

## **Council Meeting Conference Call Dial – In**



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**City Council - Meeting Agenda**  
**April 7, 2020 - 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 March 10, 2020.
  - Approve minutes of March 18, 2020 - Emergency Council Meeting.
  - Approve Declaration of Emergency Proclamation.
  - Adopt Resolution #2020-08 Extending Declaration of Emergency.
  - Approve Agreement with Benton County for Highway 25 Trail Project.
  - Approve Proclamation for Foster Grandparents Day.
  - Approve payment of bills.
5. Public Hearing - Coborn's & Little Dukes 3.2 Liquor License
6. Public Hearing - Zoning and Code Ordinance Amendments
  - Ordinance 448 - Amendment to Permitted Parking Surfaces
  - Ordinance 449 - Amend Zoning Ordinance Related to Manufactured Homes
7. Department Reports:
  - Police Department -Katie McMillin
  - Public Works & Fire - Mark Pappenfus
  - Administration - Sarah Brunn
8. Old Business
  - Update on wastewater project.
9. New Business
  - Discussion on used flag dropbox in City Hall - Scout project.
10. Adjourn

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – March 10, 2020

The Foley City Council held a regular meeting on March 10, 2020, 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 February 4, 2020.
- Adopt Resolution #2020-04 Use Permit with State of MN Department of Transportation.
- Adopt Resolution #2020-05 Accepting Donation.
- Approve closing of 3<sup>rd</sup> Avenue for Vet Horse Clinic on April 20, 2020.
- Raul Da La Cruz for part-time police officer position.
- Approve payment of bills paid for by checks #51982 - #52065.

Motion carried, unanimous.

**Mayor's Comments & Open Forum**

Deb Mathoweiz, 520 Broadway Avenue N, was at the meeting to express concerns about a sidewalk snow removal letter she received and indicated she had removed her snow. She said the letter makes you feel bad and some landlords will count it as a black mark. She expressed concern over the mistake that was made when others were missed.

**Department Reports**

Police Chief Katie McMillin reviewed the monthly law enforcement report and activities of the police department including the critical incident simulation that is being planned with multiple departments and agencies in the future. McMillin indicated the department will be providing security at the state archery tournament. Gondeck questioned the background that was ceased on the consent agenda.

City Engineer Jon Halter updated the council on the Highway 25 Trail project with bids being planned to be opened in April.

Halter also updated the council on the city alley project. Halter indicated the project curb was not installed correctly and will need to be removed and reinstalled. Swanson asked about getting that water to move away from the building and Halter indicated some improvements will be made. Halter indicated that a freeze/thaw issue is causing the heaving on the police garage side, likely compounded by the wet conditions from last fall when the concrete was poured. Gondeck also asked about the punch list items on 4<sup>th</sup> Avenue S including catch basins and sidewalks.

Public Works Director Mark Pappenfus updated the council on the activities of the public works department including the brush pile being closed due to wet conditions and the flow monitoring projects. Pappenfus also indicated the city received numerous SCORE grants.

Fire Chief Mark Pappenfus presented the quotes for the SCBA's which will be purchased as part of a FEMA grant. The bids with all the details was presented and a request for approval was sought. Motion by Gondeck seconded by Musachio to approve the purchase of new SCBA's and disposal of old air packs. Motion carried, unanimous.

Brosh asked about the payment from the response to the Becker Northern Metals Fire. Pappenfus indicated he is still collecting information and has not received any correspondence to date on how that is handled. Gondeck asked about new truck progress and it is still a few months out.

City Administrator Sarah Brunn presented a transfers resolution for the 2019 audit. Motion by Swanson, seconded by Gondeck, to adopt Resolution #2020-06 Transfers Between Fund. Motion carried, unanimous.

### **Old Business**

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

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Sarah A. Brunn, Administrator

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL EMERGENCY MEETING – March 18, 2020  
12:00 P.M. – FOLEY CITY HALL

The Foley City Council held an emergency meeting on March 18, 2020, at 8:00 a.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.

**Discussion on COVID-19 Response**

Emergency Manager and Police Chief Katie McMillin updated the council on the latest information regarding the COVID-19 outbreak. McMillin indicated the county emergency operations center has been activated. The latest concerns are there are not enough testing supplies so only critical facilities and personnel will have access to them. McMillin also updated the council on police staffing. Musachio asked for an update on the procedures when responding to calls for the safety of employees which the staff reviewed. Gondeck also inquired about the questions asked before responding to incident.

Public Works Director Mark Pappenfus updated the council on procedures for his employees and prioritizing of items. He indicated only essential calls and services are maintained at this time in order to practice social distancing and minimize the spread. The department is taking guidance from state agencies and MN Rural Water as well. Musachio questioned the status of park openings and services. Fire Chief Mark Pappenfus also updated the council on fire department protocols.

City Administrator Sarah Brunn updated the council on policy and staff items considered in the resolution and indicated email updates to the council would continue as the situation changes. Brosh asked about attendance at the health board meeting and Brunn advised to not have all members attend and would provide an update following the meeting tomorrow. Musachio updated the council on the work of the Foley CARE program and also other community items to consider.

