



**City Council – Meeting Agenda
December 3, 2019 – 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 of November 5, 2019.
 - Accept resignation of firefighter, Jesse Bleed.
 - Adopt Resolution #2019-18 Accepting Donations.
 - Adopt Resolution #2019-20 Establishing Polling Place.
 - Approve agreement with Bolton & Menk.
 - Approve payment of bills.
5. Public Hearing – ABC Academy/Frandsen Bank – Rezoning and Conditional Use Permit for Operation of a Daycare Center
 - Adopt Resolution #2019 -19 Approving Re-zoning and Issuing a Conditional Use Permit
6. Public Hearing – Casey’s Tobacco Violation
 - Assess Penalty Per MN State Statues 461.12
7. Public Hearing – Fee Schedule Amendments
 - Adopt Ordinance #446- Water Rates
 - Adopt Ordinance #446- Sewer Rates
8. Update/Discussion on wastewater project.
9. Mayor’s Comments & Open Forum
10. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jon Halter
 - Public Works – Mark Pappenfus
 - Fire Department – Mark Pappenfus
 - Foley Fire Department Response Time Policy Change
 - Administration – Sarah Brunn
 - 2020 Council Meeting Calandar
11. Old Business
12. New Business
13. **Public Hearing – Truth in Taxation Hearing – Cannot Start until 6pm**
 - Adopt Resolution #2019 - 21 Adopting 2020 Budget
14. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – November 5, 2019

The Foley City Council held a regular meeting on November 5, 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 Gondeck, seconded by Swanson, 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 October 1, 2019.
- Approve hiring of Erik Vickstrom as School Resource Officer.
- Approve hiring of Adam Goerger as part-time police officer.
- Approve asset disposals.
- Adopt Resolution #2019-14 Accepting Donation.
- Accept resignation of Wendy Ziwicki from library board.
- Approve payment of bills paid for by checks #51663-#51739.

Motion carried, unanimous.

Public Hearing – Weeds, Snow, I/I and Norman Ave S Assessments

Mayor Bettendorf recessed the regular city council meeting at 5:32 p.m. to conduct the public hearing on the weeds, snow, I/I and Norman Avenue S assessments. No one spoke for or against.

Mayor Bettendorf reconvened the regular city council meeting at 5:34 p.m. Motion by Swanson, seconded by Gondeck, to adopt Resolutions #2019-15, 16 and 17 Approving Assessments and rolls to be certified to the county. Motion carried, unanimous.

Stone Creek Golf Course – Discussion on real estate taxes.

Scott DeMarias, 14905 42nd Street NE, Foley, MN was at the meeting to discuss concerns about the taxes being paid without access to any city services. DeMarais indicated the golf course is struggling and asked why they are in the city limits if they are not provided services. The course also pays additional insurance because there is no fire hydrant close to the facility. Mayor Bettendorf indicated he will work with city staff to gather more information. Musachio asked additional information or concerns the owners had.

Update on Foley Library – Library Services Coordinator position.

Brandi Canter and Karen Pundsack from Great River Regional Library System were at the meeting to update the council on the library services coordinator position that is being posted as a joint position between Foley and Clearwater. The posting will be external so all candidates are encouraged to apply and can be heading to the website. Canter also updated the council on upcoming activities of the

library. Brosh asked about impact to hours and Canter indicated overall a net increase in staffing hours at the Foley library.

WREATHS across AMERICA Presentation

Leah Staup was at the meeting to overview the cadet program and wreaths program that is in the area, based in St. Cloud. The WREATH project is a program that lays wreaths on soldier graves in the area. A small portion of the program does also go to benefit the cadet program. Staup indicated cadets are available to assist with projects and she is also accepting donations to support the program.

Update/Discussion on wastewater project.

City Administrator Sarah Brunn updated the council on the connection fee and how the debt service is now included in the calculation of the \$7.5 million dollar connection fee.

Mayor Bettendorf gave an overview of his analysis of the RFP proposals. He said a lot of very qualified firms submitted, but indicated a priority was the ability to provide funding resources to get the project done. Member Musachio indicated agreement with funding being a top priority in addition to the needed ability to design the infrastructure. Member Gondeck indicated all the firms had good experience and funding is the biggest component to ensure the project moves forward. Member Swanson indicated some firms didn't have as much experience with our type project and preferred those with more experience in the force main work. Member Brosh indicated he called or met with each of the firms who provided a proposal and with his research has determined a top candidate.

Brosh provided a report from the committee and indicated that they are recommending Bolton & Menk. This recommendation came from their experience in this type of infrastructure (forcemains) and funding experience. Motion by Gondeck, seconded by Brosh, to move forward with appointing Bolton & Menk as the design engineer for the project. Motion carried, unanimous.

Mayor's Comments and Open Forum

Mayor Bettendorf congratulated Jack Brosh on being the snowplow rodeo champion at the maintenance expo held in St. Cloud. Brosh will compete at a national competition.

Chad Dombrovski, 264 Balsam Drive, indicated concerns with I/I compliance and the difficulty to meet the standards of the ordinance. Mr. Dombrovski asked the city what can be done to make sure he is compliant. Public Works Director Mark Pappenfus indicated he can work on the pipe that needs to be repaired within the right-of-way and to contact public works when ready to complete.

Department Reports

Police Chief Katie McMillin reviewed the monthly law enforcement report. McMillin also updated the council on Halloween safety visits, winter parking, backgrounding, and upcoming activities including cocoa with a cop.

City Engineer Jon indicated the city alley project is complete. Halter also updated on the 2020 trail project.

Public Works Director Mark Pappenfus updated the council on the activities of the department. Pappenfus provided information on the plow truck purchase including a chassis and body. Both parts will be ordered now and hopefully ready by the end of next year. Money was budgeted in both 2019 and 2020 for this purchase. Motion by Brosh, seconded by Gondeck, to approve the purchase of both

for a total of \$238,383.78. Gondeck questioned the savings from a single to dual axel. Pappenfus provided more detail on the specs of the truck. Motion carried, unanimous.

Pappenfus also updated the council on his participation on the Highway 23 project committee for the work that will be done in 2022. A kick-off meeting will be held in the coming weeks and all cities and counties will have a representative on the committee.

