

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – November 13, 2018

The Foley City Council held a regular meeting on November 13, 2018, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: Kris du'Monceaux (resigned 10-31-18)

The pledge of allegiance was recited.

Motion by Swanson, seconded by Gondeck, to approve the agenda. Motion carried, unanimous.

Consent Agenda

Motion by Gondeck, seconded by Kasner, to approve the consent agenda, which includes the following:

- Approve minutes of October 2, 2018.
- Approve minutes of October 30, 2018.
- Approve 2019-2021 Fire Contract language with Township/Cities.
- Approve land purchase agreement with Foley Lumber LLC.
- Approve personnel recommendation for non-union employee contract.
- Adopt Resolution #2018-28 Accepting Donation.
- Accept resignation of councilmember Kris du'Monceaux effective October 31, 2018.
- Approve payment of bills paid for by checks #50842-50937.

Motion carried, unanimous.

2018 Elections – Canvass Election Results

Motion by Gondeck, seconded by Swanson, to adopt Resolution #2018-29 Canvassing Election Results. Motion carried, unanimous.

Public Hearing – 2018 Improvements – Final Assessment Hearing

Mayor Bettendorf recessed the regular city council meeting at 5:32 p.m. to conduct the public hearing on the final assessments for the 2018 Improvements. Amanda Welle, 250 3rd Avenue, questioned why with snow on the ground there is still work to do and the job is still not done. City Engineer Jon Halter acknowledged the work that still remains including striping, dirt work and seeding. Halter indicated temporary seeding will occur. The final lift of blacktop and final seeding will not occur until spring. Welle questioned the blacktop that was put down. Halter explained the final lift in the spring is intentional. Welle asked about the plan if the planned work is not completed this fall and delayed. Halter outlined the work yet to be done. Welle asked about the process to start charging the residents prior to completion. Halter indicated this was the intention all along with the project. There was a question on the timing and when the assessments will be payable with their property taxes.

Evelyn Kirby, 50 Broadway Avenue N, questioned the sprinkler system and if it will be re-installed. Halter indicated it will be completed in the spring.

141 2nd Avenue (Joann Caywood was at the meeting on behalf of Luanne Caywood) questioned the timing of yard replacement and payment of the assessments.

Judy Weis, 201 Dewey Street, questioned about being assessed for a sidewalk one time before and asked why she is being assessed again. Public Works Director Mark Pappenfus recalls a project but was unsure of the timeline. Pappenfus indicated it may have been a collaborative effort on making repairs with a contractor. City Attorney Adam Ripple indicated there is no rule on a property being re-assessed for improvements when the life expectancy has been reached. Gondeck recalls the sidewalk repairs being a separate stand-alone issue. Weis indicated the amount of assessments for the sidewalk was a large amount and they were told they wouldn't be assessed again. Pappenfus asked Weis who told her they wouldn't be reassessed and she couldn't recall.

Julie Torell, 405 Dewey Street, asked what happens when assessing prior to completion and how cost overruns are handled. Halter indicated the city assumes any cost overruns after assessment.

Mayor Bettendorf reconvened at 5:47 p.m. There was discussion on the I&I resolution. Motion by Swanson, seconded by Kasner, adopting Resolution #2018-27 Determining I&I Compliance. Motion carried, unanimous.

Motion by Swanson, seconded by Gondeck, to adopt Resolution #2018-32 Adopting Assessments. Motion carried, unanimous.

Public Hearing – South Side Estates – Preliminary & Final Plat

Mayor Bettendorf recessed the regular city council at 5:50 p.m. to address the preliminary plat application of Ryan Schmit for South Side Estates. No one spoke. Mayor Bettendorf reconvened the regular city council meeting at 5:52 p.m. Motion by Swanson, seconded by Gondeck, to approve preliminary plat contingent upon engineer's drainage plan revisions. Motion carried, unanimous.

Motion by Gondeck, seconded by Kasner, to adopt Resolution #2018-26 Approving Final Plat. Motion carried, unanimous.

Motion by Gondeck, seconded by Swanson, to approve the developer's agreement. Ryan Schmit, developer, questioned the council on a couple items. Schmit requested item #2 be removed and staff agreed to consent on removing that item. Ryan Schmit requested WAC/SAC fees be removed per the development agreement. There was discussion on removing the WAC/SAC and other circumstances in town. Staff indicated four connections existed and now seven will be a part of the newly developed property. Bettendorf asked for other council opinions. There was discussion on how the project costs are split up. Kasner asked about why the repairs were made. There was discussion on the history of WAC/SAC. Bettendorf indicated a desire to charge the full amount per the agreement. Schmit requested consideration of splitting it and only paying for the additional three service connections. Kasner and Swanson indicated a desire to work with the developer. There was discussion on the fence to the west side of the property. Member Gondeck rescinded his prior motion. Motion by Swanson to amend the developer's agreement with eliminating #2 and the cost of three WAC/SAC charges. The motion was seconded by Kasner. Gondeck, Swanson, Kasner – aye, Bettendorf – nay. Motion carried.

Public Hearing – Assessment of Weed/Snow/I&I Penalties

Mayor Bettendorf recessed the regular meeting at 6:19 p.m. to address weed, snow and I&I penalty assessments. No one spoke. Mayor Bettendorf reconvened at 6:19 p.m. Motion by Kasner, seconded by Swanson, to adopt Resolution #2018-30 Weed & Snow Assessment Roll. Motion carried, unanimous.

Motion by Gondeck, seconded by Kasner, adopting Resolution #2018-31 I&I Assessment Roll. Motion carried, unanimous.

K&K Auto – Foley Locker Final Plat

Motion by Swanson, seconded by Gondeck, adopting Resolution #2018-25 Approving Final Plat. Motion carried, unanimous.

Mayor’s Comments & Open Forum

No one spoke.

Department Reports

Police Chief Katie McMillin updated the council on the monthly law enforcement report. McMillin also updated the council on various activities of the police department.

City Engineer Jon Halter indicated the radar feedback signs will be installed in the next week or two.

City Attorney Adam Ripple had no report.

Public Works Mark Pappenfus requested to purchase a hot box trailer with CIP money and defer other equipment for a later date. Swanson asked about the life expectancy. Motion by Swanson, seconded by Kasner, to approve the purchase. Motion carried, unanimous.

Pappenfus also updated the council on the various activities of the public works department. Kasner asked for an explanation on why the temporary pedestrian signs had to be removed per MnDOT permit requirements. Gondeck asked about the sump pump causing ice buildup on the road. Staff indicated they will follow up and send letters.

City Administrator Sarah Brunn provided an update on the school resource officer position. Motion by Gondeck, seconded by Kasner, to move forward with the hiring process and drafting of a contract. Motion carried, unanimous. The council was asked if there were any requested changes to the 2019 budget. They indicated a desire to move forward with the preliminary budget amount. Brunn also gave an overview of the Safe Routes to School meeting that occurred.

New Business

There was a presentation of a service award for Councilmember Kasner.

There was discussion on the vacant/temporary councilmember positions. City Attorney Adam Ripple reviewed options for the council. The council indicated a desire to swear in Jack Brosh and Rosalie Musachio at the next meeting.

Motion by Gondeck, seconded by Swanson, to adjourn at 6:41 p.m.

_____ Sarah A. Brunn, Administrator