



**City Council – Meeting Agenda**  
**August 4, 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 July 14, 2020.
  - Allow music (beyond noise ordinance) until 11pm for Mr. Jim's on August 4, 14, 21, and 28, 2020.
  - Allow music (beyond noise ordinance) until 12am for Mr. Jim's on September 11<sup>th</sup>, 2020.
  - Approve LMCIT insurance form (not waiving tort limits set by statute).
  - Adopt Resolution #2020-16 Election Judge Appointment.
  - Adopt Resolution #2020-17 Approving Election Judge Hazard Pay.
  - Accept resignation of Scott McClure, Public Works Lead Operator.
  - Approve initiation of hiring process to replace public works operator.
  - Approve payment of bills.
5. Connie Cardinal – Foley Area CARE
6. Tom DeMarais – 230 Norman Avenue S
7. Bryan Moshier – Foley Fire Relief Report
8. Mayor's Comments & Open Forum
9. Department Reports:
  - City Attorney – Adam Ripple
  - Police Department –Katie McMillin
    - Update on nuisance and parking and storage ordinance enforcement.
  - City Engineer – Jon Halter
  - Public Works & Fire – Mark Pappenfus
  - Administration – Sarah Brunn
    - Approve Election Booth Expenditure and County CARES Reimbursement – requires motion by council in order to access additional election grant funds.
    - 2022 Highway 23 Project Update
10. Old Business
  - Discussion on Orderly Annexation/Joint Planning Agreement- consider updated agreement.
  - Update on wastewater project – Route Alignment
  - Discussion on CARES Act Funds.



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11. New Business

12. Discussion on purchase of PID 020049300 & PID 020050000.

- Determine council interest and use of property.
- Close the meeting per Minn. Stat. 13D.05 Subd. 3(c) 13D.05 – discussion on potential land price of PID 020049300 & PID 020050000.

13. Adjourn

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – July 14, 2020

The Foley City Council held a regular meeting on July 14, 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 Brosh, seconded by Musachio, to approve the consent agenda, which includes the following:

- Approve minutes of June 2, 2020.
- Adopt Resolution #2020-12 Accepting Donation.
- Approve Assessment Agreement with Kevin & Nelda Starr
- Approve School Resource Officer Agreement with Foley Public Schools.
- Adopt Resolution #2020-13 – Authorizing PSIG Application.
- Approve Mr. Jim's for Outdoor Music until 12 a.m. on July 24, 2020.
- Accept letter of retirement of firefighter Adam Orton.
- Adopt Resolution #2020-14 Emergency Election Judge Appointment.
- Approve payment of bills paid for by checks #52230-#52323.

Motion carried, unanimous.

**Bond Refunding Sale**

City Administrator Sarah Brunn presented the quotes for a refunding of the 2011 and 2012A bonds. The refunding will save over \$100,000 in interest costs as well as reduce paying agent fees for the remaining term. Falcon Bank was the low quote so the bonds will be held privately. Brunn also indicated the bonds are callable at any point if the city would choose to do so. Motion by Swanson, seconded by Gondeck, to adopt Resolution #2020-15 Providing for Issuance of \$2.281 million GO Refunding Bonds, Series 2020A. Motion carried, unanimous.

**Orderly Annexation Agreement/Joint Planning Agreement**

Mayor Bettendorf gave an overview of the township meeting that had occurred last week. Public comment was allowed but only for up to two minutes each. Paige Henry, 6633 115<sup>th</sup> Avenue NE, spoke at the meeting and indicated that the agreement feels like its overkill and there is no trust with property owners. Henry asked if annexation could instead be done one at time without an agreement or only with interested land owners in the area. Henry also indicated no information was provided at the township meeting when more should be provided. The council questioned city staff and Brunn indicated that the information was provided on the city website but how the information is provided to people at township meetings is not usually something the city handles. Brunn also elaborated that the city put together the additional information based on questions that were received prior to the meeting.