City Administrator Sarah Brunn updated the council on the 2020 budget, upcoming ordinance amendments and an upcoming coalition conference next week. The Coalition of Greater MN Cities has asked to use the Foley project in some of their flyers and handouts to push for passage of the bonding bill.

Brunn gave an overview of the driveway permit request on 75th Street for construction of a solar garden. Since the road is not paved, staff is requesting council approve a class 5 approach with security to guarantee its paved when 75th Street is paved. Motion by Swanson, seconded by Gondeck, to approve driveway permit request with the security and a requirement of installing a culvert. Motion carried, unanimous.

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

Sarah A. Brunn, Administrator



DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
372ND ENGINEER BRIGADE
506 ROEDER CIRCLE
FORT SNELLING MINNESOTA 55111-4009

AFRC-EIL-MHC

06 November 2019

MEMORANDUM FOR: FOLEY FIRE DEPARTMENT

SUBJECT: Request to resign position as Fire Fighter with Foley Fire Dept.

1. Due to the current requirements of my position with the Army, I'm no longer able to meet the minimum required call percentage or attend scheduled training on a regular basis.
2. On 14 January I was reassigned from the Military Funeral Honors program to Active Duty as a Company Operations, Non-Commissioned Officer at Fort Snelling. This position has a three year period of duty followed by a permanent change of station most likely out of state. The Daily commute, regular out of state travel requirements, and time away from family have made my obligation to the Fire Dept. increasingly difficult to meet. While I would rather continue my service with the Fire Dept. I do not see my availability to meet the requirements changing in the future, and find it a disservice to the Dept. to regularly miss training or not attend calls with little or no notice due to my service obligations.
3. I greatly appreciate the training, skills, and comradery I have received while serving with the Foley Fire Dept. As well as their support and efforts to work around my service obligations. It has been a great opportunity to serve the community alongside its volunteers, and I wish you all the best and thank you for your continued service to the community.
4. Point of contact for this memorandum is Jesse A. Bleed at 763-244-7459 or jesse.a.bleed.mil@mail.mil.

JESSE A. BLEED
SSG (P), EN
HHC OPERATIONS NCO

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2019 - 18

A RESOLUTION ACCEPTING DONATION FOR FIRE DEPARTMENT

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, Benton Telecommunications Foundation, ONEOK Foundation (Tulsa Community Foundation), and Dorothy & the late Benedict Gorecki have offered to donate funds for the Foley Fire Department for fire equipment, 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 following individuals and organizations for their generous donations.

- Benton Telecommunications Foundation - \$1,800.00
- ONEOK Foundation (Tulsa Community Foundation) - \$4,980.00
- Dorothy & the late Benedict Gorecki - \$60,000.00

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 3rd day of December 2019.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2019 – 20

A RESOLUTION RE-ESTABLISHING THE POLLING PRECINCT AND PRECINCT
LOCATION FOR THE CITY OF FOLEY

WHEREAS, THE CITY COUNCIL OF THE CITY OF FOLEY, MINNESOTA
("Council" and "City"), pursuant to Minnesota Statute §204B.14, is required to establish or re-
establish the boundaries of the election precincts within the municipality following the
redistricting of the Legislature; and,

WHEREAS, the Legislature of the State of Minnesota has been redistricted; and,

WHEREAS, precinct boundaries must be re-established within 60 days of the time when
the Legislature has been redistricted or at least 19 weeks before the State Primary, whichever
comes first.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF FOLEY,** that the following precinct and polling location is hereby re-established as:

Foley City Hall
251 4th Ave. N
Foley, MN 56329

Adopted this 3rd day of December, 2019

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

Bills List -December 3, 2019

Gross Salaries	Payroll - 11/8/19	\$	25,735.18
EFTPS	Federal Withholding	\$	4,720.09
MN Dept of Revenue	State Withholding	\$	936.61
State Treas. PERA	PERA	\$	4,741.69
Nationwide	Deferred Comp	\$	695.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	440.00

Gross Salaries	Payroll - 11/22/19	\$	26,394.51
EFTPS	Federal Withholding	\$	4,805.23
MN Dept of Revenue	State Withholding	\$	963.68
State Treas. PERA	PERA	\$	4,910.51
Nationwide	Deferred Comp	\$	745.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	440.00

To Be Paid - 12/3/19

Alex Air Apparatus	FD Gear Cleaning Supplies	\$	132.39
Axon Enterprises	PD Training	\$	581.50
Benton County Highway Dept	PD Fuel	\$	631.20
Benton County Land Services Office	2020 Assessment Agreement - 1st Payment	\$	5,089.50
Braun Intertec	City/County Split - Dewey St	\$	1,000.00
Central McGowan	PD Medical Equipment	\$	6.82
Central Square Technologies	PD LETG Software Maint	\$	4,385.12
Chamberlain Oil Co	PW Vehicle Maint	\$	1,140.17
Cintas	Public Works Uniforms	\$	389.15
Coalition of Greater MN Cities	Waster Water Conference	\$	175.00
Coborn's	Office & Cleaning Supplies	\$	139.49
CORE Professional Services	PD Employment Evaluations	\$	250.00
Delta Dental	Employee Dental Insurance	\$	811.20
DTM Fleet Service	PW Vehicle Maint	\$	45.00
Electric Motor Supply	City Hall Vacuum Belt	\$	29.46
Emergency Medical Products	FD Supplies	\$	336.99
Fastenal	Christmas Decorations Hardware	\$	39.32
First National Bank of Omaha	Credit Card Purchases	\$	1,629.30
Five Starr Auto Repair	PW Vehicle Maint	\$	635.96
Foley Area Chamber of Commerce	2020 Business Expo	\$	115.00
Further	Administrative Fee	\$	32.65
Goodin Company	Air Filters	\$	100.92
Hawkins	Water Chemicals	\$	1,041.50
Health Partners	Employee Health Insurance	\$	6,548.68
JM Truck Repair	FD Vehicle Maint	\$	1,888.00
JR Masonry & Concrete	Eastview Lift Station Repair	\$	1,200.00
KM Fire Pump Specialists	FD Pump Testing	\$	3,428.54
Knife River	Glen St & Overlay Improvements	\$	147,097.44
League of MN Cities Insurance Trust	Kampschroer Claim Deductable	\$	1,000.00
Maney Internationals Inc	Snow Plow Repair	\$	239.85
Marco	Copier Lease	\$	349.64
Maywood Township	Reimbursement for Overpayment of FD Services	\$	150.00
Med Compass	FD SCBA Maint	\$	1,420.00
Minnesota Paving & Materials	Street Repair Asphalt	\$	2,350.53
MN Department of Health	Sales & Use Tax Return	\$	433.00
Mn Dept of Agriculture	2020 Tree Care Registry Renewal	\$	25.00
MN Dept of Health	Quarter 3 Water Permit	\$	1,440.00
MN Dept of Labor & Industry	Pressure Vessel	\$	35.00
MN Highway Safety & Research Center	PD Driver Training	\$	435.00
Murphy Chevrolet	FD Vehicle Maint	\$	254.30
New Frontier Services	Website Maintenance	\$	100.00
Pollardwater	Water Supplies	\$	156.80
Rinke Noonan	General & MNPEA Legal Fees	\$	1,069.50
Ritter & Ritter Sewer Services, Inc	Water Maint & Repairs	\$	1,177.40

