

City Council - Meeting Agenda May 5, 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 April 7, 2020
 - Adopt Ordinance #450 Council Salaries previously approved but not in effect until 2021.
 - Approve payment of bills.
- 5. Discussion on Foley Municipal Pool
- 6. Discussion on Foley Fun Days Request use of streets for June 22-24, 2020.
- 7. Discussion closing of streets for Tractor Day & Graduation.
- 8. Department Reports:
 - Police Department -Katie McMillin
 - Public Works & Fire Mark Pappenfus
 - o Update on 2020 Hwy 25 Trail Project.
 - o Update on Lion's Park old playground.
 - o Discussion on fire training/COVID-19
 - Administration Sarah Brunn
 - o Discussion on parking surfaces enforcement.
 - o Discussion/Update on COVID-19 City Operations
- 9. Old Business
 - Update on wastewater project.
- 10. New Business
- 11. Adjourn

Council Meeting Conference Call Dial - In



Call: 1-602-610-2084

Enter Conference Code: 543340

*Remember to follow any motion with your name. The mayor will call on you in order to register your final vote.

CITY OF FOLEY, MINNESOTA CITY COUNCIL MEETING – April 7, 2020 HELD VIA CONFERENCE CALL DUE TO COVID-19 PANDEMIC

The Foley City Council held a regular meeting on April 7, 2020, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Councilmembers Jeff Gondeck (joined call at 5:35pm), Rosalie Musachio Gary Swanson and Jack Brosh.

Members Absent: None

The pledge of allegiance was recited.

Motion by Swanson, seconded by Musachio, to approve the agenda. Swanson – aye, Brosh – aye, Musachio – aye, Bettendorf – aye. Motion carried, unanimous.

Consent Agenda

Motion by Brosh, seconded by Swanson, to approve the consent agenda, which includes the following:

- 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 paid for by checks #51982 #52065.

Swanson – aye, Brosh – aye, Musachio – aye, Bettendorf – aye. Motion carried, unanimous.

Public Hearing – Liquor Licenses

Mayor Bettendorf recessed the regular meeting at 5:33 p.m. to conduct public hearing on the Coborn's & Little Dukes 3.2 liquor licenses. No one spoke. Mayor Bettendorf reconvened the meeting at 5:34 p.m. Motion by Brosh, seconded by Musachio, to approve the liquor licenses. Musachio commented on how Coborn's has done great job. Swanson – aye, Brosh – aye, Musachio – aye, Bettendorf – aye. Motion carried, unanimous.

Public Hearing - Parking & Manufactured Home Ordinances

Mayor Bettendorf recessed the regular meeting at 5:35 p.m. to conduct the ordinances public hearing. No one spoke. Mayor Bettendorf reconvened the meeting at 5:36 p.m. Motion by Musachio, seconded by Gondeck, to approve Ordinance 448 Parking Surfaces. Swanson – aye, Brosh – aye, Musachio – aye, Gondeck – aye, Bettendorf – aye. Motion carried, unanimous.

Motion by Gondeck, seconded by Musachio, to approve ordinance #449 – Manufactured Homes. Swanson – aye, Brosh – aye, Musachio – aye, Gondeck – aye, Bettendorf – aye. Motion carried, unanimous.

Department Reports

Mayor Bettendorf indicated written report were provided and asked for questions. Brosh asked about damage being done to 75th Street and staff indicated they will be following up. Gondeck asked McMillin about the part-time backgrounding process and McMillin indicated it is on hold until

fingerprinting is opened back up at the county. McMillin also outlined scheduling plans if staff were to become ill. There was also discussion on the golf course and street maintenance.

There was discussion on if the pool should open and how it will be handled. The council agreed to appoint Mayor Bettendorf to work with staff to make any decisions on how to move forward with the pool. Musachio requested the entire council be consulted if there would be any significant revenue issues.

Old Business

Brunn indicated she is still in contact with the lobbyists and will be reaching out to councilmembers on what they can be doing to help with the project.