City Attorney Adam Ripple also outlined the agreement terms and establishment of a joint planning board. Gondeck expressed frustration with individuals lacking desire to make future plans and

Swanson also expressed support for planning for future growth. Musachio indicated all properties need some type of zoning whether city or county. Musachio also indicated township representatives would be part of the board and have a say with the new agreement rather than Benton County having total control. Bettendorf reiterated this is a partnership between the city and township to make planning in the future easier. Jeremy Legatt, 6151 Hwy 25 NE, said if he wants to do something then we will forcibly annex his property. City Attorney Adam Ripple indicated there are many provisions before annexation and a property transfer would not necessarily trigger annexation. City Administrator Brunn further elaborated that utilities need to be provided and development needs to occur typically before this happens.

Motion by Swanson, seconded by Gondeck, to adopt the orderly annexation agreement. Brosh indicated concern with the two out of three clause. Gondeck, Musachio, Swanson, Bettendorf – aye. Brosh – nay. Motion carried.

### **Solar Moratorium**

Motion by Gondeck, seconded by Musachio, to adopt Ordinance #452 Moratorium on Solar Gardens. City Administrator Brunn indicated this is just a freeze on solar gardens and that the city will look into options on how they can be developed in the area keeping in mind the need for utilities in the future. Gondeck, Musachio, Bettendorf, Swanson. Brosh – nay. Motion carried.

### **CARES Act Funding**

There was considerable discussion on CARES act funding. The council discussed considering a business subsidy offering as part of the options. Brunn will come back with more information at the next meeting once there has been more time to work through the requirements.

### **Golf Course Complaint on Driving Range**

John Bradshaw, trial attorney, Po BOX 551 Eden Valley, MN 55329 presented a complaint regarding golf balls entering private property from the driving range. Bradshaw indicated Mr. Desmarais property is in the county but golf course is located in the city and that paperwork filed with city indicates that the course can not interfere with his property. Mr. Desmarais was forced to tear down the barn for banking reasons and since has had issues with golf balls entering his property and this activity cannot go on and needs to stop now. Scott Desmarais, 13042 65<sup>th</sup> Street NE, has been a resident from even prior to the establishment of the golf course. Mr. Desmarais indicated the county sheriff told him that the city needs to deal with the matter.

City Attorney Adam Ripple indicated he disagrees with Mr. Bradshaw's interpretation of the law in this area. Ripple indicated this is a private, civil matter and the city does not have the ability to prosecute anything based on existing ordinances nor can it enforce different performance standards on this property owner. Gondeck asked the city's position regulating bows and arrows in town. Mr. Bradshaw indicated this is outrageous and this is a commercial matter that the city should resolve. The property owner did not ask for the golf course and this needs to stop now. Gondeck asked about the netting and the golf course owner indicated it was too expensive. There was considerable discussion on if the city could prosecute on it. Bettendorf asked the property owner to check with the county prosecutor on this item regarding their response. Gondeck requested more documentation. Bettendorf indicated he will try and talk to the golf course owner about the issue.

### **Mayor's Comments/Open Forum**

City Attorney Adam Ripple had no report for the council. Swanson asked Ripple about golf course, Ripple said he did not think the City should be involved.

## **Department Reports**

Police Chief Katie McMillin asked council permission to bring back quotes for next meeting on the purchase of new radios. The City is hoping to save costs with partnering the county. McMillin updated the council on the monthly law enforcement report and training. Gondeck asked about the vandalism and the older squad.

McMillin updated the council on parking and storage ordinance enforcement and one not in compliance. Musachio asked about more letters before prosecution to make sure the entire town is in compliance. Bettendorf asked about publishing abbreviated ordinance information in the paper and online and then issuing enforcement. There was considerable discussion on how to enforce the ordinance and staff will put in notifications in paper and online for more information. Notices should also continue with indication of enforcement. Musachio asked about issuing fines versus prosecution and Ripple indicated statutory authority does not allow cities to do that.

