cc: Adam Ripple; Pappenfus, Mark; Sarah Brunn
Subject: Re: Blue Waters LLC

I'm not seeing any setback dimensions. Also, if the 4' parcel is to be included in the project they will need to be combined as one legal parcel.

Nancy Scott, CBO2099
AllSpec Services, LLC
320-293-5298

On Jul 24, 2017, at 8:39 AM, Jon Halter <jhalter@sehinc.com> wrote:

My only comments would be:

1. Would we want to require separate sewer and water services? they currently have one for the existing house, but we may want to require them to construct a 2nd set of services to serve the duplex.
2. One SAC / WAC fee is already grandfathered in..... but a 2nd SAC / WAC fee would be due.

Thanks

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™

From: Adam Ripple <ARipple@rinkenoonan.com>
To: Sarah Brunn <sbrunn@ci.foley.mn.us>, "Pappenfus, Mark" <foleypwks@cloudnet.com>, "Scott, Nancy" <nscott64@hotmail.com>, "Halter, Jon" <jhalter@sehinc.com>
Date: 07/21/2017 03:08 PM
Subject: RE: Blue Waters LLC

This actually appears to be a request for 3 variances—lot size, lot width, lot depth and floor area. That is not a big deal since it is all related; I think it can be processed together.

While similar to minimum lot size, the lot does not meet lot width (80') or lot depth (125') requirements. However, as proposed, the property will be brought closer into zoning conformance for setbacks. It appears that the new building will meet all setbacks, while the current one does not.

Based on the drawing, the proposal also does not meet the floor area ratio (30%). Calculations of the current floor area ratio are not shown, but it appears that it is currently in compliance. Attaching the 4' strip to the north helps reduce the extent of the necessary variance.

Sarah Brunn

From: Mark Pappenfus <foleypwks@cloudnet.com>
Sent: Wednesday, July 26, 2017 6:44 AM
To: 'Jon Halter'; 'Adam Ripple'
Cc: 'Scott, Nancy'; 'Sarah Brunn'
Subject: RE: Blue Waters LLC

I think the only items that I have to comment on here is that water and sewer services. Will need separate services for each property so this will mean going all the way out to the mains to bring new ones in. As they will be out into the road they should also be replacing the original ones that are currently in place.

Thanks, Mark

Mark Pappenfus
City of Foley Public Works Director
320-290-9186

From: Jon Halter [mailto:jhalter@sehinc.com]
Sent: Monday, July 24, 2017 8:40 AM
To: Adam Ripple <ARipple@rinkenoonan.com>
Cc: Pappenfus, Mark <foleypwks@cloudnet.com>; Scott, Nancy <nscott64@hotmail.com>; Sarah Brunn <sbrunn@ci.foley.mn.us>
Subject: RE: Blue Waters LLC

My only comments would be:

1. Would we want to require separate sewer and water services? they currently have one for the existing house, but we may want to require them to construct a 2nd set of services to serve the duplex.
2. One SAC / WAC fee is already grandfathered in..... but a 2nd SAC / WAC fee would be due.

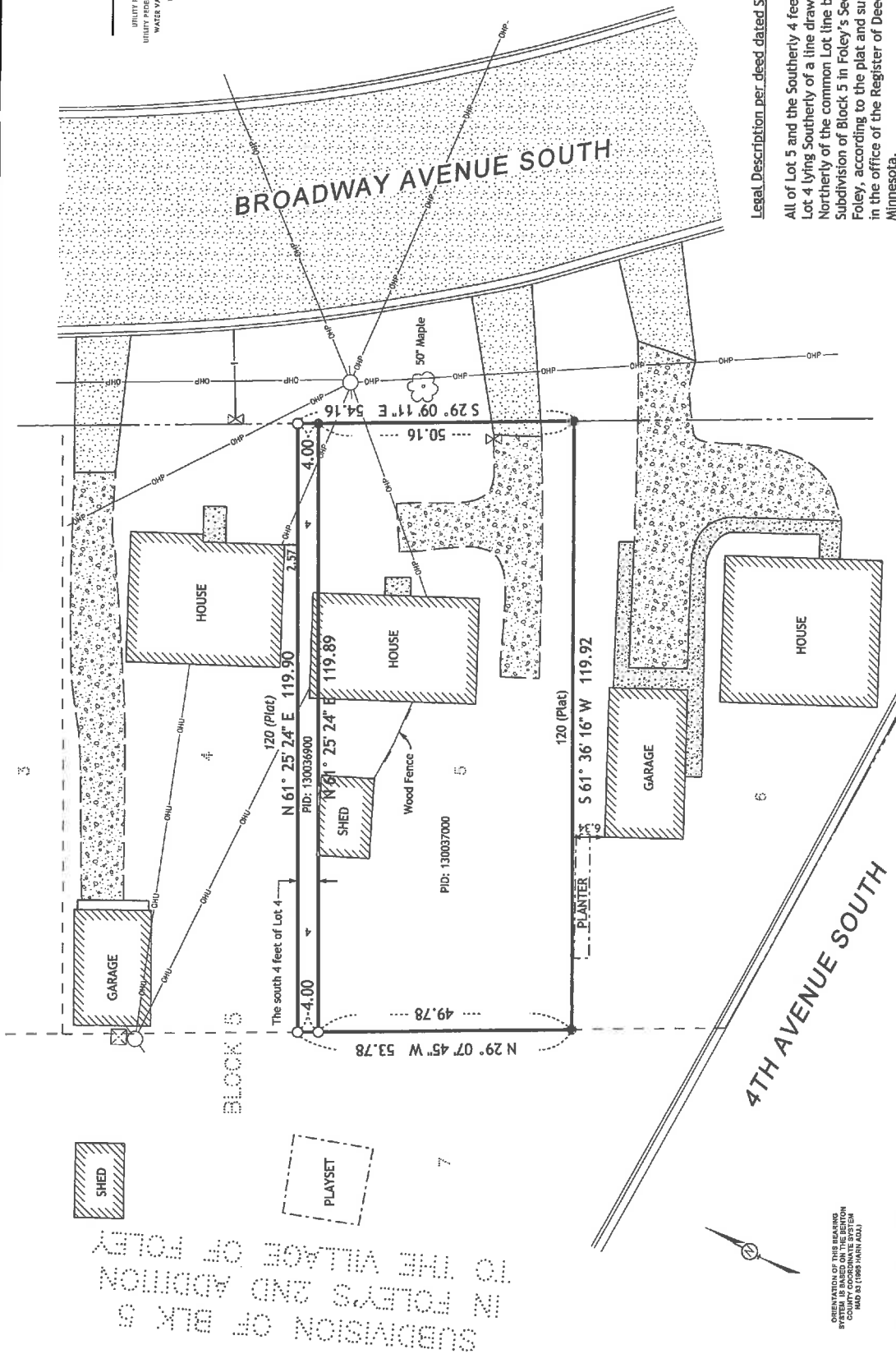
Thanks

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™

From: Adam Ripple <ARipple@rinkenoonan.com>
To: Sarah Brunn <sbrunn@ci.foley.mn.us>, "Pappenfus, Mark" <foleypwks@cloudnet.com>, "Scott, Nancy" <nscott64@hotmail.com>, "Halter, Jon" <jhalter@sehinc.com>
Date: 07/21/2017 03:08 PM
Subject: RE: Blue Waters LLC

This actually appears to be a request for 3 variances—lot size, lot width, lot depth and floor area. That is not a big deal since it is all

MAPPING LEGEND



Legal Description per deed dated September 14, 2016:

All of Lot 5 and the Southerly 4 feet of Lot 4, being all that part of Lot 4 lying Southerly of a line drawn parallel with and 4 feet Northerly of the common Lot line between said Lots 4 and 5 all in Subdivision of Block 5 in Foley's Second Addition to the Village of Foley, according to the plat and survey thereof on file and of record in the office of the Register of Deeds in and for said Benton County, Minnesota.

Sheet No. 1 of 2

CERTIFICATE OF SURVEY Variance Survey - Existing Conditions

Blue Water Sands LLC
141 Broadway Ave S
City of Foley, County of Benton, State of Minnesota
Located in Section 26, Township 37 North, Range 29 West

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *[Signature]* Date: 8/28/2017

KLD
KRAMER LEAS DELEO
REGISTERED PROFESSIONAL LAND SURVEYOR
No. 130037000
EXPIRATION DATE 08/31/2024

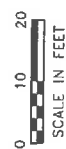
PROJECT NO. BLUEW1701

NO.	REVISIONS OF	DATE

○ DENOTES: SET IRON PIPE WITH CAP "DELEO LS 40341"

● DENOTES: FOUND IRON MONUMENT

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH CURVED ARROW (MAG AS 1905 HANN ADJ.)