New Business

The council discussed the flag disposal project and indicated support to move forward. Gondeck asked if there should also be one added at the new memorial.

Motion by Gondeck, seconded by Swanson, to adjourn. Swanson – aye, Brosh – aye, Musachio – aye, Gondeck – aye, Bettendorf – aye. Motion carried, unanimous.

Sarah A. Brunn, Administrator
,

CITY OF FOLEY COUNTY OF BENTON STATE OF MINNESOTA

ORDINANCE NUMBER 450

COMPENSATION OF MAYOR AND COUNCILMEMBER

THE COUNCIL O	F THE CITY	OF FOLEY	ORDAINS AS	FOLLOWS:
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That the 1974 Code of Ordinances, of the City of Foley, be amended by substituting therefore the following wording in Section 110:00 to read as follows:

Changes are underlined.

Section 110 - Compensation of Mayor and Councilmembers

Section 110:00. Compensation.

For each regular and special meeting of the City Council, which the Mayor attends, the Mayor shall receive a salary of \$150.00. For each regular and special meeting the City Councilmember attends, those Councilmembers in attendance shall receive a salary of \$150.00.

Section 110:02 Additional Compensation

For non-regularly scheduled meetings or training conferences requiring travel outside the Foley City limits and/or requiring a time-commitment of a half-day or more, the Mayor and Councilmembers shall be compensated a rate of \$75 per half-day or \$150 per day plus mileage.

This Ordinance shall take effect and be in force from and after January 1, 2021.

Passed and adopted at the regular meeting of the city Council this 5th day of May 2020.

ATTEST:	Gerard L. Bettendorf, Mayor	_
Sarah A. Brunn, Administrator		

	Bills List - May 5, 2020	T. Clar	
Gross Salaries	Payroll - 4/10/20	\$	27,705.79
EFTPS	Federal Withholding	\$	5,123.34
MN Dept of Revenue	State Withholding	\$	1,020.85
State Treas. PERA	PERA	\$	5,311.70
Nationwide	Deferred Comp	\$	820.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	490.00
Gross Salaries	Payroll - 4/24/20	\$	27,688.76
EFTPS	Federal Withholding	\$	5,172.13
MN Dept of Revenue	State Withholding	\$	1,034.41
State Treas. PERA	PERA	\$	5,285.61
Nationwide	Deferred Comp	\$	820.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	490.00
To Be Paid - 5/5/20			
AllSpec Services	Divilding Improcessor Compiess	ф	1 465 50
Altec Industries	Building Inspector Services	\$	1,467.70
Auto Value	Truck Inspection	\$	733.25
	Vehicle Maint & Shop Supplies	\$	37.75
Benton County Attorney Benton County Land Services	PD Attorney Fees	\$	638.00
-	Assessment Agreemtn	\$	5,089.50
By The Yard, Inc	2020 SCORE Grant - Pool Chairs	\$	4,774.00
Central McGowan	FD Medical Supplies	\$	39.51
Cintas	Uniforms	\$	326.29
Coborns	Office Supplies	\$	128.68
Concordance Healthcare Solutions	FD Supplies	\$	177.90
Crescent Electric Supply	FD Emergency Lighting	\$	78.73
Delta Dental	Employee Dental Insurance	\$	1,026.20
F.I.R.E.	FD OSHA Department Refresher	\$	450.00
First National Bank of Omaha	Credit Card Purchases	\$	3,091.57
Foley Collision Center	06 Chevy Repair - Insurance Reimbursement	\$	3,148.70
Foley Medical Center	FD New Employee Screening	\$	75.00
Further	Employer HSA Contribution & Admin Fee	\$	382.30
Hawkins	Water Chemicals	\$	6,296.53
JM Truck & Tractor Repair	Vac Truck Repair	\$	1,300.00
Kirby Built	2020 SCORE Grant - Trail Benches	\$	6,816.57
Kris Engineering, Inc	Street Supplies	\$	1,440.85
Locators & Supplies, Inc	Shop Supplies	\$	271.10
Marco	Copier Lease	\$	350.41
MidCo	Phones & Internet	\$	728.28
MN Dept of Health	2020 Pool License	\$	720.00
MN Dept of Revenue	March 2020 Sales & Use Tax	\$	426.00
Murphy Chevrolet	PD & PW Vehicle Maint	\$	307.16
RMB Environmental Laboraties	Water & Sewer Testing	\$	919.00
RWB Emergency Lighting	PD Printer	\$	409.07
Sam's Club	Employee Membership	\$	450.00
Security Locksmiths	Key	\$	2.10
SEH, Inc	Water Tower, I&I, Smoke Testing Engineering	\$	3,672.83
Shift Technologies	AntiSpam Filtering, PD & City Hall IT Issues	\$	1,263.20
Smith & Loveless, Inc	Sewer Maint Supplies	\$	482.85
Staples	Office Supplies	\$	64.37
Sun Life Assurance Company	Employee LTD Insurance	\$	197.65
Tri-County Humane Society	Animal Surrender	\$	50.00
USAble Life	Employee Life Insurance	\$	186.50
Verizon	Cell Phone & Trail Park Cameras	\$	334.27
Wex Bank	Credit Card Fuel Purchases	\$	68.89
Xcel Energy	Utilities	\$	4,748.60
		\$	134,293.90