RMB Environmental Laboratories, Inc	Water & Sewer Testing	\$	597.00
Shift Technologies	Computer Maint	\$	118.00
Shred-It	Remaining Balance of Shredding Invoice	\$	244.65
Stearns DHIA Central Lab	Sewer Testing	\$	294.00
Sun Life Financial	Employee Long-Term Disability	\$	175.84
USABLE Life	Employee Life Insurance	\$	161.50
USABlue Book	Street & Sewer Maint	\$	286.87
Verizon	Cell Phones	\$	740.38
Voss Lighting	Light Bulbs	\$	110.00
Xcel Energy	Utilities	\$	2,550.70
		\$	270,502.76

City of Foley Zoning Amendment Application

Street Location of Property: 160 3rd Ave W Foley MN 56329
 Legal Description of Property: Sect-34 Twp-037 Range-029 Foley Industrial Part
 Lot-009 Block-004
 Current Zoning of Property: I2 Proposed Zoning: B2
 Type of Request: Rezoning/Amendment
 *** (Attach narrative describing details of project scope) ***

Property Owner: Frandsen Bank + Trust
 Name 341 Fourth Ave
 Address Foley MN 56329
 Phone: 320-968-6293
 Fax:
 Email: johansen@frandsenbank.com

Applicant: ABC Academy LLC
 Name 601 Broadway Ave N
 Address Foley MN 56329
 Phone: 320-309-3299
 Fax:
 Email: april-carson43@yahoo.com

T of Request & Fee Amount:

<input checked="" type="checkbox"/>	Rezoning/Amendment	\$250.00
<input type="checkbox"/>	Conditional Use Permit	\$250.00
<input type="checkbox"/>	Variance	\$250.00
<input type="checkbox"/>	Planned Unit Development	\$250.00

<input type="checkbox"/>	Preliminary Plat	\$500.00
<input type="checkbox"/>	Final Plat	\$
<input type="checkbox"/>	Annexation	\$400.00 +
<input type="checkbox"/>	Site Plan Review/Other	
Total Fees Paid		\$

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

Application Filed: _____

Date Fees Paid: _____

Staff Initials: _____

☐ Completed Application Accepted

Date Application Accepted: _____

Signature of Applicant

Date

Signature of Fee Owner

Date

City of Foley

Conditional Use Permit Application (CUP)

Street Location of Property: 160 3rd Ave W Foley MN 56329
 Legal Description of Property: Sect-34 Twp-037 Range-029 Foley Industrial Park Lot-009 Block-001
 Current Zoning of Property: I2 Proposed Zoning: B2
 Type of Request: Conditional Use Permit
 *** (Attach narrative describing details of project scope) ***

Property Owner:

Frandsen Bank + Trust
 Name 341 Fourth Ave
 Address Foley MN 56329

320-968-6293
 Phone

Fax johnson@frandsenbank.com
 Email

Applicant:

ABC Academy LLC
 Name 601 Broadway Ave N
 Address Foley MN 56329

320-309-3299
 Phone

Fax April - Carson 43
 Email @yahoo.com

Type of Request & Fee Amount:

<input type="checkbox"/> D	Rezoning/Amendment	\$250.00
<input checked="" type="checkbox"/> D	Conditional Use Permit	\$250.00
<input type="checkbox"/> D	Variance	\$250.00
<input type="checkbox"/> D	Planned Unit Development	\$250.00

<input type="checkbox"/> D	Preliminary Plat	\$500.00
<input type="checkbox"/> D	Final Plat	\$
<input type="checkbox"/> D	Annexation	\$400.00 +
<input type="checkbox"/> D	Site Plan Review/Other	
Total Fees Paid		\$

Has a request been made previously on this property? ☐ D Yes ☒ D 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.

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

Application Filed: _____

Date Fees Paid: _____

Staff Initials: _____

Date Application Accepted: _____

Signature of Applicant

SC & Shantel Brown 10/25/19
 Date

Signature of Fee Owner

Frandsen Bank + Trust 10/23/19
 Date

City of Foley
Conditional Use Permit Supplementary Application

Please use this form to explain how your request for a conditional use permit meets the zoning requirements.

(1) Not a Burden on Public Facilities

We would not need an exceptional amount of water or electrical to operate.

(2) Compatible with Existing and Planned Adjacent Uses

We but up next to the highway business district (B2) which is compatible with our commercially zoned business.

(3) No Adverse Affect on Adjacent Properties

We would be more of an asset to existing businesses in the area. Not only providing reliable, adequate childcare for their staff but also bringing them potential business as people drive by on a regular basis

(4) Related to the Needs of the City

Child care is in great demand, especially in a growing community like Foley.