City Engineer Jarrod Griffith presented the water tower quote for \$11,985 for water tower repairs. Motion by Brosh, seconded by Swanson, to approve the quote. Motion carried, unanimous. Griffith also indicated the 2020 trail project will be starting this week with marking and stripping next week. Brosh asked about repairs along this stretch of road and Public Works reviewed some repairs that his department had made.

Public Works Director Mark Pappenfus provided some more detail on the work near Fraser Drive and also some overlay work that was done. Pappenfus also indicated work on the solar bees to be done in the future and also some hydrant painting. Swanson asked for an update on the Compost Site and if people are still dumping prohibited items. Swanson suggested possibly putting up cameras.

Foley Fire Chief Mark Pappenfus also provided an updated on the rescue truck and asked for permission to authorize sale of the old rescue truck. The arrival of the new rescue truck is 4-6 weeks out.

City Administrator Sarah Brunn updated Council on the 2020 Elections and COVID-19 procedures. Brunn requested to close City Hall and the Library for the day of the Elections to better meet social distancing guidelines. Brunn discussed the possible Land for Sale (PID's 0200375500 & 130004010) that is owned by Maxine Olson. There was no interest at this time by Council. Brunn discussed the ordinance/building code violations at 720 John St. Motion by Musachio to prosecute all ordinance violations at the 720 John Street property, seconded by Brosh. Motion carried, unanimous.

## **Old Business**

Brunn updated council on the wastewater project and the bonding bill.

## **New Business**

Tanya Peterick, 651 Norman Ave N, indicated she lives Foley with a portion of her property in the backyard in Gilmanton township and desires to keep chickens. The council indicated no desire to change the ordinance and that they could be allowed for township portion if county and township were to approve of it.

There was discussion on the SRO position if there is no in person schooling this year.

Motion by Swanson, seconded by Gondeck, to add July 17<sup>th</sup> for Mr. Jim's to operate beyond the noise ordinance. Motion carried, unanimous.

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

Sarah A. Brunn, Administrator



## LIABILITY COVERAGE – WAIVER FORM

**Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to [psstech@lmc.org](mailto:psstech@lmc.org).**

*The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.*

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

\_\_\_\_\_  
LMCIT Member Name: \_\_\_\_\_

*Check one:*

☒ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minn. Stat. § 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: \_\_\_\_\_

Signature: \_\_\_\_\_ Position: \_\_\_\_\_



CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2020-16

A RESOLUTION APPOINTING ADDITIONAL ELECTION JUDGE FOR THE  
PRIMARY AND GENERAL ELECTION

WHEREAS, Election Judges are needed for the upcoming Primary Election on August 11, 2020;

WHEREAS, Election Judges are needed for the upcoming General Election to be held November 3, 2020;

WHEREAS, in accordance with State Law, council appointment of election judges is necessary for training and conducting local elections; and

WHEREAS, some priorly appointed election judges have indicated concern in serving due to COVID-19 making another emergency appointment needed;

NOW, THEREFORE, BE IT RESOLVED that the following individual is hereby designated as a Judge for the Primary and General Elections in 2020:

Additional Judge:

Katie McMillin

Adopted by the council, this 4<sup>th</sup> day of August, 2020.

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

ATTEST:

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

CITY OF FOLEY  
COUNTY OF BENTON  
STATE OF MINNESOTA

RESOLUTION 2020-16

A RESOLUTION APPROVING HAZARD PAY FOR THOSE SERVING AS  
ELECTION JUDGES IN THE POLLING PLACE FOR THE 2020 PRIMARY AND  
GENERAL ELECTION

WHEREAS, Election Judges are needed for the upcoming Primary Election on August 11, 2020;

WHEREAS, Election Judges are needed for the upcoming General Election to be held November 3, 2020;

WHEREAS, it has been difficult to recruit election judges due to the COVID-19 pandemic for healthy safety reasons;

WHEREAS, the council has determined hazard pay will help make sure enough judges and staff are available for conducting the election;

NOW, THEREFORE, BE IT RESOLVED that the following hazard pay will be implemented for the primary and general election:

1. An increase of \$2 per hour for all election judges who are not city employees for the primary and general elections of 2020.
2. A two-hour time off stipend to use at a later date for full-time city employees working as election judges for the primary and general elections of 2020. One stipend of two hours will be granted for each election date worked for a maximum of four hours.