Post liability Info

From:

Smith, Chris

To: Cc: Sarah Brunn

Subject:

Emukah, Emmanuel; Jelen, Julie RE: Research Question Submission Wednesday, April 15, 2020 9:08:31 AM

Sarah,

Your online research question was forwarded to my attention.

From just an insurance point of view, there are not any particular issues.

If the city were to get sued over a decision related to the pool including any alleged bodily injury related to that decision, the city would be covered. In other words, LMCIT would defend the city as well as any employees and officials named in the lawsuit and pay any damages that might be awarded. The claim would be subject to the city's deductible. Also, a claim could affect the city's experience rating and future premiums.

In defending a lawsuit, I think the city's decision to open or not open the pool would likely be entitled to discretionary or official immunity. Immunity is absolute – it means the city cannot be held liable. The best way to establish immunity is for the city to document the reasons for its decision in writing. The city might also be entitled to park and recreation immunity.

If immunity does not apply, an injured person would need to prove the city's negligence caused the injury. The city could also argue the defense of assumption of risk, i.e., the person assumes the risk of injury by using the pool.

Overall, I think the risk of legal liability to the city is low if it opens the pool and someone gets injured. Of course, regardless of liability, we want people to be safe. I'd certainly encourage the city to follow safety protocols from the state and federal government.

I know a number of cities are looking at the same pool issues as Foley. I don't know if there is any consensus yet on the decision to open the municipal pool. In Minneapolis, where I live, I know the city has already made a decision not to open the pools this summer. I think most cities, like Foley, are still waiting to make that decision.

I am also copying Julie Jelen, the city's loss control consultant. As the time draws closer to the city's decision, Julie may have some additional information on what other cities are doing.

Chris

Christopher Smith | Risk Management Attorney Phone: (651) 281-1269 | Fax: (651) 281-1296 csmith@lmc.org



Think Green: Keep it on the screen!

Please note, this response in intended to convey general information and should not be taken as legal advice or as a substitute for competent legal guidance. Consult your attorney concerning specific legal situations.

From: Research@lmc.org <Research@lmc.org>

Sent: Tuesday, April 14, 2020 1:51 PM

To: Shared-Research < Research@lmc.org >; sbrunn@ci.foley.mn.us

Subject: Research Question Submission

Research Question Submission

Thank you for submitting a research question to the League of Minnesota Cities. The League's Research Staff will begin working on it as soon as possible.