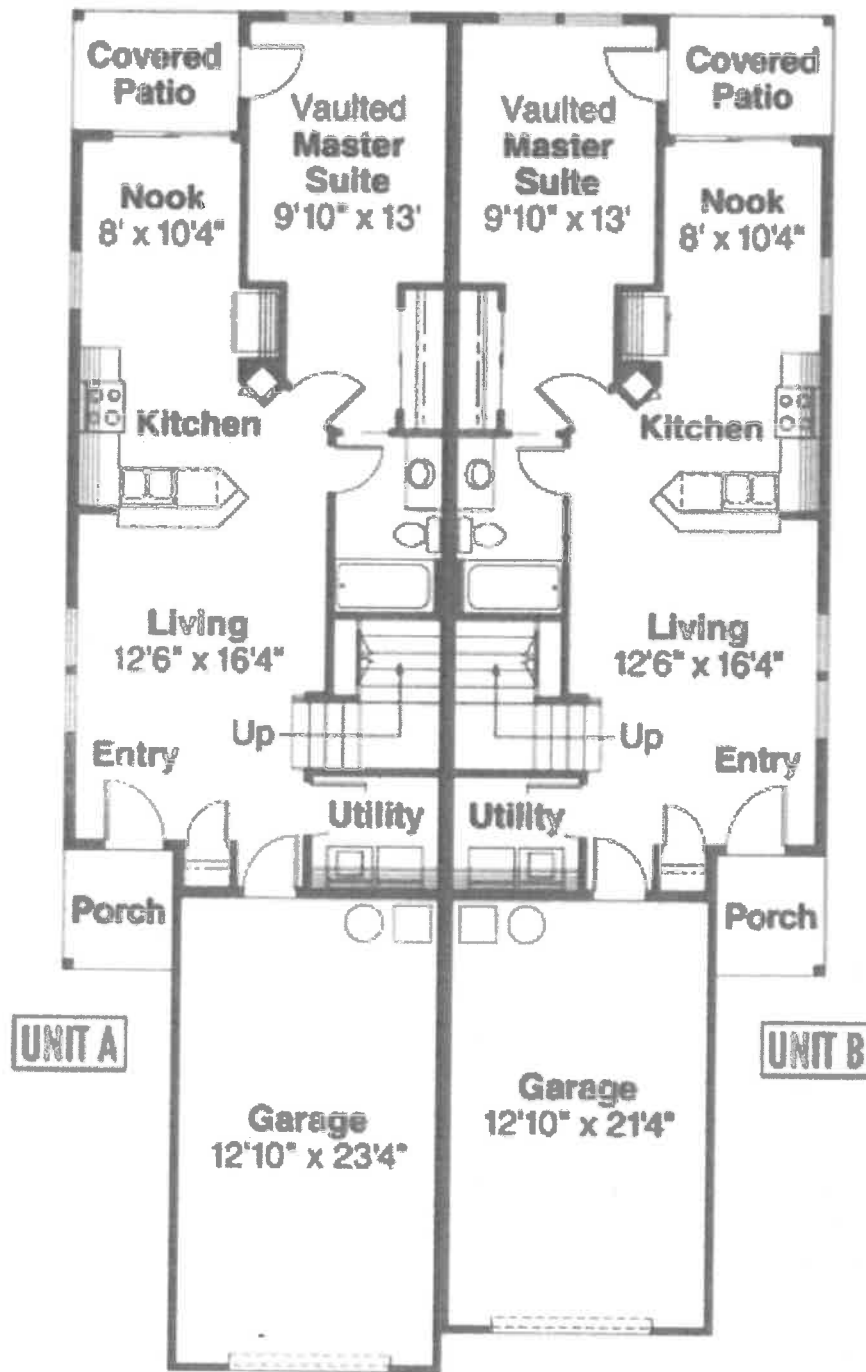


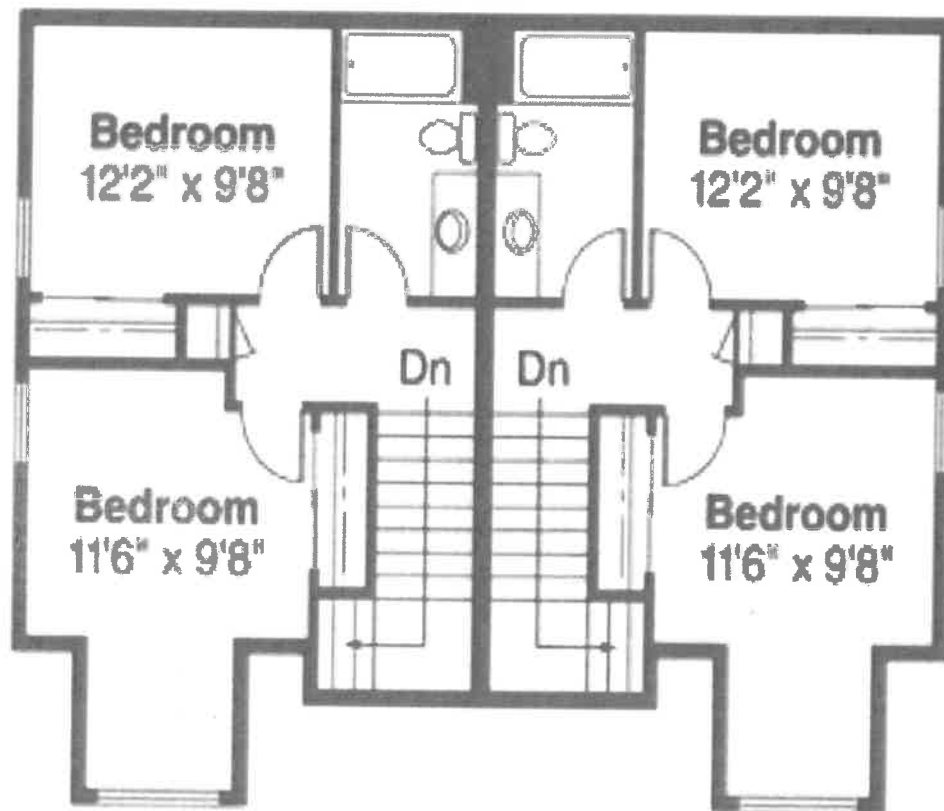
The following duplex concept is intended to show the ground floor footprint overlaid on the survey form, side, front, and back setbacks, and representation of what the front will approximate when finished.

The ground floor footprint is planned to be no more than 1850 square feet, making it at 28% of total area and well within the 30% allowed.

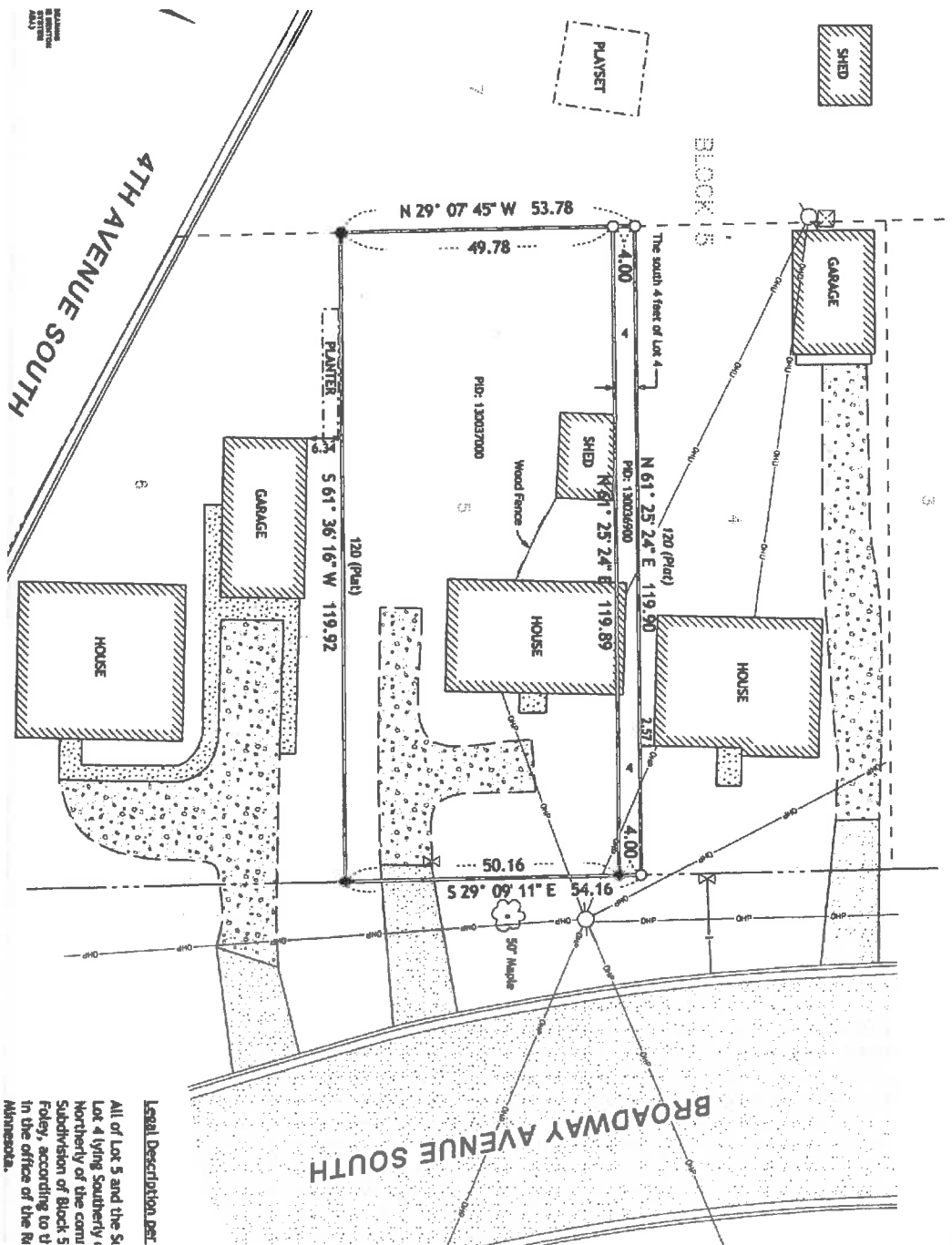
The combination of the two pieces of land to add an additional four feet will allow for side setbacks to be increased to close to six feet. Front setback and rear setbacks should approximate 35 feet and 45 feet respectively. The dimensions will vary slightly when combined with building blue prints but the visual representation should be consistent.