Mayor Bettendorf moved to discussion regarding the presented resolution and provided an overview on what it covers. The largest item includes the closing of public buildings and moving all business to be conducted via phone, mail or online methods. Brosh wanted to confirm that public works employees are separating themselves including riding in separate vehicles to maintain proper distancing. Musachio asked about how meetings remain open in the instance they are conducted by conference call and staff indicated they are working on making arrangements. Gondeck indicated as leaders they need to remain calm, help out those who are

vulnerable in the community and work the plan in place. Motion by Swanson, seconded by Gondeck, to adopt Resolution #2020-07. Motion carried, unanimous.

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

\_\_\_\_\_  
Sarah A. Brunn, Administrator

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

**CITY OF FOLEY PROCLAMATION AND DECLARATION OF EMERGENCY**

**WHEREAS**, the virus named COVID-19 is a new strain of coronavirus that has not previously been identified in humans and can easily spread from person to person;

**WHEREAS**, on March 13, 2020, President Donald Trump declared that the COVID-19 outbreak in the United States constitutes a National Emergency;

**WHEREAS**, on March 13, 2020, Governor Tim Walz declared a Peacetime State of Emergency to authorize all necessary resources to be used in support of the COVID-19 response;

**WHEREAS**, COVID-19 has been identified by the World Health Organization as a pandemic, and the United States Centers for Disease Control has provided guidance for individuals, healthcare professionals, and businesses to slow the spread of COVID-19;

**WHEREAS**, on March 25, 2020 Governor Timothy J. Walz issued a stay at home order requiring non-essential employees and public officials to limit interaction with the public;

**WHEREAS**, the current pandemic has had a detrimental effect on the City of Foley (the "City");

**WHEREAS**, on March 18, 2020, the City Council made a declaration calling for the closure of city public buildings and making an effort to conduct business without physical contact including holding meetings electronically or via conference calls;

**WHEREAS**, Minnesota Statutes, section 12.29 authorizes the mayor of a municipality to declare a local emergency for a period of up to three days;

**WHEREAS**, the Foley City Council may consent to an extension of a declaration of local emergency beyond three days;

**WHEREAS**, Minnesota Statutes, section 12.37 an emergency declaration authorizes the City to enter into contracts and perform other duties without following many of the time-consuming legal procedures normally required, including:

- Arranging for the performance of public work
- Contracting
- Incurring obligations
- Employing temporary workers
- Renting equipment
- Purchasing supplies and materials
- Complying with limitation on tax levies

- Appropriating and expending public funds, including publication of ordinance and resolutions, advertisement for bids, provisions of civil service laws and rules, competitive bidding, and budget requirements;

**WHEREAS**, the Mayor finds that the emergency is sudden and could not have been anticipated;

**WHEREAS**, the Mayor finds that this situation threatens the health, safety, and welfare of the residents of the community and threatens the provision and delivery of city services as a result of the Emergency;

**WHEREAS**, the Mayor finds that the emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if not immediately addressed; and

**WHEREAS**, the Mayor finds that traditional sources of relief are not able to repair or prevent the injury and loss.

**NOW, THEREFORE, I, Gerard L. Bettendorf, MAYOR OF THE CITY OF FOLEY HEREBY PROCLAIMS:**

1. A local state of emergency is declared for the City of Foley pursuant to Minnesota Statutes, chapter 12.
2. The City Staff is directed to review ordinance and regulatory requirements, operations, civil and legal proceedings, events, and resources to determine whether the foregoing should be adjusted or suspended, and to make recommendations regarding additional emergency regulations to support the employees and residents of the City.
3. All City departments and offices are directed to operate and support the response to this incident, under the direction and coordination of the Emergency Management Director and Emergency Management Team, including implementing new employee protocols, strategies, and processes to ensure that public services are maintained.
4. The City's Administrator and other appropriate City staff to request and coordinate appropriate aid and resources from surrounding jurisdictions, Benton County, the State of Minnesota, and the Federal government, as needed.
5. Public meetings shall be held consistent with the prior declaration of the City Council pursuant to Minnesota Statutes, section 13D.021.
6. This declaration shall continue for not more than a period of three days from the date of execution unless extended by the City Council.
7. An emergency meeting of the City Council was held on March 18, 2020 to discuss this declaration and consider extending the declaration.
8. The City Clerk is directed to give this declaration prompt and general publicity and file consistent to Minnesota Statute, section 12.29.