You submitted the following information:

First Name:

Sarah

Last Name:

Brunn

Position:

City Administrator

City:

Foley

Phone:

Email:

sbrunn@ci.folev.mn.us Tuesday, April 14, 2020

Date Submitted:

Question submitted:

I'd like to touch base with League officials on the possibility of opening our municipal pool for operation this summer. We have postponed this decision until early May, and this assumes the governor will open some things back up at that point. If that were to occur, I am curious if there are any insurance issues we should be mindful of or other items that may have been coming up with other cities. I'm trying to collect as much info before the council decides whether or not to proceed with an opening in June. I'm best reached by email since I am only in the office for limited periods of time during the stay-at-home order but also included my cell phone above if a phone call would be easiest. Thank you.

From:

Kusler, Shayne Sarah Brunn

Subject:

City Council Agenda Items

Date:

Friday, April 24, 2020 10:32:07 AM

Good morning Sarah,

I have talked with Katie a bit about these items, and would like to have a couple of requests for the May 5th agenda regarding closures of Penn Street. Both of these ideas are still in development, and depending on the Governor's orders may not be able to happen.

- 1 We would like to still honor the school and community tradition of having a "Tractor Day" parade on Friday, May 22. In doing so, our plan would be to have tractors line up along the frontage road of the high school and onto Penn Street. We would then process north along the high school/intermediate school road, turn and go into our fieldhouse parking lot, do a loop and then go back out to the West to Norman Avenue. Tractors would return home from there. We would be able to have cars lined up in the fieldhouse parking lot as well as along the north/south road between our buildings and the athletic fields. We would adhere to social distancing (only members of the household in the vehicle) etc. Our request would be to close Penn Street to non-school traffic (need to let Tractors and parade-attendees in) from approximately 7:00 a.m. 9:00 a.m. on Friday, May 22 (and possibly a shorter amount of time). We will work with law enforcement (both City and County) regarding traffic flow and safety.
- 2 We are still hoping/planning for a graduation ceremony on Saturday, May 30th. Currently, we are exploring a lot of options including a level of "drive-in" graduation similar to what some churches have been doing. We have a small senior class (about 125) and we have over 300 parking spaces in the south lot in front of the high school. We would potentially see some spill over to Penn Street as well as wanting to reduce traffic (and any inappropriate/disruptive acts by individuals driving by) if we chose to hold an outdoor ceremony. Our request would be to close Penn Street to non-graduation traffic from 5:30 p.m. to 9:30 p.m. on Saturday, May 30th. We already contract/schedule to have Officer Vickstrom available during graduation and would continue to utilize him and would work closely with him and Chief McMillan regarding details and safety. We would adhere to social distancing guidelines as laid out by the Governor.

Please let me know if you need more information regarding these or if you would like me available to speak to them or answer questions of the Council during the meeting.

Thanks, Shayne

Shayne Kusler Principal Foley High School

I teach to help students increase their understanding of themselves and the world around them. The more knowledge and understanding an individual possesses, the greater the opportunity to find the most fulfilling path in life. This is success.



Foley Police Department

Council Meeting Memo 5/5/2020

Stat Report:

- O 233 calls for the month of April
- Traffic Stops are lower, however the speeds have been higher
- O Special events: Checking business doors
- O Suspicious Activity is up.
 - We encourage people to call in if they see someone/something suspicious.
- O Medicals/Welfare checks were up.
- o 1 DWI
- O TZD: The state has suspended TZD enforcement for right now.

Staffing:

Part time Officer Brian Kothman started April 28th. (We were able to get background investigation completed)

COVID-19 Response:

- Continuing to 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.
- Officers are to wear a mask on all calls where COVID-19 is known to be present.
- Officers are encouraged to wear a procedural mask on all medicals or when dealing with elderly.



Foley Police Department

- Bicycle Safety Rodeo:
 - o If Fun Days is canceled / postponed, the Bicycle Safety Rodeo will also be.
- Emergency Management
 - I am continuing to work with the Benton County Emergency Management Director and Benton County Public Health in the EOC from afar.
 - O Not much has been requested from me to do.
 - Been helping them out with review of what other counties and cities are doing.
 - Foley PD and Foley Fire have been Fit Tested for the N95 masks.