(5) Consistent with the Comprehensive Plan

We would be rezoned on the outside of the industrial district, near other commercially zoned properties

(6) Not a Traffic Hazard

We would not create excessive traffic in the area. State guidelines require that children play in fenced in area while outside

(7) Adequate Parking and Loading

We currently have 20 off street parking spaces and are required to have 10 with one being handicap-van accessible

(8) Not detrimental to Health, Safety and Welfare

Quite the opposite, we would be there to advocate for the health, safety and welfare of vulnerable members of our community.

(9) Floodplain

We are not located in the floodplain district.



A conditional use permit SHALL NOT be granted unless evidence is presented that satisfies the conditions above. Failure to adequately provide such information may result in a denial of your request for a conditional use permit. (Attach additional sheets if necessary.)

I have 2 items I would like to add to this. The fence that they intend to install is not in the correct location as was shown on the site plan. On the West (street) side of the building it is shown to be located 24' out from the building. They were allowed to install the fence posts before freeze-up and the posts that they put in in this location are actually 54' West of the building. I recommend that we make them stay with the 24' as proposed and require them to move the incorrect posts. We do not want this fence (with the kids in this fenced in area) this close out to the ROW and roadway. Also, a DAMA Fire Department will be required to be placed on this building near the main door prior to obtaining a CO. (Paperwork can be obtained from me)

Thanks, Mark

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

No comments from engineering (Jon Halter) on this one

Sent from my iPhone

No comments from me either

Adam A. Ripple
Attorney

RINKE NOONAN

City of Foley
Subdivision Development
Findings & Order

Date: 11/12/19
Applicant Name: ABC Academy / Frandsen Bank
Property Location: 160 3rd Ave W
Zoning of Property: I-2
Zoning Request: Rezoned to B-2

The following conditions apply to the subdivision development request:

1. _____

2. _____

3. _____

THE FOLEY PLANNING COMMISSION RECOMMENDS:

Approved ☒ Not Approved ☐

Comments: _____

Date

11/12/2019


Chair, Foley Planning Commission

THE FOLEY CITY COUNCIL DETERMINES:

Approved ☐ Not Approved ☐

Date of Public Hearing: 12/3/19 Time: 5:30 pm

Results: _____

Date

12/3/19

Mayor

City of Foley
Conditional Use Permit
Findings & Order

Applicant Name: ABC Academy / Frndsen Bank
Date of Complete Application: _____
Property Location: 160 3rd Ave W
Zoning of Property: _____
Type and Description of Proposed Use: Operate daycare center in B-2
(Hwy Biz)

The Foley Planning Commission/City Council makes the following findings:

1. Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area?

Yes ☐ No ☒

Describe why or why not: already there - no increase in current

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

2. Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area?

Yes ☐ No ☒

Describe why or why not: existing vacant building

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

3. Will the use have an adverse effect on adjacent properties because of its appearance, traffic, noise, odors, fumes, dust, vibration, light levels, emission levels, or other features?

Yes ☐ No ☒

Describe why or why not: daycare center will not cause any
of these issues.

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

4. Is the use reasonably related to the overall needs of the City and to existing land uses?

Yes ☒ No ☐

Describe why or why not: Yes with B2 zoning - daycare has and is desired.

5. Is the proposed use in compliance with the Land Use Plan and other portions of the Comprehensive Plan adopted by the City?

Yes ☒ No ☐

Describe why or why not: Yes - referred to B-2 - daycare is a need.

If no, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

6. Will the proposed use cause a traffic hazard or congestions?

Yes ☐ No ☒

Describe why or why not: NO - traffic will be similar or less than prior use of bldg.

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

7. Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?

Yes ☒ No ☐

Describe why or why not: Up to 10 employees - rest of parking is for parent pick-up / drop off.

If no, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

8. Will the proposed use be detrimental to the public health, safety, comfort and general welfare of the City?

Yes ☐ No ☒

If yes, why: _____

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

If yes, list the conditions or restrictions: _____

9. If the property is located in a Floodplain District, have the criteria set out in the Floodplain Ordinance been met?

Yes ☐ No ☒

Explain: _____

N/A

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

THE FOLEY PLANNING COMMISSION RECOMMENDS THE CONDITIONAL USE:

Approved ☒ Not Approved ☐

Subject to the conditions above and the following conditions and restrictions:

1. ^{Fence location} As indicated on site plan.

2. _____

3. _____

4. _____

Date

10/12/2019

Chair, Foley Planning Commission

THE FOLEY CITY COUNCIL DETERMINES THE CONDITIONAL USE:

Approved ☐ Not Approved ☐

Date of Public Hearing: 12/3/19

Time: 5:30pm

Results: _____

Subject to Conditions and Restrictions as Attached:

Yes ☒ No ☐

Date

12/3/19

Mayor

AK Sewer 11-13-19



City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325
www.ci.foley.mn.us • email: contactus@ci.foley.mn.us

November 13, 2019

Dear Property Owner,

Enclosed you will find a Notice of Public Hearing scheduled for 5:30 p.m. on December 3, 2019 on the applications of ABC Academy/Frandsen Bank to rezone a parcel from "I-2" Industrial Park to "B-2" Highway Business and to obtain a conditional use permit for the operation of a daycare center within a Highway Business "B-2" district.

You are receiving the enclosed Notice of Public Hearing according to the City of Foley Zoning Ordinances, Sections 22 and 23, whereby individual property owners within 350 feet of the property included in the request shall receive written notice of the public hearing's time, place and purpose for the opportunity to comment on the request.

If you have any questions concerning this notice, please contact the Foley City Hall, 968-7260. Thank you for your time in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sarah A. Brunn".

Sarah A. Brunn
City Administrator

NOTICE OF PUBLIC HEARING ON A REQUEST
TO REZONE A PARCEL OF PROPERTY IN THE CITY OF FOLEY AND ISSUE A CONDITONAL
USE PERMIT FOR THE OPERATION OF A DAYCARE CENTER

Notice is hereby given, that on the 3rd of December, 2019, at 5:30 P.M., at the Foley City Hall, in the City of Foley, pursuant to the City of Foley Zoning Ordinance Section 23, the City Council and the Planning Commission will hold a joint public hearing relating to the request of ABC Academy/Frandsen Bank to rezone the described property below from "I-2" Industrial Park District to "B-2" Highway Business District.