Adopted by the council, this 4<sup>th</sup> day of August, 2020.

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

ATTEST:

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

# Bills List - August 4, 2020

Gross Salaries	Payroll - 7/17/20	\$	29,214.61
EFTPS	Federal Withholding	\$	5,282.04
MN Dept of Revenue	State Withholding	\$	1,042.13
State Treas. PERA	PERA	\$	5,585.52
Nationwide	Deferred Comp	\$	820.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	490.00

Gross Salaries	Payroll - 7/31/20	\$	30,302.17
EFTPS	Federal Withholding	\$	5,569.83
MN Dept of Revenue	State Withholding	\$	1,119.13
State Treas. PERA	PERA	\$	5,873.57
Nationwide	Deferred Comp	\$	820.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
Further	HSA Contribution	\$	490.00

## To Be Paid - 8/4/20

Further	7/20 HSA Employer Contribution	\$	350.00
AllSpec Services	Building Inspection Services	\$	4,213.46
Auto Value	Generator, Grapple, Ford, Trailer Repair	\$	134.25
Benton County Sheriff's Office	Shoot House Training	\$	350.00
Brock White	Street Supplies	\$	92.01
Central McGowan	PD & FD Medical Supplies	\$	91.74
Cintas	Uniforms	\$	151.90
Coborn's	City Hall Cleaning & Office Supplies	\$	45.31
CNA Surety	Notary Erros & Omission Insurance Policy	\$	37.50
Delta Dental	Employee Dental Insurance	\$	1,026.20
Emergency Response Solutions	FD Supplies	\$	524.54
Farm-Rite Equipment	Harley Rake Rental	\$	150.00
First National Bank of Omaha	Credit Card Purchases	\$	983.00
Gilman Coop Creamery	Weed Spray	\$	96.20
Hawkins	Water & Pool Chemicals	\$	3,279.70
MacQueen Equipment	Street Sweeper Repair	\$	7,202.58
Marco	Copier Contract	\$	268.88
Metering & Technology Solutions	Water Meter Supplies	\$	203.35
Midco	Phones & Internet	\$	732.88
Mimbach Fleet Supply	Park Supplies	\$	154.98
MN Fire Service Certification Board	FD Certifications - Lunde, McIver, Palm, Studanski	\$	960.00
MN Blacktopping	5 Star Repair, Fraser, Mariah, Lions Park	\$	8,600.00
Murphy Chevrolet	PD Squad Repair	\$	284.18
Paul Neslund	Park Shelter Refund due to Corona	\$	150.00
Rita Gerrard	Park Shelter Refund due to Corona	\$	150.00
RMB Environmental Labroatories	Sewer Testing	\$	234.00
Rum River Contracting	2020 CIP Streets Overlay - Fraser	\$	7,356.80
Silt Sock - TIF	Tif Payment	\$	20,203.89
Sun Life Financial	Employee LTD Insurance	\$	194.48
Tri-County Humane Society	Animal Surrender Contract	\$	75.00
USABLE Life	Employee Life Insurance	\$	188.50
USABlue Book	Water Chemicals	\$	47.63
Verizon	Cell Phone & Park Cameras	\$	336.64
WEX Bank	Credit Card Fuel Purchases	\$	132.75
Xcel Energy	Utilities	\$	4,469.04
		\$	150,240.39

## Agenda Item

To resolve the issue of  
ownership of 35' of land  
from owners' lot line to curb.

What is the footage of the  
boulevard easement? My  
understanding it is 10'.

Who is responsible for upkeep  
beyond that point?

