

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – June 4, 2019

The Foley City Council held a regular meeting on June 4, 2019, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Councilmembers Jeff Gondeck, Rosalie Musachio Gary Swanson and Jack Brosh.

Members Absent: None

The pledge of allegiance was recited.

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

Consent Agenda

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

- Approve minutes of May 7, 2019.
- Approve year – end pool performance review program.
- Approve renewal of SRO Agreement with Foley Schools for a period of July 1, 2019-June 30, 2020.
- Approve Garbage Hauling Contract with Republic Services.
- Adopt Resolution #2019-007 Supporting Wastewater Regionalization and Request to State of MN.
- Approve payment of bills paid for by checks #51354 - #51404.

Motion carried, unanimous.

2018 Audit Report – Schlenner & Wenner

Jon Archer and Ashley Meagher were at the meeting to present the 2018 audit report. Archer reviewed the audit process and opinion which was clean or unmodified. There were no issues dealing with the management team and staff in getting the information and figures that were needed. There were no material audit adjustments or misstatements. There was an identified weakness with segregation of duties which is common for a city of Foley's size. There was also a weakness with the auditors creating the financial statements which is also common for a city of Foley's size. Meagher reviewed the general fund revenues which were over budget. Expenditures were also over but overall the general fund balance overall increased slightly and is in a healthy position and over the required unassigned fund balance. Meagher gave an overview of the other governmental funds which include bonds, fire and other nonmajor funds. The cash and investments of the governmental funds were also reviewed. The enterprise funds were reviewed including some transfers that were done to the debt services and capital funds. Assets were reviewed and show an increase due to capital improvements. Long term debt was reviewed which includes an increase due to bonds being issued for capital improvements. Lastly, the auditors reviewed how Foley's tax capacity, levy and total revenue and expenditures as compared to other cities of similar size. Foley is very comparable to other cities but expenditures are lower. Motion by Swanson, seconded by Gondeck, to accept the 2018 audit report. Motion carried, unanimous.

Public Hearing – Approval Annual Liquor Licenses

Mayor Bettendorf recessed the regular city council meeting at 5:47 p.m. to conduct the public hearing on the annual liquor license renewals. No one spoke. Mayor Bettendorf reconvened the regular city

council meeting at 5:48 p.m. Motion by Gondeck, seconded by Swanson, to approve the liquor licenses as listed, contingent on successful background checks.

- On Sale Liquor: Mr. Jim's, Foley American Legion, and Stone Creek.
- Sunday On Sale Liquor: Mr. Jim's, Foley American Legion, and Stone Creek.
- Off Sale Liquor: Coborn's Inc., Foley American Legion, and Super Spirits.
- Non-enclosed Premises On Sale Liquor: Foley American Legion, Stone Creek and Mr. Jim's.
- Temporary Liquor Licenses:
 - Foley Lion's Club, to be used June 17-19, 2019 for Foley Fun Days.
 - St. John's Church, 621 Dewey Street, to be used July 21, 2019.
 - Foley Chamber of Commerce, 329 Oak Drive, to be used for Oktoberfest on September 21, 2019.

Motion carried, unanimous.

Approve Annual Tobacco Licenses

The council was presented with a listing of the annual tobacco license renewals. Motion by Gondeck, seconded by Brosh, to approve the licenses as presented on the agenda contingent on successful background checks.

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

Motion carried, unanimous.

Public Hearing – Vacation of 4th Avenue West

The council was presented with information on the vacation of 4th Avenue West which needs to be done in order for PouchTec to complete drainage work for their addition. Mayor Bettendorf recessed the regular city council meeting at 5:50 p.m. to conduct a public hearing on the vacation of 4th Avenue West. No one spoke. Mayor Bettendorf reconvened the regular meeting at 5:51 p.m. Motion by Swanson, seconded by Gondeck, to adopt Resolution #2019-06 Vacating 4th Avenue West. Motion carried, unanimous.