Dated this 7<sup>th</sup> day of April, 2020

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Gerard L. Bettendorf, Mayor

ATTEST:

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Sarah A. Brunn, City Administrator

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2020-08

**A RESOLUTION ENACTED PURSUANT TO MINNESOTA STATUTES SECTION  
12.29 EXTENDING THE PERIOD OF A MAYOR-DECLARED LOCAL EMERGENCY**

**WHEREAS**, the Mayor of the City of Foley Minnesota, ("City") by proclamation dated April 2, 2020 has declared that a local emergency is in effect in the City;

**WHEREAS**, the City Council of the City of Foley agrees with the mayor's determination and further finds that the local emergency will last for more than three days and that immediate action to respond to the local emergency is needed in order to protect the health, safety and welfare of the City and the community;

**WHEREAS**, the City Council at a special meeting on March 18, 2020 and the Mayor of the City of Foley, Minnesota, by proclamation dated April 7, 2020 both declared that all city business including meetings shall be held by telephone or other electronic means pursuant to Minnesota Statute, section 13D.021;

**WHEREAS**, the state of emergency, health pandemic, and concerns for the safety of City staff and the public, has made it no longer feasible to have an authorized person or members of the public present at the regular meeting locations of the City pursuant to Minnesota Statute, section 13D.021, subd. 1 (3) and (4).

**WHEREAS**, the Council finds that this emergency, which involves an outbreak of an infectious disease (COVID-19), is a highly fluid and evolving situation, and in the interest of the public health, a response or action may be needed that requires deviation from standard procedures for procuring goods and services; and

**WHEREAS**, Minnesota Statutes §§ 12.29 and 12.37 authorize the actions taken in this resolution and provide that emergency contracts and agreements are not subject to the normal purchasing and competitive bidding requirements because of the local emergency.

**NOW, THEREFORE, BE IT RESOLVED BY THE FOLEY CITY COUNCIL** as follows:

1. The Mayor's Declaration of a local emergency is continued in effect until further action of the City Council or as long as the State of Minnesota peacetime emergency declaration of the Governor's Executive Order 20-01 remains in effect.
2. Meetings of the City Council and other City commissions shall continue to be held through electronic means until further action of the City Council.

3. City staff is directed to schedule future meetings without city staff or the public at the regular meeting location.
4. City staff is authorized to enter into agreements and contracts necessary for the procurement of materials, equipment, and services required to respond to the local emergency.
5. The Mayor and City Administrator are authorized to execute any necessary agreements, contracts, and related documents regarding the local emergency necessary to implement corrective action relative to the local emergency to protect the health, safety and welfare of the City and the community.
6. City staff is authorized to take any appropriate action and to prepare any appropriate documents to facilitate the directives of the Council as set forth in this resolution.
7. The Mayor, City Administrator, City staff, City attorney, and City consultants are authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this resolution.

Passed and adopted by unanimous vote of the Foley City Council, this 7<sup>th</sup> day of April, 2020.

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Gerard L. Bettendorf, Mayor

ATTEST:

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Sarah A. Brunn, City Administrator

**ADMINISTRATION AGREEMENT  
BETWEEN THE COUNTY OF BENTON  
AND  
THE CITY OF FOLEY  
TO**

Administer the contract for Benton County project number SP 005-090-003 (hereinafter referred to as the "Project"), which includes the construction of a bituminous trail, pedestrian ramps, grading, culvert work and turf restoration along MN 25 beginning at Birch Drive to Norway Drive in Foley, MN.

**PARTIES**

This agreement is entered into by the County of Benton, Minnesota (hereinafter referred to as the "County") and the City of Foley, Minnesota (hereinafter referred to as the "City").

**RECITALS**

The City wishes to construct a trail along Minnesota State Highway 25 to further complete the City of Foley pedestrian trail network. The County was a sponsor to a City of Foley Transportation Alternatives grant. The Project also includes construction within the right-of-way of County State Aid Highway no. 32(A.K.A. Norman Avenue) to connect the trail to existing sidewalk. The City applied for and was successful in securing federal Transportation Alternatives grant funding to pay for a portion of the project. Due to the project being in part funded with federal funds, Benton County has agreed to be the sponsoring agency. Benton County will administer the construction contract for the Project.

**CONTRACT**

1. The Recitals are incorporated into this Agreement.
2. The City's engineer will prepare preliminary plans and construction plans for the Project. The final construction plans shall meet minimum State Aid standards. The County will be provided a copy of those plans for comment and approval prior to acceptance of the plans. The City will be solely responsible for its own errors or omissions and the results thereof to the extent authorized by law. All project documents shall be jointly owned by the County and the City.
3. The City's engineer shall follow the Delegated Contract Process (DCP) for Local Agency Federal Aid Projects. A description of the DCP can be found in the State Aid for Local Transportation (SALT) State Aid Manual (SAM).
4. The City's engineer will prepare bidding and construction specifications. These specifications shall be provided to the County to be incorporated into a bidding packet.
5. The County shall advertise for bids, open bids, and prepare an Abstract of Bids indicating the costs of the Project

6. The County will award a construction contract upon recommendation and concurrence from the City contingent upon approval from MNDOT.
7. The City shall perform or shall provide for construction inspection of the Project by certified technicians. The City will follow the Schedule of Materials Control of MNDOT State Aid.
8. The County and City in conjunction with the City's engineer shall perform all necessary coordination with MNDOT relative to the Project.
9. The City shall reimburse the County for costs appearing on the monthly payments to the contractor that are in excess of the federal grant amount.
10. The County shall retain 5% of the estimated costs from the estimated project total to be paid to the contractors until the Final Contract Voucher is prepared.
11. The County shall prepare the Final Contract Voucher for payment upon final inspection of the Project by the City. Retainage shall be released upon receipt of written final acceptance by the City and receipt of all required documentation for the Joint Project.
12. The Parties shall each be entitled to copies of all documents related to the Project, including as-built or record drawings.
13. The City shall comply with all requirements of the County for any work done in the County portion of the intersection of Norman Avenue.