Jason Hoeschen
Blue Water Sands LLC



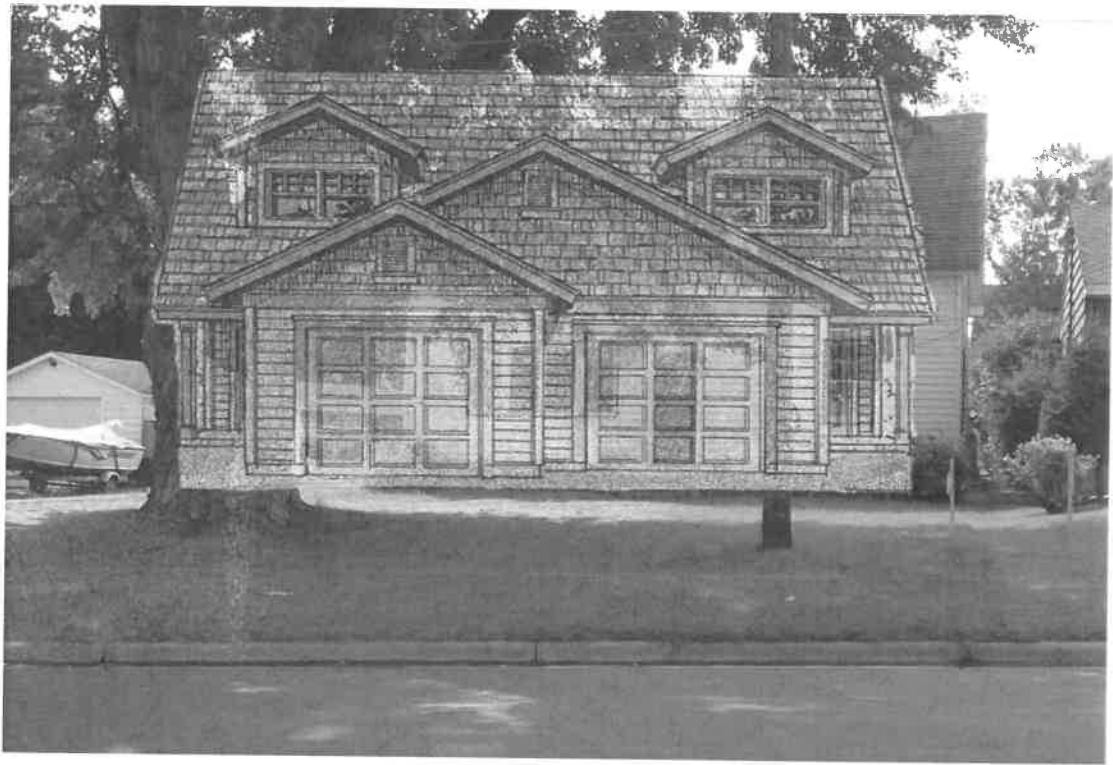


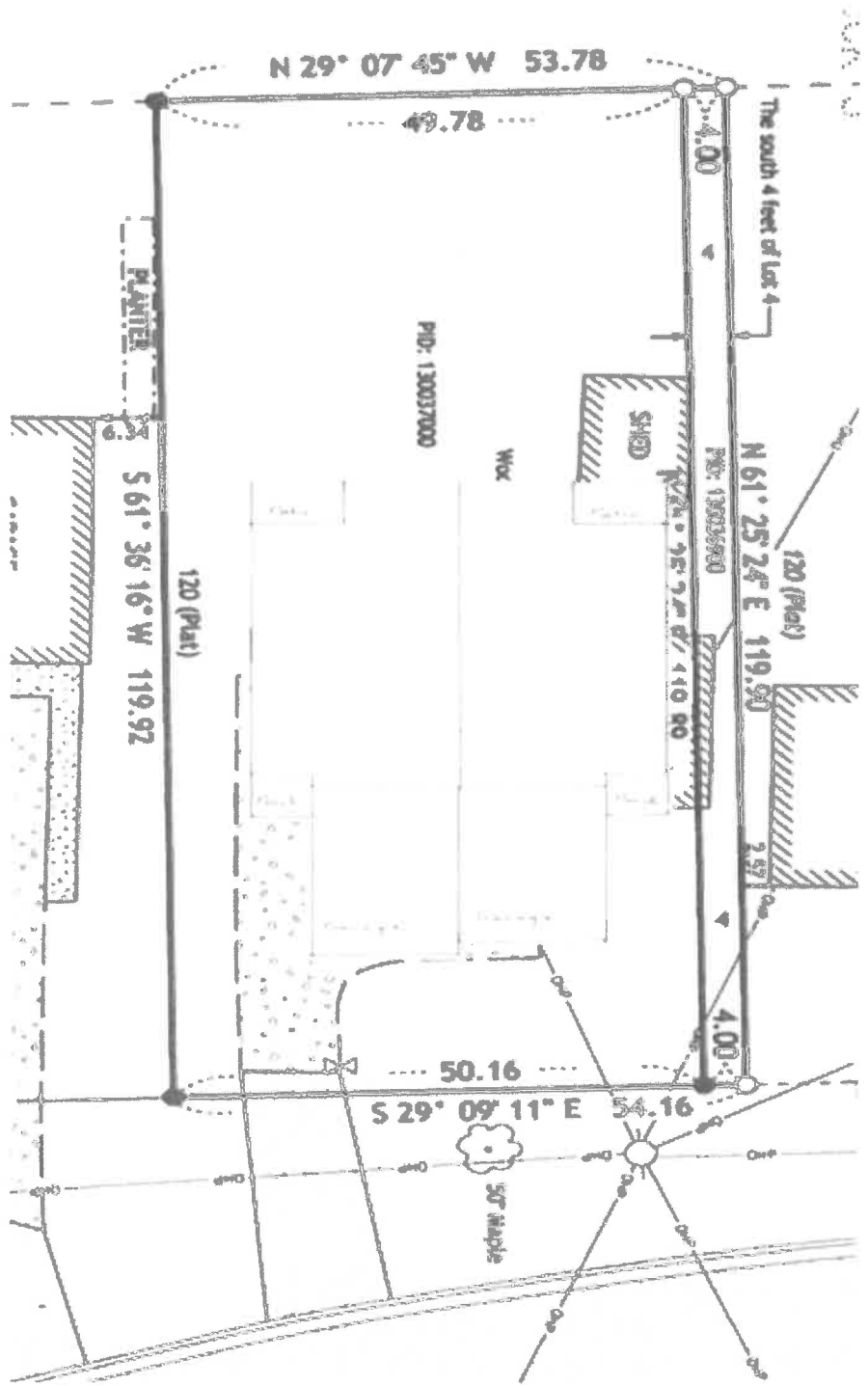
RECORDING
IN THE
OFFICE OF THE
CLERK OF COURTS
COUNTY OF
MINNESOTA

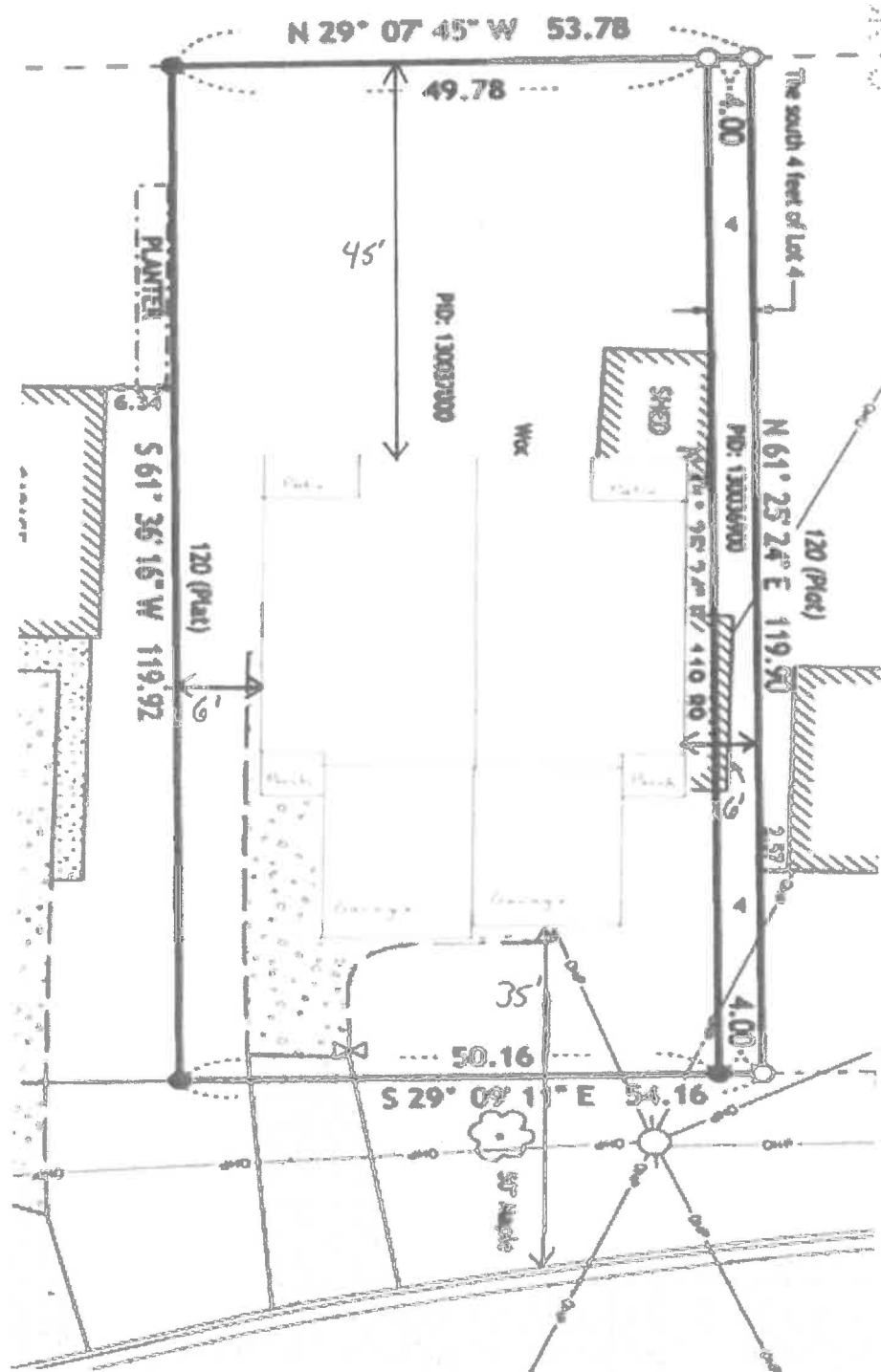


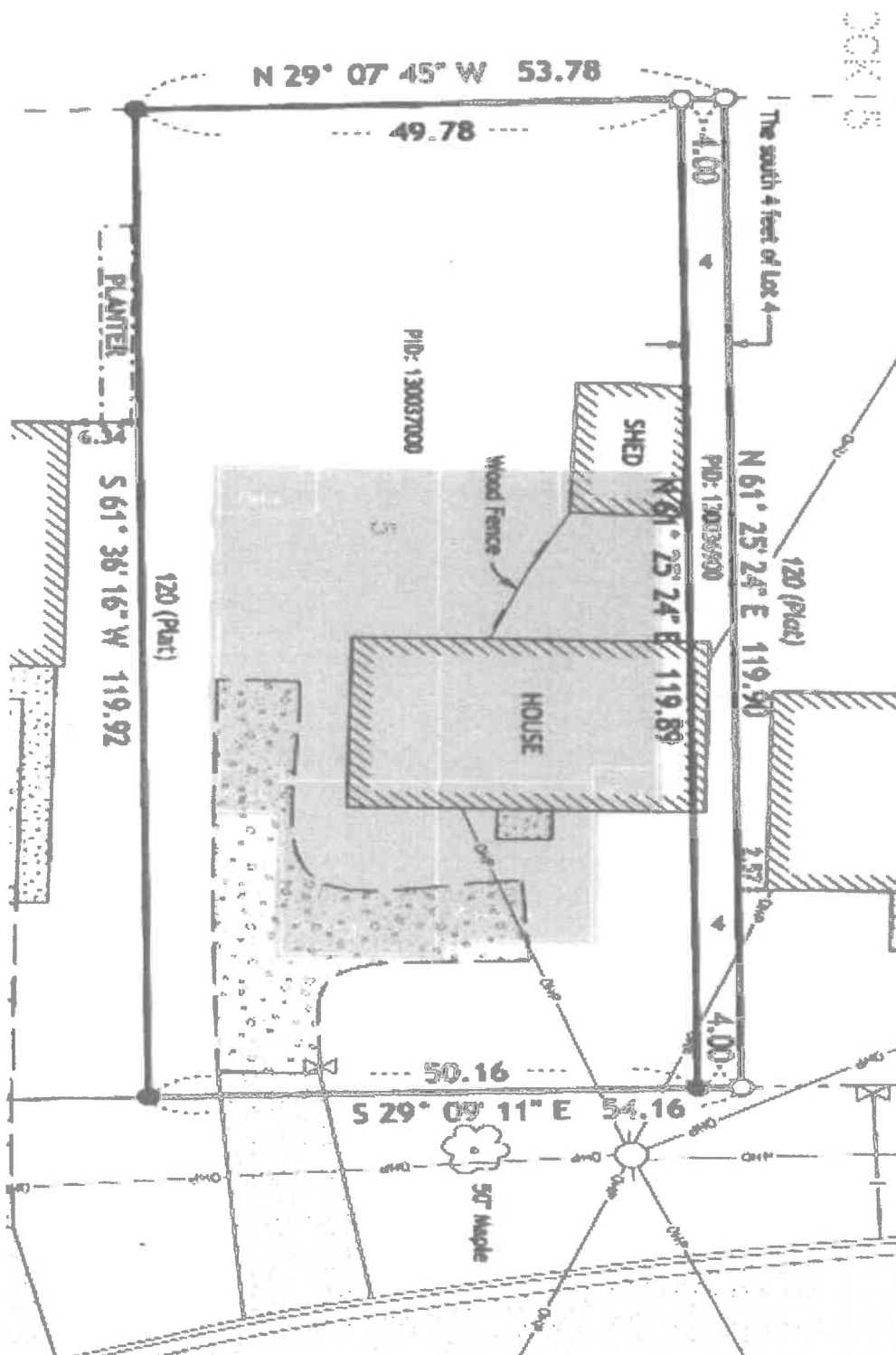
Legal Description per:
All of Lot 5 and the S/4
of Lot 4 lying Southerly &
Northerly of the corner
Subdivision of Block 5
Foley, according to it
in the office of the Clerk
of the County of
Minnesota.