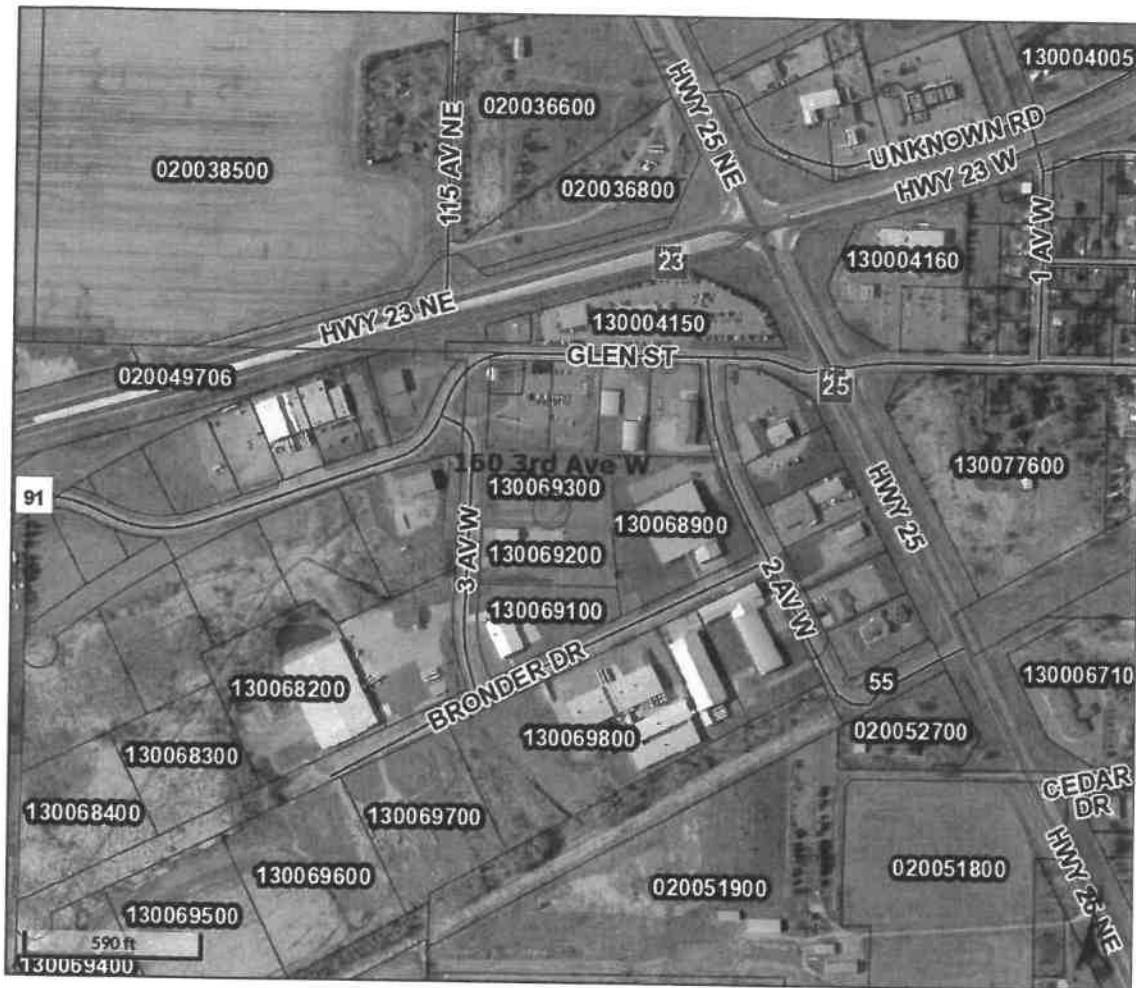
Notice is also given that on the 3rd of December, 2019, at 5:30 P.M., at the Foley City Hall, in the City of Foley, pursuant to the City of Foley Zoning Ordinance Section 22, the City Council and the Planning Commission will hold a joint public hearing relating to the request of ABC Academy/Frandsen Bank to obtain a conditional use permit to allow for the operation of a daycare center in a "B-2 Highway Business District."

The legally described property for both of the requests is as follows:

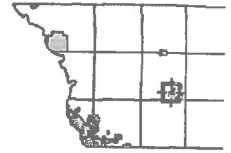
Lot nine (9), Block 4, Foley Industrial Park, according to the recorded plat thereof, Benton County, Minnesota.

Anyone wishing to appear with reference to the above rezoning request or conditional use permit request will be heard at this meeting.

Sarah A. Brunn
City Administrator



Overview



Legend

-  Parcels
-  Highways
-  County Roads
-  Roads

Parcel ID	130069300	Alternate ID	n/a	Owner Address	FRANDSEN BANK & TRUST
Sec/Twp/Rng	34-037-029	Class	233 - COMM LAND & BLDGS		PO BOX 367
Property Address	160 3RD AVE W FOLEY	Acreage	n/a		FOLEY, MN 56329
District	FOLEY				
Brief Tax Description	Sect-34 Twp-037 Range-029 FOLEY INDUSTRIAL PARK Lot-009 Block-004 (Note: Not to be used on legal documents)				

Date created: 11/13/2019

Last Data Uploaded: 11/13/2019 6:44:16 AM

Developed by  **Schneider**
GEOSPATIAL

ALYSSACO LLC
320 GLEN ST
FOLEY, MN 56329

CHARLES LAVIGNE
PO BOX 355
FOLEY, MN 56329

CITY OF FOLEY
251 4TH AVE N
PO BOX 709
FOLEY, MN 56329

D M Z TRUCKING INC
3653 QUAIL RD NE
STE 1
SAUK RAPIDS, MN 56379

DAY & JACOBS PROPERTIES LLC
1407 33RD ST S
ST CLOUD, MN 56301

DENMARY LLC
PO BOX 219
FOLEY, MN 56329

EUGENE & PAUL PROPERTIES LLC
333 BRONDER DR
FOLEY, MN 56329

FLYNN TOWN PROPERTIES LLC
PO BOX 219
FOLEY, MN 56329

FRANDSEN BANK & TRUST
PO BOX 367
FOLEY, MN 56329

POUCH TEC INDUSTRIES LLC
347 GLEN ST
FOLEY, MN 56329

R SCHUMACHER PROPERTIES LLC
8898 125TH AVE NE
OAK PARK, MN 56357

RTC ENTERPRISE LLC
PO BOX 128
MILACA, MN 56353



-  **Parcels**
- **Highways**
-  **County Roads**
-  **Roads**

Date created: 11/13/2019
Last Data Uploaded: 11/13/2019 6:44:16 AM

Developed by  **Schneider**
GEOSPATIAL

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2019-19

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING APPLICANT
WILLIAM SHERK/ABC ACADEMY LLC/FRANDSEN BANK FOR REZONING TO B-2
(HIGHWAY BUSINESS) AND A CONDITONAL USE PERMIT (CUP) FOR OPERATION
OF A DAYCARE CENTER