#### **COSTS**

14. The Parties agree that construction costs are a responsibility of the City. The City shall reimburse the County for those costs appearing on the monthly contractor pay vouchers that are in excess of the Federal Transportation Alternatives Grant.
15. The City shall be responsible for all costs for preliminary engineering design. Preliminary engineering design is not part of this agreement.
16. The City shall be responsible for all costs for construction engineering, including but not limited to inspection and any plan revisions. The City may use a consultant to perform those functions under a separate agreement that the County is not a party to.
17. At the time of this agreement it is understood that the City has an established method to finance and fund its portion of the construction and engineering costs.
18. The County will prepare intermediate pay estimates based on construction progress reports provided by the City and forward the pay estimates to City prior to submittal to the City's contractor. The City shall pay its portion to the County within 21 days of receipt of the pay estimates, and the County shall make all payments to the contractor directly for all pay estimates.

## MISCELLANEOUS

19. All design changes shall be mutually agreed to by the Parties. The County must approve the modification of any "Major Item" as defined by MnDOT's Standard Specifications for Construction.

20. All future maintenance of the Project shall be the responsibility of the City. The City may contract for maintenance by separate agreement. Each party shall maintain commercial general liability insurance. Each party shall be liable for its own acts and agrees to indemnify, defend, and hold harmless the other, its officers, and employees against any liability arising out of any act or omission by the indemnifying party. Nothing in this Agreement shall constitute a waiver of the limits of liability or immunities of any party provided by Minnesota Statutes Chapter 466. Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement or their successors in office.

21. This Agreement contains all negotiations and agreements between the parties. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

22. This Agreement is effective on the date of execution and signatures of each party and will remain in effect until the completion of the contract.

## COUNTY OF BENTON

### APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Its Chair, Board of Commissioners

Date: \_\_\_\_\_, 2020

### RECOMMENDED FOR APPROVAL:

\_\_\_\_\_  
County Engineer

By: \_\_\_\_\_  
Its County Administrator

Date: \_\_\_\_\_, 2020

**CITY OF FOLEY**

By: \_\_\_\_\_  
Its \_\_\_\_\_ Mayor

Date: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Its City Administrator

Date: \_\_\_\_\_, 2020

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

A PROCLAMATION FOR THE CITY OF FOLEY  
FOSTER GRANDPARENT -- NATIONAL SERVICE RECOGNITION DAY

WHEREAS in Central Minnesota more than 210 local seniors serve as Foster Grandparents, volunteering in schools, Head Starts, and other local non-profits; and,

WHEREAS the City of Foley recognizes the importance of these volunteers as they serve our students in the Foley Elementary School, working one-on-one with students who need extra help in with reading, spelling, math and other subjects as well as serving as mentors and providing extra emotional support; and,

WHEREAS these dedicated volunteers have served a minimum of 260 hours per year and are often described as “indispensable” and “a joy to work with” by site staff;

NOW, THEREFORE, I, Gerard Bettendorf do hereby recognize the following volunteers who have worked so tirelessly, a combined 1,939 hours, serving our community and helping to care for our children.

- Sharon Beehler
- Susie Bialke
- Dennis Clark
- Kathy Hall
- Joyce Winkelman
- Lela Clark

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Gerard L. Bettendorf, Mayor



## Bills List - April 7, 2020

Gross Salaries	Payroll - 3/13/20	\$	28,636.52
EFTPS	Federal Withholding	\$	5,195.58
MN Dept of Revenue	State Withholding	\$	1,029.87
State Treas. PERA	PERA	\$	5,580.02
Nationwide	Deferred Comp	\$	820.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	490.00

Gross Salaries	Payroll - 3/27/20	\$	29,232.87
EFTPS	Federal Withholding	\$	5,291.10
MN Dept of Revenue	State Withholding	\$	1,068.81
State Treas. PERA	PERA	\$	5,715.91
Nationwide	Deferred Comp	\$	820.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	490.00