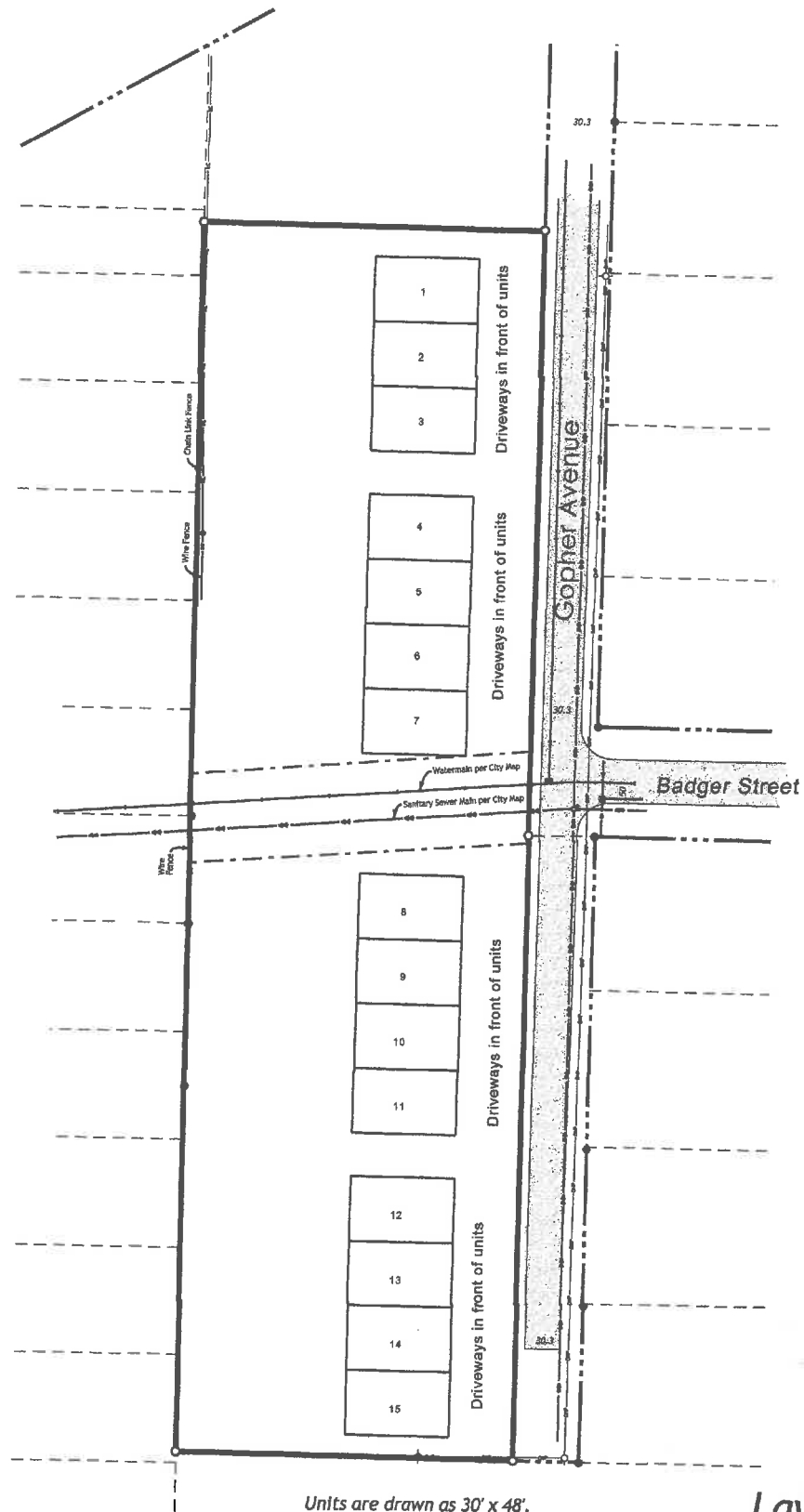










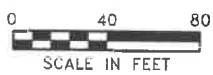


Areas
Total area = 2.04 acres (+/-)

Units are drawn as 30' x 48'.
Actual sizes may vary.

Layout 1

KLD
13 North 11th Avenue
St. Cloud, MN 56303
320-258-1285
KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRainerd ST. CLOUD



CONCEPT LAYOUT

South Side Estates

Prepared for Ryan Schmit

City of Foley, County of Benton, State of Minnesota
Located in Section 25, Township 37 North, Range 29 West

PROJECT NO. SCHMR1701 (Sec 25-37-29)

8/30/2017



CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2017 - 25

A RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT ON GOPHER
STREET AND UTILITY IMPROVEMENTS

WHEREAS, it is proposed to improve the street, drainage, sanitary sewer and water distribution system on Gopher Street. Improvements include reconstruction of the street, sanitary sewer, water main, adding a sidewalk, and turf restoration improvements; and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FOLEY,
MINNESOTA:**

That the proposed improvement be referred to SEH for study and that they are instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Adopted by the council this 5th day of September, 2017.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Foley, Minnesota ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective January 1, 2016, this Supplemental Letter Agreement dated August 31, 2017 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: **2018 Gopher Avenue Improvements**.

Client's Authorized Representative: Sarah Brunn, City Administrator
Address: PO Box 709
Foley, MN 56329-0709
Telephone: 320.968.7260 **email:** sbrunn@ci.foley.mn.us

Project Manager: Jon Halter, PE
Address: 1200 25th Avenue South, PO Box 1717
St. Cloud, MN 56302-1717
Telephone: 320.229.4344 **email:** jhalter@sehinc.com

Scope: The Basic Services to be provided by Consultant:

Our services will consist of preparing the feasibility study described as follows:

Task 1: Gopher Avenue Feasibility Study

The following items will be included in the Feasibility Study:

- Project figure for the proposed street and drainage improvements.
- Project figure for the proposed sewer and water main improvements.
- Proposed typical section.
- Project estimate.
- Feasibility study narrative.
- Preliminary assessment worksheet.
- Public hearing.

Task 2: Broadway Avenue Sidewalk Feasibility Study

If desired, the sidewalk on Broadway Avenue from Main Street to Grand Street would be included with the feasibility study for Gopher Avenue.

- Project figure for the proposed sidewalk and pedestrian ramp improvements.
- Project estimate.
- Feasibility study narrative.
- Preliminary assessment worksheet (combined with Gopher Avenue).
- Public hearing (combined with Gopher Avenue).

At the conclusion of the Feasibility Study and Public Assessment Hearing, SEH will provide a separate agreement for design and construction services, assuming the Council authorizes the project to move forward.

Additional Services:

Services from SEH not listed above, if required or requested, can be provided to the City at our normal hourly rates.

Assumptions:

- Both tasks will be completed as one feasibility study

Schedule: If authorized to proceed with the feasibility study on September 5, 2017; SEH will plan to present the feasibility study to the Council on October 3, 2017.

Payment: The fee is hourly estimated to be \$7,200 including expenses and equipment.

Task Name	Estimated Fee	
Task 1: Gopher Avenue Feasibility Study	\$5,400	Hourly including expenses and equipment
Task 2: Broadway Avenue Sidewalk	\$1,800	Hourly including expenses and equipment
Total	\$7,200	


The payment method, basis, frequency and other special conditions are set forth in attached Exhibit A-1.

Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

p:\f\foley\138502\1-gen\10-setup-cont\03-proposal\gopher\suppl letter agreement gopher ave feasibility study - 083117.docx

Short Elliott Hendrickson Inc.

City of Foley, Minnesota

By: 
Jon Halter, PE
Title: City Engineer

By: _____
Title: _____

Exhibit A-1
to Agreement for Professional Services
Between City of Foley, Minnesota (Client)
and
Short Elliott Hendrickson Inc. (Consultant)
Dated August 31, 2017

Payments to Consultant for Services and Expenses
Using the Hourly Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Hourly Basis Option

The Client and Consultant select the hourly basis for payment for services provided by Consultant. Consultant shall be compensated monthly. Monthly charges for services shall be based on Consultant's current billing rates for applicable employees plus charges for expenses and equipment.

Consultant will provide an estimate of the costs for services in this Agreement. It is agreed that after 90% of the estimated compensation has been earned and if it appears that completion of the services cannot be accomplished within the remaining 10% of the estimated compensation, Consultant will notify the Client and confer with representatives of the Client to determine the basis for completing the work.

Compensation to Consultant based on the rates is conditioned on completion of the work within the effective period of the rates. Should the time required to complete the work be extended beyond this period, the rates shall be appropriately adjusted.

B. Expenses

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client. Their costs are not included in the hourly charges made for services and shall be paid for as described in this Agreement but instead are reimbursable expenses required in addition to hourly charges for services:

1. Transportation and travel expenses.
2. Long distance services, dedicated data and communication services, teleconferences, Project Web sites, and extranets.
3. Lodging and meal expense connected with the Project.
4. Fees paid, in the name of the Client, for securing approval of authorities having jurisdiction over the Project.
5. Plots, Reports, plan and specification reproduction expenses.
6. Postage, handling and delivery.
7. Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
8. Renderings, models, mock-ups, professional photography, and presentation materials requested by the Client.
9. All taxes levied on professional services and on reimbursable expenses.
10. Other special expenses required in connection with the Project.
11. The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses.

C. Equipment Utilization

The utilization of specialized equipment, including automation equipment, is recognized as benefiting the Client. The Client, therefore, agrees to pay the cost for the use of such specialized equipment on the project. Consultant invoices to the Client will contain detailed information regarding the use of specialized equipment on the project and charges will be based on the standard rates for the equipment published by Consultant.

The Client shall pay Consultant monthly for equipment utilization.

p:\j\foley\138502\1-gen\10-setup-cont\03-proposal\gopher\exhibit a1 - 083117.docx

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2017 – 22

A RESOLUTION APPROVING A PROPOSED 2017

TAX LEVY, COLLECTABLE IN 2018

BE IT RESOLVED, by the City Council of the City of Foley, County of Benton, and State of Minnesota, that the following sums of money are to be levied for the current year, collectable in 2018, upon the taxable property in the City of Foley for the following purposes:

General Fund	\$1,313,540.00
Fire Department	79,060.00
Swimming Pool	65,950.00
2008A/2012	
Improvement Bond	190,000.00
2011 Improvement Bond	76,000.00
2015 Improvement Bond	34,000.00
Total Budget	\$1,758,550.00
Less Local Gov't Aid	<u>768,329.00</u>
Proposed Levy	\$990,221.00

The City Clerk is hereby instructed to transmit a certified copy of this resolution to the County Auditor of Benton County, Minnesota.

Passed and adopted by the Foley City Council, this 5th day of September, 2017.