WHEREAS, a CUP was issued on the property legal described as **Exhibit A** to this resolution on March 15, 2005 and recorded as Document #324844 with the Benton County Recorder's Office.

WHEREAS, the City of Foley received applications for a rezoning and a revised conditional use permit ("CUP") from William R. Sherk/ABC Academy LLC/Frandsen Bank (the "Applicant") on October 25, 2019; and

WHEREAS, the Rezoning and CUP applications were forwarded to the Foley Planning Commission at its November 12, 2019 meeting for review and recommendation to the Foley City Council; and

WHEREAS, the Foley Planning Commission's recommendation to the Foley City Council is to approve the Rezoning and revised CUP with certain conditions; and

WHEREAS, the City properly published and mailed notice of a public hearing which was conducted on December 3, 2019; and

WHEREAS, the Foley City Council has considered the application and finds as follows:

FINDINGS OF FACT

1. Applicant William R. Sherk/ABC Academy LLC/Frandsen Bank owns property within the City legally described in "**Exhibit A**" (the "Property").

2. The property includes an existing office type building and parking lot that was operated as an office type business prior.
3. City of Foley Zoning Ordinance, Sections 22 and 23 regulate rezoning and conditional use permits.
4. The CUP will not create an excessive burden on existing public facilities.
5. The proposed operation of a daycare center within the existing facility is consistent with the comprehensive plan and compatible with existing and planned uses in the area and does not adversely affect adjacent properties.
6. The CUP will not create a traffic hazard and adequate parking and loading will be provided.
7. The existing facility will not create health, safety, comfort or general welfare concerns or other detrimental effects for the City.

NOW THEREFORE BE IT RESOLVED BY THE FOLEY CITY COUNCIL THAT:

1. The above Findings of Fact are adopted.
2. The Foley City Council hereby approves the Applicant's request for rezoning from I-2 (Industrial Park) to B-2 (Highway Business).
3. The Foley City Council hereby approves the Applicant's request for a revised conditional use permit for operation of a daycare center subject to the following conditions:
 - A. Twenty (20) parking spaces, including one (1) van-accessible handicap space be provided.
 - B. A garbage enclosure be provided as indicated by the site plan.
 - C. The applicant must have city staff approve the final location of fencing prior to installation.
4. The conditional use permit issued as Document #324844 is hereby satisfied and replaced by Resolution #2019-19.
5. Recording of this document approving the rezoning and conditional use permit will occur following approval.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota this 3rd day of December, 2019.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON)

On this ____ day of _____, 2019, before me, a Notary Public for this County, personally appeared Gerard L. Bettendorf, who, being by me duly sworn, did say that he is the Mayor of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON)

On this ____ day of _____, 2019, before me, a Notary Public for this County, personally appeared Sarah A. Brunn, who, being by me duly sworn, did say that she is the City Administrator of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

Exhibit A
(Legal Description of Property)

Lot 9, Block 4, Foley Industrial Park, Benton County, Minnesota



Foley Police Department

November 15, 2019

Casey's General Store # 1813
Attn: Mikael Lage
P.O. Box 3001
Ankeny, IA 50021

Dear Mikael,

On November 14, 2019, a tobacco compliance check was completed at Casey's General Store in Foley, MN. On this date, one of your employees sold a tobacco product to the minor conducting the compliance check.

This is your notice of a Public Hearing in regards to this incident. You are invited to attend this event if you so wish. The Public Hearing will be on December 3, 2019 at 5:30pm or shortly after at the Foley City Hall Council Chambers, 251 4th Ave N, Foley, MN.

If you have any questions please do not hesitate to contact me.


Sincerely,

Katie McMillin
Chief of Police
Foley Police Department
(320)968-0800

Cc: Foley Casey Store Manager Jami Stob

461.12 MUNICIPAL LICENSE OF TOBACCO, TOBACCO-RELATED DEVICES, AND SIMILAR PRODUCTS.

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco, tobacco-related devices, and electronic delivery devices as defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as described in section 609.6855, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products. The State Agricultural Society shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products are not required to obtain a second license for the same location under the licensing ordinance of the county.



Subd. 2. **Administrative penalties; licensees.** If a licensee or employee of a licensee sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 3. **Administrative penalty; individuals.** An individual who sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 4. **Minors.** The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service, and other court diversion programs.

Subd. 5. **Compliance checks.** A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority.

Subd. 6. **Defense.** It is an affirmative defense to the charge of selling tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 18 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section 340A.503, subdivision 6.

Subd. 7. **Judicial review.** Any person aggrieved by a decision under subdivision 2 or 3 may have the decision reviewed in the district court in the same manner and procedure as provided in section 462.361.

Subd. 8. **Notice to commissioner.** The licensing authority under this section shall, within 30 days of the issuance of a license, inform the commissioner of revenue of the licensee's name, address, trade name, and the effective and expiration dates of the license. The commissioner of revenue must also be informed of a license renewal, transfer, cancellation, suspension, or revocation during the license period.

History: 1941 c 242 s 3; 1941 c 405 s 3; 1951 c 382 s 1; Ex1959 c 73 s 2; 1973 c 123 art 5 s 7; 1982 c 572 s 2; 1997 c 227 s 4; 1Sp2001 c 5 art 7 s 63; 2010 c 255 s 7; 2010 c 305 s 4-9; 2014 c 291 art 6 s 28

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 446

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES
CHAPTER VI, SECTION 615 WATER CHARGES AND RATES

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley CHAPTER VI, FEES, CHARGES and RATES be amended:

The existing Section 615:00 Water Charges and Rates Subd. 2 is repealed, substituting therefore the following Section 615:00 Subd. 2 to read as follows:

Section 615:00. Water Charges and Rates Established.