### ***To Be Paid - 4/7/20***

AllSpec Services	Building Inspector Services	\$	1,102.70
Auto Value	Public Works Repairs & Maint		406.38
Benton County Attorney	Legal Fees	\$	927.00
Bolton & Menk	Wastewater Project	\$	10,990.00
Central McGowan	PD & PW Equipment	\$	591.56
Cintas	Uniforms	\$	206.16
Coborn's	Office Supplies & FD Medical	\$	105.20
Core & Main	Street Cold Patch & Sewer Maint	\$	1,912.68
Crescent Electric	FD Emergency Light & Well Door Switch	\$	171.38
Delta Dental	Employee Dental Insurance	\$	1,026.20
Diamond Vogel	Lions Park Maint	\$	163.85
East Central Energy	Utilities	\$	1,124.20
ESO Solutions, Inc	FD Office Dues & Subscriptions	\$	240.00
First National Bank of Omaha	Credit Card Purchases	\$	857.86
Foley Fuel & Lumber	Street Repair & Public Works Shop Door Replace	\$	3,314.98
Foley Hardware	PD Equipment	\$	19.99
Freightliner	Street Supplies	\$	14.49
Frontline	Tornado Siren Repair - Reimbursable	\$	25,663.00
Further	HSA Admin Fee	\$	32.30
Further	February & March HSA Contributions	\$	700.00
Green Lights Arcycling	Light Bulbs	\$	179.67
Hawkins	Water Chemicals	\$	1,624.00
HealthPartners	April 2020 Employee Health Insurance	\$	8,882.20
Jerry Linn	Fire Department Maint Room Cabinet	\$	160.00
L.I.F.E, LLC	PD EMR Refresher	\$	270.00
Locators & Supplies	Sewer -Locator Flags	\$	111.02
Macqueen Equipment	Street Equipment	\$	23.19
Marco	Copier Lease	\$	367.87
MidCo	Phone & Internet Services	\$	709.73
Midway Iron	Pool & Street Supplies	\$	118.92
MN Dept of Labor	2020 Qtr 1 Building Permit Surcharge	\$	155.00
MN Dept of Revenue	Feb 2020 Sales & Use Tax Return	\$	1,464.00
Murphy Chevrolet	FD & PD Vehicle Maint	\$	317.15
Nuss Trucking	Snow Plow Mud Flap Repair	\$	18.67
Pollardwater	WaterEquipment	\$	617.76
Rinke-Noonan	Zoning, WWTF, Rental Ord, General Legal	\$	2,148.50
RMB Environmental Labs	Water & Sewer Testing	\$	219.00
Rosenbauer	New Fire Truck	\$	266,799.00
SEH	Water Tower & General Engineering	\$	2,348.30
Slow Measurement & Control	Water & Sewer Equipment	\$	645.00
Smith & Loveless	Sewer Equipment	\$	249.44
South Central College	2020 Fire School - McMillin	\$	160.00
Staples	Office Supplies & FD Medical	\$	137.78

Star Publications  
Stepp Mfg  
Streicher's  
Sun Life Assurance  
Surplus Services  
Team Lab  
USable Life  
Verizon  
Vicotry Door Systems, Inc  
Werner Electric  
Wex Bank  
Xcel Energy

City Hall Publications  
PW Shovel Holder  
PD Vest - Kothman  
Employee LTD  
Street Supplies  
Sewer Chemicals  
Employee Life Insurance  
Cell Phones  
Building Maint  
Public Works Supplies  
Fuel Purchases  
Utilities

\$	56.00
\$	135.25
\$	1,286.99
\$	197.65
\$	35.00
\$	1,219.00
\$	186.50
\$	399.17
\$	65.00
\$	166.58
\$	481.79
\$	5,612.38
\$	<u>431,668.12</u>

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 448

AN AMENDMENT TO PERMITTED PARKING SURFACES IN RESIDENTIAL ZONE

**WHEREAS**, the Foley City Council administers zoning within the City of Foley (the "City");

**WHEREAS**, the Council may regulate land use as part of the City's zoning authority;

**NOW, THEREFORE**, pursuant to Minnesota Statutes § 462.35, the Foley City Council hereby ordains:

**Section 1.** Section 7 Subdivision 3: 2. is amended as:

Hard Surface Required. All off-street parking areas, including parking lots and driveways, must be constructed of concrete, blacktop, or a similar hard, durable and dust-free surface which must be designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways. Gravel and crushed granite type surfaces are specifically prohibited. Crushed granite is allowed as an alternative to hard surface within the side yard and back yard of residential zoned property as well as in noncustomer areas (excluding ingress and egress) of the Industrial Park District only which includes the area south of Highway 23 until the Burlington Railroad bed and west of Highway 25 within the city limits.

**Section 2.** Section 1030:04. G. is amended as follows:

Parking Surface. A hard surfaced driveway, or surface area constructed of concrete, blacktop (asphalt) or a similar hard, durable, and dust-free permanent surface designed to properly drain surface water and prevent water drainage onto adjacent properties or walkways as regulated in the City of Foley Zoning Ordinance #319. Crushed granite or similar dust-free aggregate are only allowed as provided in Section 1030:12. G; gravel is prohibited.

- 1.) A Parking Surface for parking or storage shall be located no closer than five (5) feet to a side lot line, or the required side yard setback, whichever is less.

**Section 3.** Section 1030:04. Q. is amended as follows:

- Q. Gravel. Gravel shall mean crushed limestone or other non-granite aggregate containing fine materials often referred to as "Class 5 Gravel," "Class 2 Buff Limestone," "Class 2 Red Limestone," or other typical road base materials.