Gerard L. Bettendorf, Mayor

Attest:

Sarah A. Brunn, Administrator



Foley Police Department

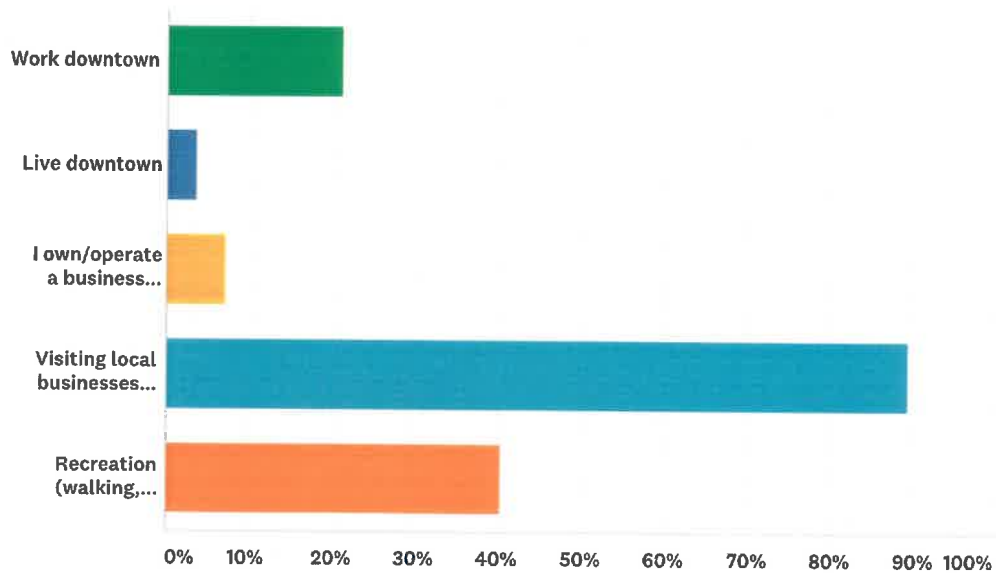
Calls for Service - 2017

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	15	17	10	8	16	19	14	13					112
Equipment Vio.	12	18	13	6	11	14	10	16					100
Speed	15	10	25	27	30	9	9	14					139
DWI	0	0	0	0	0	0	3	1					4
DAR/S/C	3	1	2	1	3	1	1	4					16
# Citations Issued	*9	*3	*5	*5	*10	*6	*8	*12					*58
Accidents	6	2	4	2	3	3	5	3					28
Hit and Run	4	0	2	0	0	1	0	0					7
Gas Drive Offs	2	1	0	1	3	5	4	1					17
Thefts	8	10	13	9	8	5	8	5					66
Controlled Substance	2	2	2	1	2	3	2	1					15
Suspicious Activity	14	15	10	6	14	23	20	25					127
Burglaries/Robbery	0	0	1	2	0	1	2	0					6
Medicals/Welfare	19	12	12	8	10	17	7	18					103
Assaults/Domestics	9	6	10	6	9	1	3	3					47
Harassment	7	5	7	6	6	2	1	4					38
CDP/Vandalism	2	0	2	4	1	0	0	1					10
Animal Complaints	9	3	6	1	11	3	12	7					52
City Ordinance	1	1	0	10	33	5	1	4					55
Parking Tickets	29	22	20	1	1	1	0	0					74
Disturbing the Peace	5	3	3	0	0	8	9	5					33
Gun Permits	3	2	5	0	2	5	2	1					20
Warrant Arrests	0	2	1	3	0	1	2	0					9
Civil	2	4	3	5	8	7	7	11					47
Lockout	4	1	4	5	1	4	2	6					27
Assist other Agencies	5	15	14	16	11	16	13	16					106
Special Events	24	34	25	25	27	14	29	18					196
Misc.	33	33	38	27	58	44	40	43					316
TZD Hours	0 Hours	0 Hours	0 Hours	0 Hours	11.25 HRS	0 Hours	0 Hours	0 Hours					11.25 HRS
Total:	233	219	232	180	268	212	206	220					1770

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

Q1 Why do you use downtown streets or sidewalks? (Choose all that apply)

Answered: 57 Skipped: 0



ANSWER CHOICES

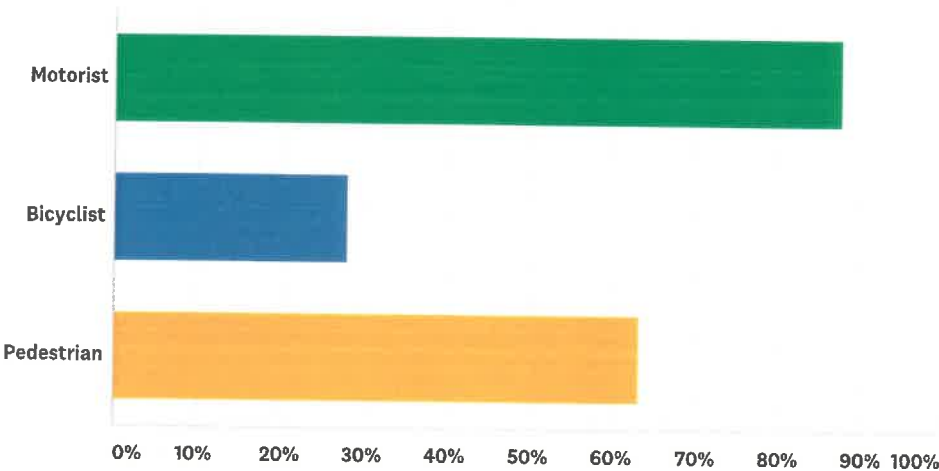
RESPONSES

Work downtown	21.05%	12
Live downtown	3.51%	2
I own/operate a business downtown	7.02%	4
Visiting local businesses (shopping, pharmacy, bank, library etc.)	89.47%	51
Recreation (walking, biking, rollerblading, skateboarding, walking dog etc.)	40.35%	23

Total Respondents: 57

Q2 How do you travel on the street(s)? (Choose all that apply)

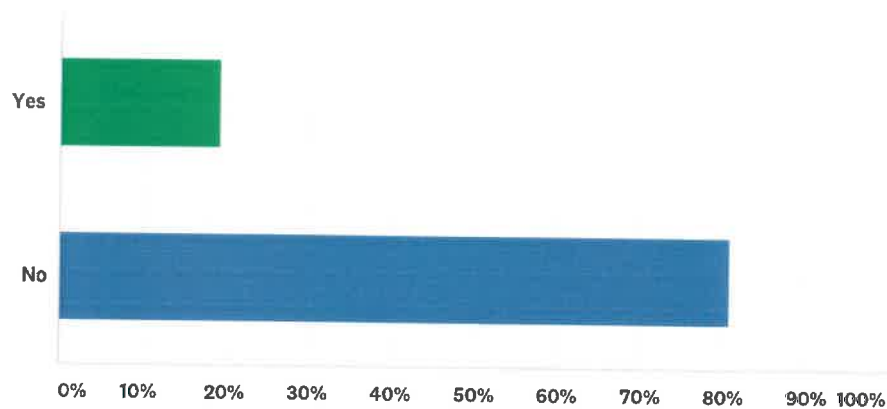
Answered: 57 Skipped: 0



ANSWER CHOICES		RESPONSES	
Motorist		87.72%	50
Bicyclist		28.07%	16
Pedestrian		63.16%	36
Total Respondents: 57			

Q3 Did you use the parallel parking on the street?

Answered: 57 Skipped: 0



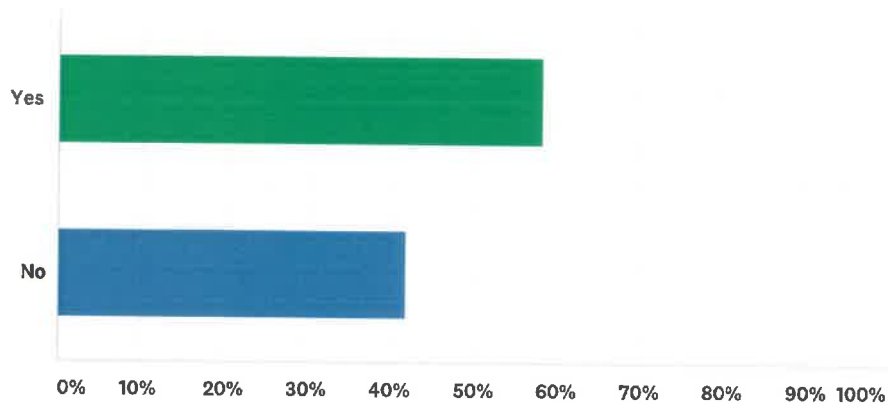
ANSWER CHOICES

ANSWER CHOICES	RESPONSES	
Yes	19.30%	11
No	80.70%	46
TOTAL		57

#	IF YES, WAS THERE A PARKING SPOT CLOSE TO WHERE YOU WERE GOING?	DATE
1	Nope	8/13/2017 9:36 PM
2	yes	8/10/2017 12:28 PM
3	I checked no, because the spots where usually filled in the area I would have liked to park.	8/1/2017 4:07 PM
4	yes	8/1/2017 7:25 AM
5	No all were taken	7/27/2017 9:34 AM
6	Yes. Worked well.	7/26/2017 7:04 PM
7	Nope	7/26/2017 2:07 PM
8	No	7/25/2017 10:01 PM
9	parked across the street	7/25/2017 12:16 PM
10	Waste of valuable parking spots	7/25/2017 10:55 AM
11	Yes	7/25/2017 9:16 AM
12	I didn't because there weren't enough spots available.	7/25/2017 9:04 AM
13	Sometimes	7/22/2017 12:35 PM

Q4 Did you find ease walking on the widened sidewalks?

Answered: 55 Skipped: 2



ANSWER CHOICES

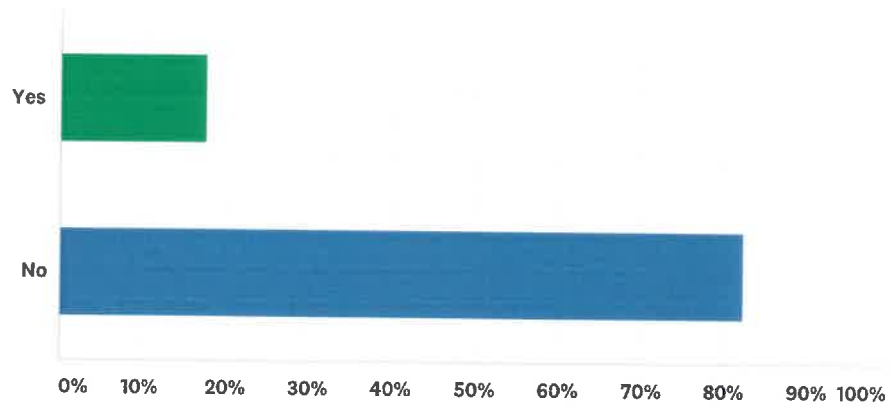
RESPONSES

Yes	58.18%	32
No	41.82%	23
TOTAL		55

#	IF NO, PLEASE EXPLAIN WHY	DATE
1	They are much worse....what does width have to do with ease of walking?	8/18/2017 10:06 PM
2	I do not like the sidewalks that have a angle. Winter and rainy weather would make it less safe for individuals that have a harder time walking on angled sidewalk. Older individuals have a difficult time judging the angle.	8/3/2017 3:16 PM
3	No different than before.	7/28/2017 8:13 PM
4	the new sidewalks are dangerous with extreme angle on them toward the street, very easy to slip onto the street, only good side walk is that section south of the legion	7/28/2017 5:26 PM
5	First the sidewalks are unsightly and very rough in some places.	7/27/2017 9:34 AM
6	They're are bikes using the sidewalk yet	7/26/2017 7:50 AM
7	Sure	7/25/2017 10:01 PM
8	It's dumb how they slope down this is the only town that I have seen this sidewalks in. I work all over the cities and not one has these stupid design and should have never been accepted to put in.	7/25/2017 8:33 PM
9	WIDTH DIDN'T MATTER AS MUCH AS THE CONDITION	7/25/2017 5:07 PM
10	The lamps are too far in, so if you meet someone from the opposite direction it's a tight squeeze. Also the weird slant at the edge of the sidewalk is very dangerous in the winter. I have seen multiple people young and old trip on them because you cannot see the edge in the snow, and ice builds up on the slant. I have also slipped myself a few times getting to my car.	7/25/2017 12:59 PM
11	Had to step over a rug laying on the street	7/25/2017 12:16 PM
12	Never had an issue with the sidewalks in the past.	7/25/2017 11:08 AM
13	Don't like the slant in the sidewalk	7/25/2017 9:14 AM
14	6' is enough	7/22/2017 12:35 PM
15	The slope on 4th avenue is not user friendly esp. if you use a walker.	7/21/2017 4:37 PM

Q5 Did you use the bicycle lane?