Subd. 2. The following quarterly water rents and rates be, and the same hereby are continued as heretofore adopted, for usage of municipal water works:

- (a) Minimum for up to 7,000 gallons.....\$41.90
- (b) Excess over 7,000 gallons.....\$00.60 per 100 gallons
or portion thereof.

Subd. 8. Effective date of water rates. The water rates described above shall take effect on January 1, 2020.

PASSED AND ADOPTED by the City Council of the City of Foley this 3rd day of December, 2019.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 447

AN ORDINANCE AMENDING THE FOLEY CITY ORDINANCES
CHAPTER VI, SECTION 610
SEWER RATES AND CHARGES

THE COUNCIL OF THE CITY OF FOLEY HEREBY ORDAINS that the 1974 Code of Ordinances of the City of Foley CHAPTER VI, FEES, CHARGES and RATES be amended:

The existing Section 610:00 Sewer Rates and Charges Subd. 3, and Subd. 5 are repealed, substituting therefore the following Section 610:00 Subd. 3 and Subd. 5, to read as follows:

Section 610:00 Sewer Rates and Charges Established.

Subd. 3. The following quarterly sewage service charges and rates be, and the same hereby are continued as heretofore adopted, for usage of the municipal sewage service:

- (a) Minimum for up to 7,000 gallons.....\$48.51
- (b) Excess over 7,000 gallons.....\$00.69 per 100 gallons
or portion thereof.

Subd. 5. Effective date of Sewer Rates. The sewer rates described above shall take effect on January 1, 2020.

Passed and adopted by the City Council of the City of Foley this 3rd day of December, 2019.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator

From: Mark Pappenfus
To: Sarah Brunn
Subject: Fire Department Response Time
Date: Sunday, November 24, 2019 8:25:57 AM
Attachments: FD Policy Proposed Change 12-19.docx

Sarah,

The Membership of the Foley Fire Department would like to ask the City Council to update/change our Personnel Policies in reference to Firefighter's Response Time. Currently all Members must reside within 5 minutes of the Firehall. It was proposed to our Full Membership earlier this year and voted on and approved at our November 6, 2019 FD Business Meeting to ask the City Council to amend our Policies to allow for Members with 10 (ten) or more years of service on the Fire Department to be allowed to reside up to 8 minutes from the Firehall. The proposed changes are in Red below. If approved, this change would become effective January 1, 2020.

Section 1. The Department shall not have less than 25 but no more than 30 members. All members of the Department must reside within Five (5) minutes driving time of the fire hall under lawful driving conditions between 6 p.m. and 8 p.m. Membership may also be considered for prospective members who reside within 8 minutes of the fire hall and work at least a four (4) hour work shift (as part of a full-time job 32hrs + per week) at a place of employment within the Foley City limits between the hours of 6:00 a.m. and 6:00 p.m. Prospective member will be required to provide verification of employment and agreement from employer to release prospect for emergency calls.

Section 1. The Department shall not have less than 25 but no more than 30 members. New members of the Department must reside within Five (5) minutes driving time of the fire hall under lawful driving conditions between 6 p.m. and 8 p.m. Members with Ten (10) or more years of service on the Foley Fire Department must reside within Eight (8) minutes driving time of the fire hall under lawful driving conditions between 6 p.m. and 8 p.m. New membership may also be considered for prospective members who reside within 8 minutes of the fire hall and work at least a four (4) hour work shift (as part of a full-time job 32hrs + per week) at a place of employment within the Foley City limits between the hours of 6:00 a.m. and 6:00 p.m.. Prospective member will be required to provide verification of employment and agreement from employer to release prospect for emergency calls.

Thanks, Mark

Mark Pappenfus
Foley Fire Chief

Section 1. The Department shall not have less than 25 but no more than 30 members. All members of the Department must reside within Five (5) minutes driving time of the fire hall under lawful driving conditions between 6 p.m. and 8 p.m. Membership may also be considered for prospective members who reside within 8 minutes of the fire hall and work at least a four (4) hour work shift (as part of a full-time job 32hrs + per week) at a place of employment within the Foley City limits between the hours of 6:00 a.m. and 6:00 p.m. Prospective member will be required to provide verification of employment and agreement from employer to release prospect for emergency calls.

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2020 Foley City Council Meeting Schedule

All Council Meetings held @ 5:30 P.M. unless noted.

***Second meetings of the month held when needed as determined by Mayor/ Administrator.**

January 7

***January 21**

February 4

***February 18**

March 10 – Re-scheduled due to Presidential Primary Election occurring on March 3rd.

April 7

***April 21**

May 5

***May 19**

June 2

***June 16**

(Foley Fun Days is June 22-24)

July 7

***July 21**

August 4

August 18 - **Budget Workshop**

September 1 - **Preliminary Levy Adoption**

***September 15**

October 6

***October 20**

November 10 – Re-scheduled due to General Election on November 3rd.

December 1 – TNT Hearing for Final Budget @ 6pm

***December 15**

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2019-21

A RESOLUTION APPROVING THE 2019 TAX LEVY, COLLECTABLE IN 2020

BE IT RESOLVED, by the City Council of the City of Foley, County of Benton, Minnesota, that the following sums of money are to be levied for the current year, collectable in 2020, upon the taxable property in the City of Foley, for the following purposes:

General Fund	\$ 1,427,375.00
Fire Department	86,500.00
Swimming Pool	69,450.00
2008A/2012	
Improvement Bond	190,000.00
2011 Improvement Bond	77,000.00
<u>2015 Improvement Bond</u>	<u>34,000.00</u>
Total Budget	\$ 1,884,325.00
Less Local Gov't Aid	813,492.00
Total Levy	\$1,070,833.00

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 unanimous vote of the Foley City Council, this 3rd day of December, 2019.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator



Building a Better World
for All of Us™

November 25, 2019

RE: Foley, Minnesota
Engineering Services
SEH No. FOLEY GEN 1

Honorable Mayor and Council Members
c/o Sarah Brunn
City Administrator
City of Foley
251 4th Avenue North
PO Box 709
Foley, MN 56329-0709

Dear Mayor and Council Members:

Enclosed is our Proposed Hourly Rate Schedule for Engineering Services, effective January 1, 2020. The proposed rates represent an average 3.27 percent increase over the 2019 rates.