Foley Police Department Calls for Service - 2020

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Feb.	16	34	22	0	9	*14	2	1	2	9	1	21	1	21	4	2	0	က	4	18	4	4	1	4	3	27	5	65	6 Hours	277
Jan.	21	28	12	0	2	*4	4	0	3	7	0	15	1	26	9	3	3	2	5	23	4	3	2	5	2	18	2	58	0 Hours	255
	Driving Conduct	Equipment Vio.	Speed	DWI/DUI	DAR/S/C	# Citiations Issued	Accidents	Hit and Run	Gas Drive Offs	Thefts	Controlled Substance	Suspicions Activity	Burglaries/Robbery	Medicals/Welfare	Assaults/Domestics	Harassment	CDP/Vandalism	Animal Complaints	City Ordinance	Parking Tickets	Disturbing the Peace	Gun Permits	Warrant Arrests	Civil	Lockout	Assist other Agencies	Special Events	Misc.	TZD Hours	Total:

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



MINNESOTA BOARD OF FIREFIGHTER TRAINING AND EDUCATION

445 MINNESOTA STREET, SUITE 146 SAINT PAUL, MN 55101

TELEPHONE: 651-201-7259 FAX: 651-215-0525

EMAIL: fire-training.board@state.mn.us

WEBSITE: www.mbfte.org

Memo

Date: April 30, 2020

To: Minnesota Fire Service

From: Steve Flaherty, Executive Director

Re: Skills-based Training and Testing Allowed for Firefighters during COVID-19

Today Governor Walz included a clarification in Executive Order 20-33 Critical Sector Descriptions (Extending the Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation), which states: "Evaluators and fire fighters at skills training, including evaluation for the state's firefighter Certification Testing, where such training and evaluations cannot be given remotely and provided that social distancing and other mitigation strategies are employed."

This clarification allows for firefighters and evaluators to do hands-on training and testing – so long as they can do so while having protocols in place in order to maintain social distancing (identical to the clarification which was added on April 13, 2020 for law enforcement).

The clarification does not mean that fire departments can resume their regularly scheduled meetings, it is only related to skills-based training and certification testing.

Terminating skills-based training and testing was more than likely initiated by your governing body (i.e. City Administrator, City Council, Town Board, etc.); therefore, the decision to resume hands-on training and testing will need to come through them as well.

This clarification to Executive Order 20-33 Critical Sector Descriptions merely gives the fire chief or their designee a means to which a conversation can now take place between the fire department and their governing body to potentially get back to doing hands-on activities, it does not imply that fire departments must return to doing so.

TO:

FOLEY CITY COUNCIL

FROM:

SARAH BRUNN, CITY ADMINISTRATOR

SUBJECT:

05-05-2020 COUNCIL MEETING - VIA CONFERENCE CALL - 5:30PM

DATE:

MAY 1, 2020

Conference Call Meeting

Please refer to the 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. The info is the same as our last meeting.

Please remember to identify yourself when making a motion and votes will be done by roll call.

Consent Agenda

The council salaries item is on the agenda. This was approved by council prior and is now in its final ordinance form after being posted on city website. It does not go into effect until 2021, after the election.

Foley Municipal Pool

With the extension of the stay at home it will be more difficult to make a decision on the operation of the pool for the 2020 season. The council and staff will need to discuss this on Tuesday. I did reach out to the League on a couple items, an email summarizing liability concerns is in your packet and staff can provide more detail during the call. Our options are summarized as follows:

- Close the pool for the season. Staff would still have to do some maintenance items so some expense would occur but not nearly to the level on when we open it. We do levy dollars each year to cover the additional costs of the pool and there should be plenty to cover the minimum maintenance. There could be some unemployment issues from staff with the pool closure. Additional unemployment benefits are available due to COVID-19 but some of the federal reimbursements are not all in place with the all of the relief programs so as a caution, we should be mindful of that possibility.
- Move ahead with opening the pool somewhere between June 3rd 12th. If we move forward, we would also move ahead with a swimming lesson schedule in addition to open swim. I would not recommend proceeding with only open swim as the pool would simply lose too much money as lessons are the most significant revenue source. There will also be additional costs in disinfection/cleaning of public spaces and bathrooms that would need to be worked through based on state guidance. Social distancing protocols are also a possibility. We have reached out to the Department of Health and they are not providing us any specific recommendations yet as the stay at home is still in effect. Even if we open, it's possible our revenues could be affected by people being scared to use the pool or sign up for swim lessons so that is also another item that needs to be considered.