Answered: 57 Skipped: 0



ANSWER CHOICES

Yes

RESPONSES

17.54%

10

No

82.46%

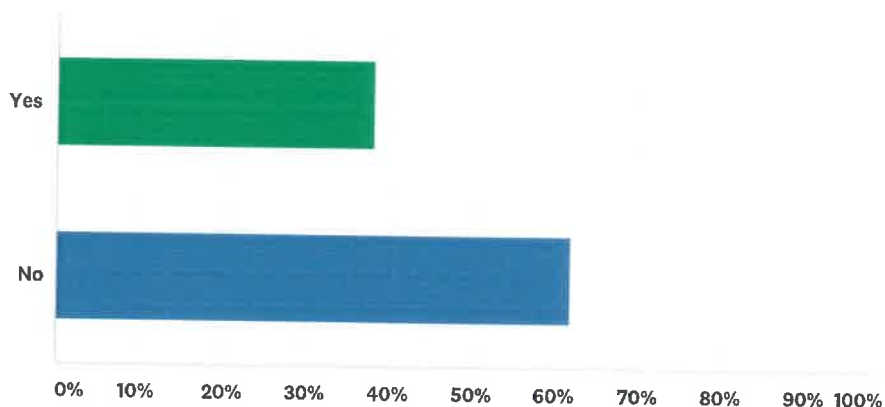
47

TOTAL

57

Q6 If you used the bike lane, did you feel safe doing so?

Answered: 21 Skipped: 36



ANSWER CHOICES

Yes

RESPONSES

38.10%

8

No

61.90%

13

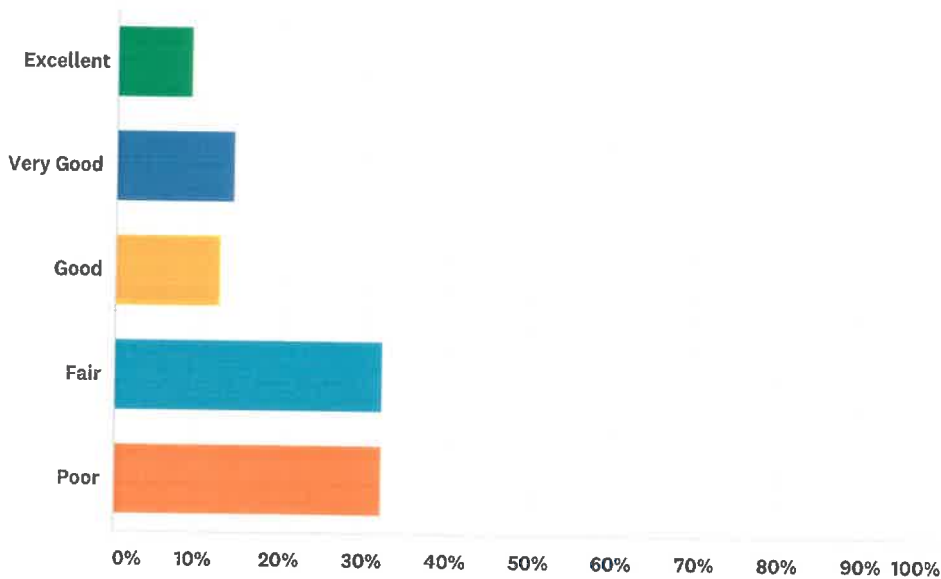
TOTAL

21

#	IF YOU ANSWERED NO, PLEASE EXPLAIN WHY YOU DIDN'T FEEL SAFE?	DATE
1	Too close to oncoming traffic and parked vehicles.	8/13/2017 9:36 PM
2	I just need practice	8/10/2017 12:28 PM
3	I've only observed some children using the bike lane and they are not cautious when using the bike lane. Also, why direct those individuals to downtown (busier) streets? Rather have them on the side streets where there is less traffic. I'm also concerned with the loss of downtown parking for customers. Also, older individuals have a more difficult time with the parallel parking.	8/3/2017 3:16 PM
4	Wouldn't use the bike lane because I don't feel it was safe for either the people on bikes or those in cars parked.	8/1/2017 4:07 PM
5	only 2 blocks long, rest of the ride no bike lane! ridiculous idea	7/28/2017 5:26 PM
6	Was a little afraid someone would open a car door and hit me.	7/27/2017 12:05 PM
7	LOVED the new bike lanes!	7/26/2017 7:04 PM
8	U have to cross over the path to park it is all ridiculous!	7/26/2017 2:07 PM
9	Haven't and prob won't use bike lane.	7/25/2017 10:01 PM
10	two most dangerous intersections in the city	7/25/2017 12:16 PM
11	Autos no looking for bikers. Someone opened their car door, another person pulled right out as I was passing car.	7/25/2017 11:26 AM
12	Bike lane in the way of motorist pulling out - and doors opening. 2 blocks of a bike lane does not make anything safer - bikers are still biking on the sidewalks	7/25/2017 10:55 AM

Q7 How would you rate your experience using Dewey Street during the demonstration project?

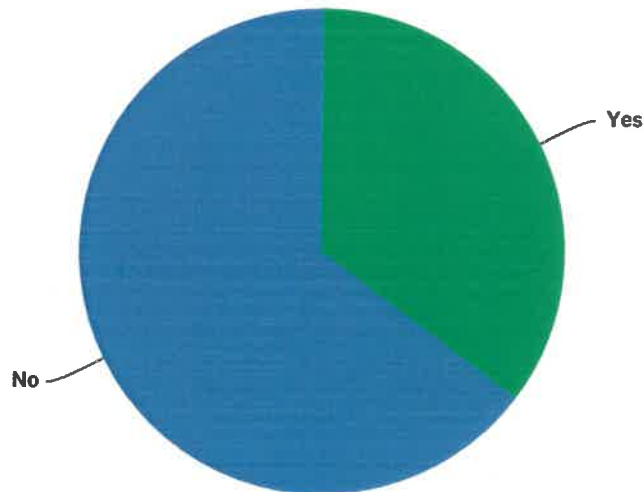
Answered: 56 Skipped: 1



ANSWER CHOICES	RESPONSES	
Excellent	8.93%	5
Very Good	14.29%	8
Good	12.50%	7
Fair	32.14%	18
Poor	32.14%	18
Total Respondents: 56		

Q8 Do you support making some or all of the new configurations permanent on Dewey Street?

Answered: 54 Skipped: 3



ANSWER CHOICES

Yes

RESPONSES

35.19%

19

No

64.81%

35

TOTAL

54

#	IF NO, PLEASE EXPLAIN WHY	DATE
1	NO NO NO.....There is no more visibility than before, and the bike lane is just a way for kids to ride down and kick cars.	8/18/2017 10:06 PM
2	See earlier responses.	8/3/2017 3:16 PM
3	I feel safety is the biggest concern to not only the bikers but also for those parking. But also for the businesses and their customers who need to try to park close to the business.	8/1/2017 4:07 PM
4	The shops I wanted to stop at need more parking space not less. It was an hinderance to visiting shop when parking is not available and parallel spaces reduce parking openings	7/28/2017 8:13 PM
5	no ridiculous idea	7/28/2017 5:26 PM
6	I don't think parallel parking would be good for our downtown area businesses who seem to struggle to stay afloat in Foley already. I think the easier the parking is the more people will shop downtown.	7/27/2017 12:05 PM
7	I believe backing into a parallel spot is extremely dangerous since one is watching the vehicle in front of the spot one is parking. Also when trying to get out of the spot I think it would be dangerous as you again would be in the bike path	7/27/2017 9:34 AM
8	What a great way to get our community active in a safe and reliable way. Imagine connecting that with the schools so kids can bike to school safely across the highway! Also, maybe consider a round about in the center near with a green space in the middle where people can gather. Maybe a small fountain or benches or flowers or something to sit out there and enjoy. Keep up the work!	7/26/2017 7:04 PM
9	Sidewalks and new road	7/26/2017 2:07 PM
10	Foley doesn't need a bike lanes downtown. It causes confusion and lack of already minimal parking.	7/26/2017 7:50 AM

Foley Demonstration Project

SurveyMonkey

11	leavw well enough alone	7/25/2017 5:28 PM
12	I DON'T SEE THAT MUCH BIKE TRAFFIC AND LOSING THE PARKING SPACES. TWO LARGE BUSINESSES DOWNTOWN USE UP A LOT.	7/25/2017 5:07 PM
13	This USB senseless waste of money and resources. There are other steets that really need to be fixed. Use the money for that. STOP "fixing " Dewey street!	7/25/2017 2:24 PM
14	There are times when finding parking is hard, taking away parking spots is going to make it even harder.	7/25/2017 2:02 PM
15	Not the parking situation, angle partaking gives more spaces.	7/25/2017 1:47 PM
16	The sidewalk is a huge safety hazard with that slanted edge	7/25/2017 12:59 PM
17	Do not want to parallel park	7/25/2017 12:16 PM
18	Bikes are fine on sidewalk	7/25/2017 12:05 PM
19	I just avoid downtown, or ride in right of way like always.	7/25/2017 11:26 AM
20	Parking is already limited along that street. With these changes parking will only further be limited. Clients shouldn't have to park blocks away to stop in for a quick visit. In the event of poor weather, they may choose not to stop in knowing they would have to walk a considerable distance. The number of bikers I see is quite limited, and don't see the need for the bike path.	7/25/2017 11:08 AM
21	We cannot afford to lose parking spaces on Dewey. Project is a waste of grant money.	7/25/2017 10:55 AM
22	No need for bike lane.	7/25/2017 9:16 AM
23	I think our money is better spent just fixing the roads in Foley of all the holes, cracks and problems first.	7/25/2017 9:13 AM
24	I don't feel there is enough bike traffic to have the bike lane. I feel there is more motorist who come to town to work or shop. By having less easy parking especially for the elderly, businesses will lose customers. I feel the majority if the bike traffic are kids and young adults.	7/25/2017 9:04 AM
25	Parking Shortage	7/22/2017 12:35 PM
26	Bike lane on only one side?? New parking design eliminated much needed parking spaces. I could go on with a few other things but I'll prob. run out of room.	7/21/2017 4:37 PM
27	I dont think it really pays to have a bike lane on 2 blocks of the downtown street.	7/20/2017 3:34 PM

What a great way to get our community active in a safe and reliable way. Imagine connecting that with the schools so kids can bike to school safely across the highway! Also, maybe consider a round about in the center near with a green space in the middle where people can gather. Maybe a small fountain or benches or flowers or something to sit out there and enjoy. Keep up the good work!

We trialed two blocks of parallel parking to accommodate a bike lane as well as widened sidewalks for ease when walking.

The most important information that came from this demonstration project is that on a daily average there are 50+ bikers biking on our downtown streets. Riders are commuting to work, heading up town to get their mail, kids biking to the pool, families being active and others riding for recreation. People are getting out and being active and that is a win! Three parking spots on each block were taken away during this project and at our open house it was evident that downtown parking was a concern/priority for all businesses. The demo project was funded through SHIP grant dollars.

65 surveys filled out online or on paper along with feedback from the open house will give the council the information they need to make the final decision on whether or not to move forward with the amenities demonstrated during the project.