Public Hearing – UTV/ATV Ordinance

Mayor Bettendorf recessed the regular city council meeting at 5:52 p.m. to conduct the public hearing on the proposed UTV/ATV Ordinance. Kurt Meyers, 274 Elm Drive, indicated the state already recognizes UTVs and no additional restrictions should be required by the City. Gondeck asked Mr. Meyers why it is important for being allowed to ride. Meyers indicated it is his right and he should be allowed to exercise it. Jerry Kotsmith, Foley, MN was at the meeting to express his support of the ordinance to make purchases at businesses and wash his vehicle. Mr. Kotsmith does not desire to run his machine all over town. He indicated this issue is about common sense. Delroy Kampa, 544 4th Avenue N, expressed support to operate to get gas in town. Corey Rueckert, 211 Highway 23, indicated he just desires to get gas in town and he has been stopped three times already by county deputies. He indicated allowing them would not hurt anything and doesn't make sense. Brosh asked if they are being stopped by Benton County or city police. Rueckert indicated Benton County.

Bettendorf asked the council for their opinions. Bettendorf indicated he is ok with UTVs in town but has concerns with the operation of ATVs in town. Swanson indicated support for both UTVs and ATVs and indicated the accident rates of these vehicles are not a concern and less than .0005%. Brosh indicated support for both UTVs and ATVs. Bettendorf asked about if the ordinance has safety requirements. Musachio indicated she conducted some research on her own and has concerns with the operation of both. She indicated concern for pedestrians and those not on the vehicles. Musachio also indicated concern with the noise of them. Gondeck indicated support for use of both vehicles but wants to see some safety restrictions.

Bettendorf also presented a letter received from Duane Foss in support of the operation of UTVs.

Mayor Bettendorf reconvened the regular city council meeting at 6:07 p.m.

Motion by Gondeck, seconded by Brosh, to allow the operation of UTV and ATV operation. Gondeck, Brosh, Swanson – aye. Bettendorf, Musachio – nay. Motion carried.

The council discussed and determined the following safety requirements:

- There was discussion on 18 or 21. Consensus was 21.
- To and from destination within a residential area: consensus was no.
- Seat belt requirement: UTV – yes, ATV – no
- Helmet – If 16 years and younger – riding, yes.
- Lights/Blinkers: UTV – yes, ATV – no
- Operation Hours (7 a.m. – 10 p.m.): yes (unless additional hours approved by Chief)
- Registration with City (\$50 every 3 years): No

Motion by Brosh, seconded by Swanson, to approve the ordinance with the requirements as indicated above, amended with operation hours adjusted with Chief approval only. Gondeck, Swanson, Brosh – aye. Musachio, Bettendorf – nay. Motion carried.

Discussion on seatbelt requirements on golf carts

The council discussed the possibility of amending the ordinance to require seat belts on golf carts. Brosh indicated a preference to not to require seat belts. Swanson did not express support for seat belts. Gondeck indicated support for seat belts. Bettendorf questioned the difference between golf carts and ATVs when requiring seat belts. Musachio expressed concern with not having seat belts. Motion by Gondeck, seconded by Musachio, to require seat belts. Don Otto, 441 4th Avenue N, indicated it is totally ridiculous to require seat belts on golf carts. Jane Swanson, 111 7th Avenue, indicated concern with children riding in the back but that normal riders in the front should not need seat belts. Marvin Zawacki, 280 Birch Drive, suggested the council regulate the capacity of the golf carts which might help with issues. Gondeck – aye. Bettendorf, Swanson, Musachio, Brosh – nay. Motion failed.

Motion by Musachio to limit capacity of golf carts. Motion died due to lack of second.

Mayor's Comments & Open Forum

No one spoke.

Department Reports

Police Chief Katie McMillin reviewed the monthly law enforcement report. McMillin also gave an overview of the activities of the police department include the bike rodeo, PALS, Foley Fun Days and Kothman attending CSI camp at the school.

City Engineer Jon Halter updated the council on the Dewey Street project and there is hope to pave the end of this week or early next. Halter also updated the council on the progress of Glen Street.

Mark Pappenfus, Public Work Director updated the council on the activities of the department. Brosh asked if the mower was up and running.

City Administrator Sarah Brunn updated the council on the capital request to the state for next year. Brunn also indicated no bonding bill was passed this past year so that means there will likely be more project requests next year.

Old Business

Brunn indicated an update on the wastewater facility plan work by AE2S was provided in the council packet. Staff is expecting more information next month.

New Business

Brunn presented the council with an RFP for Insurance Agent Services. Brunn asked if any councilmembers would be interested in reviewing the proposals that are submitted. Gondeck and Bettendorf will help with review of the proposals.

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

Sarah A. Brunn, Administrator