Thank you for the work, confidence, and trust you have given our firm over this last year. We sincerely appreciate the longstanding relationship we have with Foley, and hope you find the enclosed rates acceptable.

I am available to discuss the rate schedule or any other issue at your convenience. You can reach me at 320.229.4344.

Sincerely,

Jon Halter, PE (MN)
Foley Client Service Manager

djg

Enclosure

c: Mark Pappenfus, City of Foley (w/enclosure)
Karen Thull, SEH (w/enclosure)

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Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 1200 25th Avenue South, P.O. Box 1717, St. Cloud, MN 56302-1717

SEH is an equal opportunity employer | www.sehinc.com | 320.229.4300 | 800.572.0617 | 888.908.8166 fax

SHORT ELLIOTT HENDRICKSON, INC.

**St. Cloud Office
Hourly Rate Schedule for Engineering Services
City of Foley**

Effective January 1, 2020 – December 31, 2020

Senior Project Manager.....	\$165	-	\$190
Project Manager, Senior Engineer, Senior Scientist, Land Surveyor	\$127	-	\$167
Project Engineer, Scientist	\$95	-	\$130
Staff (Graduate, Engineer, Architect).....	\$92	-	\$111
Lead Technician, Lead Resident Project Representative.....	\$97	-	\$127
Technician, GIS Technician, Resident Project Representative.....	\$76	-	\$110
Survey Crew Chief	\$80	-	\$113
Survey Instrument Operator	\$67	-	\$82
Senior Administrative Assistant	\$70	-	\$99
Administrative Assistant	\$62	-	\$78
Intern	\$50	-	\$55
Specialist	Variable		

Reimbursable Expenses:

Printing and Postage Costs	Actual Cost
Subconsultants	Actual Cost
Mileage.....	IRS Rate
Survey Vehicle and Equipment (Including Hubs, Lath, Irons, etc.)	\$ 4.50 / Hour
GPS Equipment.....	\$30.00 / Hour
Total Station	\$20.00 / Hour
RPR Vehicle	\$16.00 / Day
Regular City Council Meetings	No Cost

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 12-03-19 COUNCIL MEETING
DATE: NOVEMBER 27, 2019

Consent Agenda

A donation resolution is included in your packet. The fire department is happy to report some significant donations have recently been received for fire equipment. We are very grateful for those donators who support our fire department and city!

A resolution establishing the polling place for next year's election is included in your packet. As mentioned in a prior meeting, we are planning for 3 elections this year, in March, August and November.

Public Hearing – William Sherk/ABC Academy/Frandsen Bank

This public hearing is for the rezoning and conditional use permit of the property located at 160 3rd Avenue W. Some potential buyers are looking to purchase the property and establish a daycare center. Planning is recommending approval of the request following the public hearing by addressing the resolution in your packet.

Public Hearing – Tobacco Violation

Casey's General Store had a tobacco violation during our latest compliance checks. Chief McMillin can provide you more detail at the meeting. Per statute, the council needs to hold a public hearing and then assess penalties. A copy of the state statute is included in the packet. Our tobacco ordinance references state statutes when assessing penalties.

Public Hearing – Fee Schedule Amendments

The council will hold a public hearing prior to adopting the two ordinances provided in your packet raising the water/sewer fees by 5% next year. This raise was approved as part of the budget process. In addition, the state is raising the required test fee from \$1.59 per quarter to \$2.43 per quarter next year.

Update on Wastewater Project

Staff did meet with Bolten & Menk as a kick off to our wastewater design process. We are anticipating an agreement for services for council approval and brief update to be provided. With the short week to get council packets distributed, this information may not be provided until next week.

Fire Department Response Time Policy Change

Chief Mark Pappenfus has provided information in your packet on a response time policy change. The fire department has already approved this change but it also requires council approval for any change goes into effect. Staff can answer any questions you have at the meeting.

2020 Council Meeting Calendar

A proposed council meeting calendar is included in your packet. If you have any questions or concerns on this calendar please let me know. Please note some date changes we make for elections and the 4th

of July holiday. I do appreciate you letting me know if you are unable to make a meeting so I can ensure that quorum can be made and normal business can continue.

2020 Budget – TNT Hearing

At 6pm or shortly thereafter the council can conduct the public hearing on the 2020 budget. Proposed tax statements went out this week noting the time and place of the hearing. Property owners can also contact me at City Hall if they have questions regarding their city portion of taxes. Following the hearing I will ask the council to adopt the resolution setting the final levy. The levy is increasing by 4.2% but overall tax capacity is also growing and I have requested an updated figure from the county. Please note that there has been some significant shifting in valuations and notable increases on the residential side. The City has no control over these shifts.

Annual Appointments

At our first meeting in January we will address the annual appointments. I have sent out advertisements to the paper, online and via Facebook. If you know of anyone who is interested in learning more about our open positions please have them check out our website or call the office.

Update on Foley Library Position

I did receive an update from Brandi Canter from Great River and they have closed the posting for the patron services coordinator and will be conducting interviews for the position next week.

City Administrator Performance Review

Following the January 7th council meeting I will ask the council to conduct my performance review. I do request that my review is conducted in closed session and will provide you a review form. In addition, all department heads will be advised to conduct the performance reviews of their staff in December/January.

SEH

I have provided information received from the city engineer regarding 2020 rates.

Upcoming Reminders:

- **November 28 & 29** – City Offices Closed.
- **December 24th** – City Offices Close @ 11:30am for Christmas Eve Holiday.
- **December 25th** – City Offices Closed.
- **January 1, 2020** – City Offices Closed.
- **January 7, 2020** – First meeting of 2020....please see new calendar in your packet.
- **January 7, 2020** – City Administrator Performance Review following council meeting.