**Section 4.** Section 1030:12 G. is amended as follows (insert delete):

Subdivision 3. All Vehicles in the side yard shall be parked or stored on a Parking Surface as defined by this Ordinance. Parking Surfaces in the side yard may include crushed granite or similar dust-free aggregate not to exceed an aggregate size of 1 ½ inch in diameter; gravel is prohibited. If parking surface is made of crushed granite or similar dust-free aggregate, only as allowed by Section 1030:12, the area must also be contained by a barrier and underlain with a fabric or plastic barrier to prevent weed or grass growth through the aggregate area.

Subdivision 4. Vehicles parked within a back yard shall comply with rear and side yard setback requirements applicable to accessory structures and all other applicable ordinances. Parking Surfaces in the back yard may include crushed granite or similar dust-free aggregate; gravel is prohibited. If parking surface is made of crushed granite or similar dust-free aggregate, only as allowed by Section 1030:12, the area must also be contained by a barrier and underlain with a fabric or plastic barrier to prevent weed or grass growth through the aggregate area. Utility trailers parked in the back yard may be parked on unsurfaced areas in lieu of a Parking Surface.

**Section 5. Summary Publication.**

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

**"AN AMENDMENT TO PERMITTED PARKING SURFACES IN RESIDENTIAL ZONE.** It is the intent and effect of this Ordinance to allow crushed granite as a permitted parking surface in certain residential areas."

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted this 7<sup>th</sup> day of April, 2020

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Gerard Bettendorf, Mayor

ATTEST:

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Sarah Brunn, Administrator

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

ORDINANCE NUMBER 449

AN ORDINANCE AMENDING THE CITY OF FOLEY'S ZONING ORDINANCE  
RELATING TO MANUFACTURED HOMES

**WHEREAS**, the City of Foley wishes to amend its Zoning Ordinance by making revisions to Sections 4 (Definitions) of the Zoning Ordinance; and

**WHEREAS**, the City of Foley issued a public hearing notice regarding this ordinance amendment and said public hearing was held on April 7, 2020.

**NOW, THEREFORE**, the City of Foley ordains as follows:

**Section 1.** The following addition shall be made to Section 4 of the City of Foley's Zoning Ordinance:

**Subdivision 2: DEFINITIONS**

1. **MANUFACTURED HOME:** A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes, and complies with the standards established under this Code and Minnesota Statutes Chapter 327, as amended. Manufactured homes are only allowed in designated manufactured home parks with a conditional use permit.
2. **MANUFACTURED HOME PARK.** Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park. A manufactured home park must be licensed as a conditional use.

**Section 2.     Summary Publication.**

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

**"ORDINANCE AMENDING SECTION 4 (DEFINITIONS) OF THE CITY OF FOLEY'S ZONING CODE RELATED MANUFACTURED HOMES.**

The ordinance amendment incorporates a definition and regulations of hoop/tubular buildings.

Approved this 7<sup>th</sup> day of April, 2020.

**ATTEST:**

\_\_\_\_\_  
Gerard L. Bettendorf, Mayor

\_\_\_\_\_  
Sarah A. Brunn, Administrator



# Foley Police Department

## Calls for Service - 2020

	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Driving Conduct	21	16	16										
Equipment Vio.	28	34	19										
Speed	12	22	23										
DWI/DUI	0	0	1										
DAR/S/C	2	6	0										
# Citations Issued	*4	*14	*6										
Accidents	4	2	2										
Hit and Run	0	1	1										
Gas Drive Offs	3	2	0										
Thefts	7	6	2										
Controlled Substance	0	1	1										
Suspicious Activity	15	21	23										
Burglaries/Robbery	1	1	1										
Medicals/Welfare	26	21	18										
Assaults/Domestics	6	4	4										
Harassment	3	2	3										
CDP/Vandalism	3	0	0										
Animal Complaints	2	3	5										
City Ordinance	5	4	4										
Parking Tickets	23	18	1										
Disturbing the Peace	4	4	3										
Gun Permits	3	4	4										
Warrant Arrests	2	1	1										
Civil	5	4	4										
Lockout	2	3	4										
Assist other Agencies	18	27	14										
Special Events	2	5	7										
Misc.	58	65	71										
TZD Hours	0 Hours	6 Hours	6 Hours										
Total:	255	277	232										

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

KM8801



# Foley Police Department

## Council Memo 4/7/2020

- **Stat Report:**

- 232 calls for the month of March
- Miscellaneous: higher than normal due to Predatory Offender Checks
  - Predatory Offender Checks are done twice a year
- Special events: Checking business doors
- Suspicious Activity is up a bit.
  - We encourage people to call in if they see someone/something suspicious.
- 1 DWI
- 6 Hours of TZD was completed.

- Senior Fraud/Scam Class has been cancelled. We will work on another date for hopefully this late summer/fall.