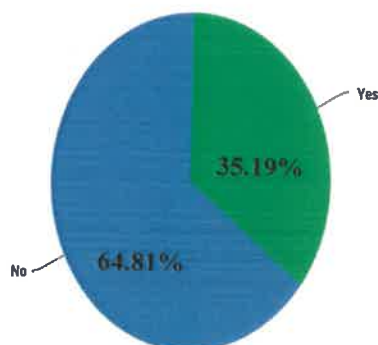
The graph below shows the percentage of people who are in favor of the new configurations to be at 35% and those against at 64%.



RESULTS

Q8 Do you support making some or all of the new configurations permanent on Dewey Street?

Answered: 54 Skipped: 3



Demonstration Project





Building a Better World
for All of Us®

August 31, 2017

RE: Foley, Minnesota
2017 Birch Drive Drain Tile
SEH No. FOLEY 143277 14

Honorable Mayor and City Council
c/o Ms. Sarah Brunn, City Administrator
City of Foley
251 Fourth Avenue North
PO Box 709
Foley, MN 56329-0709

Dear Mayor and Members of the City Council:

Quotes were opened at 5:00 p.m. on Tuesday, August 31, 2017, for the above-referenced improvement.

The low quote was submitted by Molitor Excavating, Inc. of Waite Park, Minnesota in the amount of \$66,329.00. A complete tabulation of bids is enclosed.

Although the quotes came in above the engineers estimate, we know of no reason the project should not be awarded to the low bidder for the amount of \$66,329.

Please contact me if you have any questions.

Sincerely,

Jon Halter, PE
City Engineer

mrb

Enclosure

p:\jfh\foley\143277\1-gen\14-corr\ owner recommendation 083117.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 1200 25th Avenue South, P.O. Box 1717, St. Cloud, MN 56302-1717
SEH is 100% employee-owned | sehinc.com | 320.229.4300 | 800.572.0617 | 888.908.8166 fax

**TABULATION OF BIDS**

PROJECT NO.: FOLEY 143277
 NAME: 2017 BIRCH DRIVE DRAIN TILE
 OWNER: CITY OF FOLEY, MN
 BID DATE: TUESDAY, AUGUST 29, 2017 @ 5:00 P.M.

ITEM	QUANTITY	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		1 MOLITOR EXCAVATING		2 KUECHLE UNDERGROUND		3 C&L EXCAVATING	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
GENERAL											
1	1.00	LUMP SUM	MOBILIZATION	\$4,000.00	\$4,000.00	\$9,000.00	\$9,000.00	\$6,300.00	\$6,300.00	\$8,000.00	\$8,000.00
2	1.00	LUMP SUM	TRAFFIC CONTROL	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,400.00	\$1,400.00	\$2,000.00	\$2,000.00
3	60.00	LIN FT	SAWING CONCRETE PAVEMENT	\$3.50	\$210.00	\$3.15	\$189.00	\$3.40	\$204.00	\$8.00	\$480.00
4	900.00	LIN FT	SAWING BITUMINOUS PAVEMENT	\$3.00	\$2,700.00	\$2.50	\$2,250.00	\$2.40	\$2,160.00	\$3.00	\$2,700.00
STREET											
5	190.00	CU YD	COMMON EXCAVATION (PQ)	\$10.00	\$1,900.00	\$15.75	\$2,992.50	\$18.20	\$3,458.00	\$40.00	\$7,600.00
6	125.00	CU YD	AGGREGATE BASE CLASS 5 (CV)	\$25.00	\$3,125.00	\$20.00	\$2,500.00	\$23.80	\$2,975.00	\$60.00	\$7,500.00
7	40.00	SQ YD	REMOVE CONCRETE PAVEMENT	\$10.00	\$400.00	\$4.20	\$168.00	\$12.60	\$504.00	\$25.00	\$1,000.00
8	600.00	SQ YD	REMOVE BITUMINOUS SURFACE	\$4.00	\$2,400.00	\$3.50	\$2,100.00	\$4.30	\$2,580.00	\$3.50	\$2,100.00
9	70.00	TON	TYPE SP 9.5 WEARING COURSE MIXTURE	\$75.00	\$5,250.00	\$100.80	\$7,056.00	\$106.20	\$7,434.00	\$100.00	\$7,000.00
10	70.00	TON	TYPE SP 12.5 WEARING COURSE MIXTURE	\$75.00	\$5,250.00	\$100.80	\$7,056.00	\$106.20	\$7,434.00	\$100.00	\$7,000.00
11	30.00	GAL	BITUMINOUS MATERIAL FOR TACK COAT	\$3.00	\$90.00	\$2.10	\$63.00	\$2.00	\$60.00	\$4.00	\$120.00
12	40.00	SQ YD	6" CONCRETE DRIVEWAY PAVEMENT	\$40.00	\$1,600.00	\$50.00	\$2,000.00	\$116.20	\$4,648.00	\$60.00	\$2,400.00
13	40.00	SQ YD	BITUMINOUS DRIVEWAY PAVEMENT	\$25.00	\$1,000.00	\$52.50	\$2,100.00	\$59.20	\$2,368.00	\$65.00	\$2,600.00
14	40.00	SQ YD	GRAVEL DRIVEWAY RESTORATION	\$15.00	\$600.00	\$6.30	\$252.00	\$9.20	\$368.00	\$25.00	\$1,000.00
15	1.00	EACH	ADJUST GATE VALVE BOX	\$450.00	\$450.00	\$500.00	\$500.00	\$517.80	\$517.80	\$275.00	\$275.00
DRAIN TILE											
16	65.00	CU YD	COARSE FILTER AGGREGATE (CV)	\$30.00	\$1,950.00	\$68.00	\$4,420.00	\$25.00	\$1,625.00	\$35.00	\$2,275.00
17	2.00	EACH	NYLOPLAST DRAINAGE STRUCTURE W/ GRATE	\$1,500.00	\$3,000.00	\$1,500.00	\$3,000.00	\$721.60	\$1,443.20	\$1,450.00	\$2,900.00
18	10.00	EACH	6"X4" TEES WITH CAP FOR SUMP PUMP CONNECTIONS	\$300.00	\$3,000.00	\$150.00	\$1,500.00	\$137.80	\$1,378.00	\$575.00	\$5,750.00
19	825.00	LIN FT	6" DRAIN TILE	\$5.00	\$4,125.00	\$17.00	\$14,025.00	\$22.48	\$18,546.00	\$24.00	\$19,800.00
20	1.00	EACH	CONNECT TO EXISTING DRAINAGE STRUCTURE	\$650.00	\$650.00	\$1,300.00	\$1,300.00	\$560.00	\$560.00	\$845.00	\$845.00
TURF RESTORATION											
21	1.00	EACH	INLET PROECTION	\$175.00	\$175.00	\$100.00	\$100.00	\$203.00	\$203.00	\$200.00	\$200.00
22	20.00	CU YD	TOPSOIL BORROW (LV)	\$15.00	\$300.00	\$26.25	\$525.00	\$21.80	\$436.00	\$30.00	\$600.00
23	550.00	SQ YD	SEEDING, FERTILIZER, HYDRAULIC MATRIX TYPE	\$3.00	\$1,650.00	\$3.15	\$1,732.50	\$5.00	\$2,750.00	\$4.00	\$2,200.00
GRAND TOTAL BID					\$44,825.00		\$66,329.00		\$69,352.00		\$86,345.00

P:\FJ\FOLEY\1432776-bid-const\Bidding\Bid Tabulation.xlsx\BIDTAB



Date	Customer PO
8/23/2017	

Foley Fire Department
Foley, Minnesota

Foley Fire Department
Foley, Minnesota

*CUSTOMERS THAT HAVE NOT PROVIDED TAX EXEMPT
FORMS WILL BE CHARGED APPLICABLE SALES TAX

***THIS IS NOT AN INVOICE**

TOTAL: \$30,445.50

Authorized Signature of Approval

Sarah Brunn

From: Mark Pappenfus <foleypwks@cloudnet.com>
Sent: Thursday, August 31, 2017 8:18 AM
To: City Administrator
Subject: Bobcat Hydraulic Breaker
Attachments: Bobcat Breaker Quote.pdf

Sarah,

Could you please add the attached to the City Council packet.

I would like to purchase a Hydraulic Breaker (Jack Hammer) for our Bobcat. We presently rent one a time or two a year and would use it on many other projects if we had one available for staff.

I am going to split the cost up between funds as it is used for many projects:

\$1,515 – Street Dept. Equipment

\$1,500 – Sewer Equipment

\$1,100 – Water Equipment

\$2,000 – Road Sand/Salt; Savings from less usage due to less Snow last year.

Thanks, Mark

Mark Pappenfus
City of Foley Public Works Director
320-290-9186



Bobcat®

Product Quotation

Quotation Number: NEW

Date:

Ship to	Bobcat Dealer	Bill To
CASH ST CLOUD	Farm-Rite Equipment of St. Cloud, St. Cloud, MN	CASH ST CLOUD
ST CLOUD, MN	810 MAYHEW LAKE RD NE ST. CLOUD MN 56304 Phone: 320-240-2085 Fax: 320-230-1012	ST CLOUD, MN
<i>City of Foley</i>		
Contact: Mark Kunkel Phone: (320) 240-2085 Fax: (320) 230-1012 Cellular: 320-980-1708 E Mail: mark.kunkel@farmriteequip.com		

Description	Part No	Qty	Price Ea.	Total
HB980 Hydraulic Breaker with Nail Point	7113421	1	\$5,502.00	\$5,502.00
--- Loader Mounting Frame	7113737	1	\$469.00	\$469.00
--- Hose Kit - Breakers - Ldr	7114764	1	\$144.00	\$144.00
Total of Items Quoted				\$6,115.00
Dealer P.D.I.				\$0.00
Freight Charges				\$0.00
Quote Total - US dollars				\$6,115.00

Notes:

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes. Customer must exercise his purchase option within 30 days from quote date.

Customer Acceptance:

Purchase Order: _____

Authorized Signature:

Print: _____ Sign: _____ Date: _____

Section 1310 – Parking Regulations

1310.01 General Rule. Subdivision 1. Parallel and Angle Parking. Every vehicle parked upon any street with a curb shall be parked parallel to the right hand curb and with the right hand wheels of such vehicle within 12 inches of the curb, except on streets where angle parking is required and designated. On any such street every vehicle parked shall be parked with the front of such vehicle facing the curb or away from the traveled portion of the street at an angle of approximately 45 degrees from the direction of travel on the adjacent traffic lane and facing between the painted marking on the street or curb indicating the parking space. No vehicle longer than a standard manufactured passenger vehicle or longer than a standard manufactured light duty pickup or van rated one ton or less and no vehicle with a trailer attached shall be parked in any angle parking area or space. On any street without a curb, every vehicle shall be parked to the right of the main traveled portion thereof and parallel thereto facing the direction of travel in the adjacent traffic lane and in such a manner as not to interfere with the free flow of traffic.

(Amended Ord. 1239 – 2004)

1310.03 Ignition in Parking Vehicles. Every person parking a passenger automobile on any public street or alley in the City shall lock the ignition, remove the key and take the same with him.