Foley Fun Days - 2020

Juanita Beauchamp, Civic Group Chair, will be on the call to discuss Fun Days and whether the remaining components of the event should continue. The council must give permission to utilize the

streets for the festival, including the carnival and parade. As many of you have seen, a number of festivals have been cancelled and some are still moving forward.

Foley Schools - Tractor Day & Graduation

There is an email in your packet from the high school principal requesting use of city streets for tractor day and a graduation ceremony. Staff has no concerns with the closure of these streets, provided there is not a current stay at home or similar order prohibiting the activity issued by the state. We hope the state provides more guidance on these activities in the near future. Staff also recommends the school contact those properties which have their access off of Penn and develop a plan to ensure they have reasonable access to their properties at all times. If the council chooses to approve, I would recommend they work with the city department heads on the final details of the events.

Public Works Update

Mark will provide on update on the bidding for the Hwy 25 Trail Project, the old lion's park playground and other activities of the public works department.

Fire Training/COVID-19

Mark has asked me to include a letter in your packet regarding some exemptions to the meeting requirements in order to conduct fire training. He will be discussing with council on the call.

Parking Surfaces Enforcement

Staff would like direction on how to proceed with parking surfaces enforcement. We want to be mindful of the current situation before sending out additional enforcement letters by discussing with council first.

COVID-19 - City Operations

We have a number of items to discuss related to COVID-19. They include:

- Utility Bills/Shut-Offs We pushed back due dates until June 30th. Do we still want to wait to conduct a shut off? Does the council intend to waive penalties after the June 30th due date?
- City Hall Re-opening Public works will be installing a plexiglass guard to the city counter in the coming weeks to prepare for the process of re-opening or allowing some interaction with the public. We have found that conducting business online, via phone, email, mail has been very effective and we have been able achieve the majority of tasks. We have made reasonable accommodations when these solutions do not work. The teleworking and remote services has gone much better than I even imagined. With that being said, we do look forward to re-opening. When we move forward, I have a few recommendations. For instance, we could start by appointment basis only, then move to limited hours, with a final transition to regular hours. Our plan would also need to be mindful of the library. My conversations with them indicate they will re-open at a much slower pace than other entities. I'd like to have some council feedback on this item so I can incorporate this into a plan we all feel will be successful.
- Budget Operations I would like some direction from the council on how to proceed with budget operations in the current year. I have asked department heads to hold off on any significant capital purchases at this time for a number of reasons:
 - O The county is considering adopting a policy waiving a significant portion of penalties for those who do not pay their property taxes on time. I'm not sure how that will affect our budget and assessment collections and it's possible it will have minimal impact. I

however, need to remind the council that 57% of our general budget is dependent on property tax collection. We also have significant assessment payments which are due. Those assessments are used to help make bond payments along with taxes. If the property tax and assessment revenues are reduced, we will need to utilize other cash to make payments and sustain operations.

O A significant amount of cash has or will already be flowing out of the city this year. These include a fire truck, plow truck, the trail project and some other smaller items that we have already committed to. We do have good cash reserves but some are necessary to maintain a bond rating and could also be used to pay for any shortfall. I will note that closing the pool would help this situation as extra funds would likely be available as we levy additional dollars to the pool every year.

Wastewater Update

We had a great conference call with the governor's office this past week and are continuing our push before the end of the session. Mark is also able to answer any questions you have regarding the current ponds and their operation.

Open Forum

Again, no open forum on the agenda and it is not required. Please encourage anyone who wishes to submit anything to do so in writing and I will get it sent out to all members.

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.

May 11, 2020 - Planning Commission - CANCELLED

June 2, 2020 – Council Meeting – Format TBD