- **Staffing:**

- No real big changes in staffing.
- Been disinfecting squads and office at the end of each shift and several times during the day.
- Trying to conduct as much business as we can over the phone or through email.
- Background for Brian Kothman: continuing to work slowly on the background for Kothman.
  - Unable to get psych, or fingerprints done doing shut down





# Foley Police Department

- Emergency Management
  - I am continuing to work with the Benton County Emergency Management Director and Benton County Public Health in the EOC from afar.
  - Been helping them out with review of what other counties and cities are doing.
  - Foley PD and Foley Fire are in the process if not completed of getting Fit Tested for the N95 masks.
  - Updated Info of number of cases:

Mayor & City Council,

Public Works continues operating and providing all essential services to our Residents. We have put several of our usual Spring maintenance jobs on hold for now including duties like street sweeping & sidewalk cleaning , park maintenance/Spring opening preparation and some swimming pool items. PW staff still was very busy this week working on items in City Wells and Lift Stations, numerous locate requests, quarterly water meter readings, along with some necessary equipment maintenance and online Safety Trainings. We will just have to wait and see what next week bring on the status of these Spring duties. PW staff has been flexing some hours this week among employees and will continue to do so next week. We continue to remind PW Staff to use any necessary safety and sanitary precautions at all times. We will probably need to decide prior to the next City Council Meeting on the status of the City Pool for this Summer as I'll need to have some supplies ordered by around that time (pool paint, etc.) Other than the above, I can hold anything else until next month.

The Fire Department call volume actually has been down the past several weeks except for a slight rise in Medicals mid to late this week, although I don't believe any were COVID related. FF's are taking any necessary precautions to protect themselves on all calls, especially if a patient has any COVID symptoms and limiting the number of FF's and how they approach and treat a patient. Myself & Asst. Chief Nadeau have been stressing the importance of this to all FF's on a regular basis. On a positive note, our Cab & Chassis for our new Heavy Rescue Truck is complete and has been delivered to its next stage to begin building the Rescue Body of the truck.

Please contact me with any questions.

Thanks, Mark Pappenfus

City of Foley Public Works Director & Fire Chief

**From:** Alex Wangerin  
**To:** gpruszinske@ci.becker.mn.us; Sarah Brunn  
**Subject:** Eagle Scout Service Project Beneficiary  
**Date:** Monday, March 30, 2020 6:20:58 PM

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Good afternoon,

I have been working on my Eagle Scout service project and I am seeking beneficiaries for my project. It is a flag retirement collection point, where it is intended that people will drop off flags that are no longer serviceable for proper retirement. I currently have the Big Lake city hall as one recipient and I would like to put one of my collection points in the Becker city hall and the Foley city hall. I look forward to speaking with you in regards to this. There is no cost to you or the city at all, and the boxes will be serviced by the local legions who have already agreed to service the boxes. All that is required currently is a prominent location where the boxes can be displayed. Attached is a picture of the finished product. Again, they will be maintained by the local legions at no cost. All I am seeking is a high traffic area such as the city hall for individuals to see the boxes and make use of them.

I can be contacted at [alex.wangerin@outlook.com](mailto:alex.wangerin@outlook.com) or at my cell phone, 763-312-9751. Thank you for your time and I look forward to working with the cities on this project.

Alexander Wangerin



The Foley Health Board met on Thursday, March 19, 2020 at 1pm at Foley City Hall. The following were present:

- a. Foley Health Board – Dr. Kevin Stiles, Char Monroe, Jeannie Rajkowski
- b. Emergency Management Director – Katie McMillin
- c. City Administrator – Sarah Brunn
- d. Public Works Director/Fire Chief – Mark Pappenfus
- e. Mayor – Gerard Bettendorf
- f. Benton County Public Health – via conference call from County EOC

Public Health Supervisor Nicole Ruhoff provided background information on the latest information. There are limited testing supplies which will alter the number of positives moving forward to a lower level than actual. They stress social distancing, washing hands and staying home if sick. They also suggested following the MN Department of Health and CDC websites and communication channels for more information. The County is also working with the council on aging, and other programs to provide assistance. Staff requested assistance in finding hand sanitizer as many agencies are looking for it.

Dr. Kevin Stiles overviewed how his clinic is handling the situation and stressed they should be calling the triage line to get direction on where to go for medical treatment. They are stressing social distancing and staying home if you are a mild case.

There was a lot of discussion on a number of items including the following:

- i. Early shopping hours – Coborn's/Dollar General
- ii. CARE program resources
- iii. CROSS Center – clothing distributions temporarily being discontinued, food supply still good as of 3/19/20
- iv. Food delivery – will additional options be needed and how can we help?
- v. Community check-ins including phone calls for the elderly and homebound.
- vi. Fire/Police Department protocols for medical responses and mask fit tests.
- vii. Printing flyers to communicate with those not on internet.
- viii. Other communication methods outside of social media/website.
- ix. Mental Health resources if needed.

Staff will follow up on a number of items and work with the public health on the identified concerns.