1310.05 Parking Prohibited. Subdivision 1. General Rule. No person shall park a vehicle or permit it to stand, whether attended or unattended, upon any highway within the City, in any of the following places:

- a) on a sidewalk or boulevard;
- b) in front of a public or private driveway;
- c) within an intersection;
- d) within 15 feet of a fire hydrant;
- e) on a crosswalk;
- f) within 20 feet of a crosswalk at an intersection;
- g) within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;

- h) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- i) in front of any hotel or theater entrance where marked by appropriate signs;
- j) within 50 feet of the nearest rail of a railroad crossing;
- k) within 20 feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within 75 feet of said entrance when properly marked;
- l) alongside or opposite any street excavations or obstruction when such stopping, standing, or parking would obstruct traffic;
- m) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- n) upon any bridge or other elevated structure upon highway, except as otherwise provided by the Council by resolution;
- o) at any place where official signs prohibit stopping;
- p) no person shall, for camping or living purposes, leave or park a house trailer on any street or the right-of-way thereof;
- q) no vehicle shall be parked on any street for the purpose of displaying it for sale;
- r) Unless posted otherwise, no vehicle shall be parked on a street, alley, or public parking lot within the City of Brainerd for a period of time in excess of 48 continuous hours. This shall also be inclusive of trailers, including but not limited to: travel trailers; RVs; campers; work/construction trailers; flatbed trailers; equipment trailers, open and enclosed trailers, utility trailers, motorcycle/snowmobile/ATV trailers; boat trailers (with or without a boat); ice fishing houses, etc. No trailers as defined above may be re-parked within three (3) City blocks of where it was originally parked or it shall be deemed to have remained stationary. Re-parking of said trailer in that area will not be permitted for another continuous 48 hours.

(Amended Ord. 923 – 1992, Ord. 1399 – 2012)

1310.07 Impounding. Any vehicle parked in violation of Subsection 1310.05 may be towed to a motor vehicle storage lot at the expense of the owner. Further, in the event it is deemed necessary by a Police Officer to have a vehicle removed for safety reasons or to prevent an accident or for the expeditious free flow of traffic, a vehicle may also be towed to a motor vehicle storage lot at the expense of the owner.

(Amended Ord. 923 – 1992)

1310.09 Parking Zones. Subdivision 1. Time Limit Parking Zones. The City Council may designate certain areas where the right to park is limited during hours specified. The City Engineer shall mark by appropriate signs each zone so designated. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than is so specified and if such parked vehicle shall be reparked in the same limited parking zone on the same day within three (3) City blocks from its originally parked location, it shall be deemed to have remained stationary.

(Amended Ord. 828 – 1985)

Subd. 2. Exception. No person, except a properly licensed physician or surgeon, shall leave any motor vehicle or other vehicle standing unattended on any street in the City for a period longer than may be indicated by signs properly posted and maintained, in each block on said street, at the direction of the City Council.

1310.11 Loading Zones. Subdivision 1. Description. The City Council may by motion establish spaces in streets as loading zones, the loading zone hours and the rate for same.

Subd. 2. Application. Any person desiring the establishment of a loading zone for that person's abutting premises shall make written application therefore to the City Council. If the Council grants the request, the City Engineer shall install the necessary signs.

Subd. 3. Use Of. During loading zone hours, no person shall occupy a loading zone with a vehicle except for the loading and unloading of freight or passengers and then only for a period no longer than is necessary for the purpose.

1310.13 Prima Facie Evidence. The presence of any motor vehicle on any street when standing or parked in violation of this Section is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

1310.15 Police Duties. The police shall enforce the provisions of this Section and the State traffic laws. Police officers are authorized to direct all traffic within the City, either in person or by means of visible or audible signal, in conformity with this Ordinance and the State traffic laws. During a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions require notwithstanding the provisions of this Section and the State traffic laws. Officers of the Fire Department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

1310.17 Violation; penalty for owner or lessee.

(a) If a motor vehicle is stopped, standing, or parked in violation of Section 1310, the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

(b) The owner or lessee may not be fined under paragraph (a) if (1) another person is convicted for, or pleads guilty to, that violation, or (2) the motor vehicle was stolen at the time of the violation.

(c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle operator for violating Section 1310.

(e) A violation under paragraph (a) does not constitute grounds for revocation or suspension of the owner's or lessee's driver's license."

(Amended Ord. 1391 – 2011)

We had another great year at the City of Foley Outdoor Pool. We had a large pool staff this year and teamwork between the girls was amazing. We hope this trend continues as it makes for lighter work and a safer, more fun environment. We received many positive comments about the girls' lifeguarding and teaching habits at the pool and we aim to uphold these high standards. Comments include lifeguards being alert and having quality scanning skills and teachers leading groups effectively but still providing extra one on one support for the students who need it.

Along with the good, there were also some bumps in the road. We did have a couple of incidents this year where patrons were frustrated about pool closings due to weather. Things became a problem when there was a lack of communication between the city, staff on duty, and patrons. Together we have worked together to remedy these problems and now have stronger policies in place for the upcoming years. Next year there will also be additional staff training so everyone knows how to handle situations similar to these should they arise. Staff will learn how to effectively deal with unhappy patrons, learn key phrases to use in these situations, and will review the importance of body language and tone when speaking with patrons. With this we hope to avoid additional problems in the future.

Another key change this year was that we brought back evening swim lessons for Learn-to-Swim Levels 1-6. This meant we had extended lesson hours during the evenings for the first and second session of lessons. Parents loved that we brought this back. We got tons of positive feedback from this and are planning on doing it the same way next year. Due to this change, afternoon open swim was shortened by forty-five minutes and evening swim started thirty minutes later. This didn't create many problems for us though, since most kids were at swimming lessons anyway. Those kids were also more likely to stay for open swim afterwards, or come swimming before their lessons. This was a great change for the pool and we are excited to continue it next year.

We also understand that funding for the pool is pretty tight. Because of this, we really made sure that we limited the amount of staff working at a time when we could, and often times sent a guard home if we did not have a packed pool. There were also quite a few times this year where we closed entirely due to weather. We would stay open for a couple hours and if no one came we would close early to cut costs. If the weather forecast was looking poor for evening swim (thunderstorms, heavy rains, temperatures below sixty degrees) we would remain closed. In the event of this happening, we would do our best to notify City Hall so they could post it on the City's Facebook page whenever possible. We would also close early if there were less than ten swimmers in the pool as that was not cost effective either. We would give them enough time to swim, and always made sure to warn them of the possibly earlier closing time, but did not have problems with this. We plan to continue this next year as well.

Like previously stated, we had another great season at the pool. We're always getting parents and grandparents who came to the pool as kids and now want to bring their children and grandchildren too. It's such a great opportunity for the surrounding communities and is something you can tell many people really enjoy.

I talked to Sarah Brunn about all things pool related this year so if you have additional questions you can certainly ask her. Otherwise, she has my email if you would like to reach out to me directly. I will try to get back to you as soon as possible.

Thank you!
Kimberly Barthelemy

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 09-05-17 COUNCIL MEETING
DATE: AUGUST 31, 2017

Consent Agenda

Foley Public Schools has requested to close Penn Street for the homecoming parade on September 29, 2017. This is short parade (less than 30 minutes). They have done the parade in prior years and will provide all barricades as well as staff to monitor the barricades. Foley PD will also be present. Staff has no concerns with approving this closure.

There are 2 donation resolutions in your packet which cover 3 donations from the Rice Sportsman Club, Sons of the American Legion and Foley Fire Relief Association. The relief donation was the agreed amount as contribution for the purchase of the 2010 Tahoe.

Resolution #2017-21 is cancelling a previous special assessment. This is the corner parcel on 8th/Dewey where the city had to do a hazardous abatement clean up in 2012. This property was also assessed for the 2008 Street/Utilities Improvements. After the clean-up, the property went into tax forfeiture and the county has been trying to auction it off since 2013. Since it has been unsuccessful in sale, staff recommends cancelling the special assessment to make it more marketable. The total cancelled amount would be \$7,795.75. The council should keep in mind that since it has been in forfeiture it is off the tax rolls. A successful sale to a private party would put it back on the tax rolls.

Blue Water Sands LLC – Variance Request

Staff has included information in your packet on the variances requested by Blue Water Sands LLC. The planning commission reviewed this item at their August 14, 2017 meeting and is recommending approval with 3 conditions as noted on the approving resolution. Staff sent public hearing notices to the surrounding property owners. One letter was submitted and is included in your packet. The applicant has also provided the additional information on the actual plan of the house. Following the public hearing, staff is requesting council action on Resolution #2017-24.

Foley Fire Relief

Bryan Moshier, Fire Relief Treasurer, requested to be placed on the agenda to provide an update to the city council.

Ryan Schmit – South Trailer Redevelopment

Ryan Schmit has requested to be placed on the agenda to continue the discussion on the South Trailer Redevelopment. Mr. Schmit has moved out all the trailers and only a couple smaller structures remain on site. If the council wishes to finance this project with the Dewey Street project they should authorize the engineer to move forward with a feasibility study by acting on Resolution #2017-25 Ordering Feasibility for Gopher Avenue.

Discussion on 2018 Budget

Based on the feedback from the budget workshop session I have prepared a preliminary resolution certifying a preliminary levy which is a 4.8% increase over 2017. The City is also expected to see approximately a 2.1% increase in overall tax capacity which will help offset the increase. I emailed the council some estimated impacts to city taxes and they are also in this memo. Keep in mind, this assumes a 2.1% increase in tax capacity as estimated by the assessor's office. It is also not reflective of changes in market value which can vary by property.

Residential Home

Property valued at 91,000 – increase of \$15/year

Property valued at 140,000 – increase of \$27/year

Property valued at 225,000 – increase of \$50/year

Commercial Business

Property valued at 340,000 – increase of \$158/year

If there is no additional discussion staff requests council action on the resolution authorizing staff to certify to the county. In addition, I will be scheduling the Truth-In-Taxation meeting, which is a public hearing on the budget before final adoption. If there are no objections, I will schedule that meeting on December 5th @ 6pm (meeting cannot start until after 6pm by law). This will be incorporated into the city's regular council meeting.

Discussion on Downtown Demonstration Project

Staff will update the council on the conclusion of the downtown demonstration project. In your packets I included updated survey results. Following the update, the council will need to provide direction on the final design for Dewey Street and whether to incorporate any of the proposed design changes that were tested.

Discussion on Birch Drain Tile Project

City Engineer, Jon Halter has provided an overview and recommendation based on the bids received for this project. The council can discuss at the meeting and then make a final decision on whether or not to proceed.

Fire/Public Works Equipment Purchases

In your packet are quotes to purchase rescue tools for the fire department. The department has raised funds to make this purchase and the Fire Chief can explain more at the meeting.

There is also a quote for a hydraulic breaker in your packet. The Public Works would like to purchase this equipment from multiple departments and also utilize savings in our salt/sand line item.

Discussion on Downtown Parking

At the August workshop, the council requested some information on parking enforcement options for the downtown area. I have discussed this item with our police chief and city attorney and they can have

a discussion with the council if they so choose. In your packet is a copy of the Brainerd ordinance as they do enforce timed parking in their downtown area by chalking tires.

Pool Wrap-Up

A letter from the pool manager overviewing the 2017 season is included in your packet.

Police Union Contract

Staff did meet with union representatives to discuss a new contract. Staff is gathering some additional information and will be calling a personnel committee meeting in the next couple weeks to discuss this item further. A recommendation from the personnel committee is anticipated to come forward before the end of the year.

Upcoming Reminders

- Monday, September 11th – 6:30-8:00pm – Hwy 23 Safety Audit Report – City Hall – councilmembers strongly encouraged to attend!