Minutes provide by Sarah Brunn, Administrator

**TO:** FOLEY CITY COUNCIL  
**FROM:** SARAH BRUNN, CITY ADMINISTRATOR  
**SUBJECT:** 04-07-2020 COUNCIL MEETING – VIA CONFERENCE CALL – 5:30PM  
**DATE:** APRIL 3, 2020

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### **Conference Call Meeting**

Please refer to other sheet which provides dial in number and room number for our meeting on Tuesday. Please dial in no later than 5:30pm. If you have questions regarding the process, please contact City Hall.

During the meeting, if you make a motion or second, I ask that you do so and follow it with your name. For example, "So moved, Member Gondeck." When we get the part of everyone voting the Mayor will call you each by name and then you will register your final vote. This is a roll call vote and allows for us to accurately record minutes. Again, please look for the colored sheet in your packet with call-in instructions.

### **Consent Agenda**

I have included an emergency proclamation and resolution in the consent agenda. Even though FEMA has directed us that a resolution is not required numerous cities have adopted one so we have decided to just prepare one and get it approved officially so there are no concerns with any federal or state reimbursements that we may possibly be eligible for in the future.

An agreement with Benton County for the Highway 25 trail project is also in your packet. This allows the county to accept the grant funds on our behalf and pass them through to us. The county board will approve this item at the second meeting in April. We are still on track to approve bids in May.

We were requested to pass a proclamation for foster grandparents day and that is also included in the consent agenda.

### **Coborn's/Little Dukes Liquor License**

I did not include the full application in the packet as there is sensitive information when background checks are done. Chief McMillin has cleared this and staff is recommending approval. This license will just extend the existing off-sale by allowing 3.2 beer to be sold in the Coborn's grocery store and Little Dukes areas. Only 3.2 will be allowed in these areas, all other liquor will remain to be sold in the off-sale liquor store.

### **Zoning and Code Ordinance Amendments**

The planning commission has made a recommendation on the parking surfaces ordinance. A copy is included in your packet and this amendment allows for some alternative surfaces for parking areas in the residential zones, such as crushed granite and similar dust-free aggregate smaller than 1 ½ inch diameter. The ordinance restricts that these are only allowed in the side or rear yard. They are not allowed for use in driveways, only parking areas located in the side and rear yard. Please note, this ordinance process drew a lot of public input in the early stages at the planning commission. If we show a lot of people expressing concerns and there is not a comfort to move forward until everyone is heard, we could

extend the public hearing to the next meeting before making a decision. I have concerns with our conference call process, it might be difficult to handle numerous speakers so that is an option to the council.

The second ordinance amendment is in regards to the manufactured homes ordinance and contains a revision to the definitions and the requirement of a conditional use permit as recommended by the planning commission.

### **Staff Comments**

I have asked Police and Public Works to prepare a written memo on an update from their department to make things easier on the conference call. If you have questions, they will be available on the call.

### **Update on wastewater**

I continue to work with our lobbyists on what we can be doing in case the legislature does reconvene to consider a capital investment stimulus bill. I will also be reaching out to council members regarding emailing and writing hand-written notes to our officials while they are off.

### **City Audit**

Audit fieldwork is scheduled for April 21 and 22 but will not be held on site. We have instead decided to complete this remotely which will require a little additional work on our staff but makes sense for us to get it done now before the summer months.

### **Municipal Pool**

City staff has been discussing options for the city pool. We are planning on waiting to see how the next couple weeks progress. As of today, Friday, I have learned that Minneapolis will be closing all public pools and beaches for the season. The metro is in a different situation than we are regarding the spread of the virus so I do not recommend we made that type of decision just yet. The pool manager is also trying to get an idea of the available staff we would have if we are allowed to open. We will not recommend opening the pool if we can't get as close to a full season, in other words, it's difficult for us to justify costs for only opening half a season. We will keep you posted as we have more information.

### **Foley Fun Days**

The civic group plans to make a decision on if Foley Fun Days will move forward around mid-April. We are working with the chair, Juanita Beauchamp on this item.

### **COVID-19**

I have attached the copy of minutes from the health board meeting that occurred a couple weeks ago. Since the meeting the City did work with public health on printing and distributing numerous flyers to our local stores that remain open to help spread the word on health precautions. We did this to try and reach a broader audience that may not be connected via social media or internet. Chief McMillin will be available on the call to answer questions you may have.

### **Open Forum**

You will notice I removed the open forum section of the agenda. We are not required to have an open forum as part of our meetings and I felt it would be very difficult to conduct this process in the conference call format. We will need to open the public hearing up but I have made other attempts to encourage comments ahead of time via email, drop box, etc. If I receive anything in advance of the

meeting, I will email it out to members. If you are contacted by anyone who wishes to provide comment on any item, please have them submit it to City Hall in another format and I will be certain to get it out to the entire council.

### **Bills List**

An updated bills list will be emailed to you on Tuesday prior to the meeting. Please review that item prior to the conference call.

### **Upcoming Reminders:**

*~Please note, all non-essential meetings have been cancelled.*

**April 13, 2020** – Planning Commission Meeting – CANCELLED

**May 5, 2020** – Council Meeting – Will be held as scheduled - FORMAT-TBD