Tom DENARD is

## OFFICE OF THE STATE AUDITOR

## Financial Projections

	2020	2021	
Total Active Member Liabilities	973,914	1,046,648	
Total Deferred Member Liabilities	71,944	71,944	
Total Unpaid Installments	0	0	
Grand Total Special Fund Liability	A. 1,045,858	B. 1,118,592	
Normal Cost (Cell B minus Cell A)			C. 72,734

## Projection of Net Assets for Year Ending December 31, 2020

Special Fund Assets at December 31, 2019 (FIRE-19 Form ending assets) 1 1,099,867

## Projected Income for 2020

Fire State Aid (2019 fire state aid of \$43,711 may be increased by up to 3.5%)	D.	43,800
Supplemental State Aid (actual 2019 supplemental state aid)	E.	10,119
Municipal / Independent Fire Dept. Contributions	F.	7,500
Interest / Dividends	G.	10,000
Appreciation / (Depreciation)	H.	(70,000)
Member Dues	I.	
Other Revenues	J.	
Total Projected Income for 2020 (Add Lines D through J)	2	1,419

## Projected Expenses for 2020

Service Pensions (fill in individual pension amounts below)

Names:

Scott Swanson

\$ Amounts:

17,969

K. 17,969

Other Benefits

Administrative Expenses

L.   
 M. 9,000

Total Projected Expenses for 2020 (Add Lines K through M)

3 26,969

Projected Net Assets at December 31, 2020 (Add Lines 1 and 2, subtract Line 3)

4 1,074,317

## Projection of Surplus or (Deficit) as of December 31, 2020

Projected Assets (Line 4)	5	1,074,317
2020 Accrued Liability (Page 4, cell A)	6	1,045,858
Surplus or (Deficit) (Line 5 minus Line 6)	7	28,459



**Nadean Inman**

Auditor-Treasurer

Mailing Address:  
531 Dewey Street  
PO Box 129  
Foley, MN 56329

Contact:  
PHONE: 320-968-5006  
FAX: 320-968-5337  
Treasurer@co.benton.mn.us

### CARES Election Grant Allocation

Jurisdiction	Default Allocation	Match Required
Benton County	12,405.87	2,481.17
Alberta Township	588.17	117.63
Gilmanton Township	618.39	123.68
Glendorado Township	601.00	120.20
Granite Ledge Township	588.37	117.67
Graham Township	542.55	108.51
Mayhew Lake Township	615.58	123.12
Maywood Township	635.55	127.11
Minden Township	1,208.60	241.72
St George Township	716.52	143.30
Sauk Rapids Township	556.20	111.24
Watab Township	1,310.75	262.15
City of Foley	940.44	188.09
City of Rice	804.02	160.80
City of Sauk Rapids	4,322.29	866.46
<b>Total</b>	<b>26,454.30</b>	

**A few examples of how cities/towns can utilize CARES grant funds(costs related to pandemic response only, not expenses that are normally incurred):**

- Plexiglass Barriers
- Election judges specifically hired to help with cleaning, traffic flow to ensure social distancing, etc.
- Costs related to polling place changes-updated voter registration cards, publications, signage
- Additional PPE-gloves, face shields, masks, etc. Although a majority of the PPE has been provided to the counties by the Secretary of State's office

**\*\* Mail Balloting was specifically excluded by state legislature from the list of approved expenditures eligible for grant funds with the exception of protective measures for election judges processing the mail ballots \*\***



*Benton County is an Equal Opportunity Employer*

*Benton County's website:  
www.co.benton.mn.us*

## Sarah Brunn

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**From:** Nadean Inman <ninman@co.benton.mn.us>  
**Sent:** Tuesday, July 21, 2020 4:35 PM  
**To:** thaler4@jetup.net; JODEEKAMPA@GMAIL.COM; Deb Scott; graniteledgetownship@jetup.net; mayhewlaketownship@outlook.com; rosie.emslander@gmail.com; cabraham5756@hotmail.com; Daryl Sheetz; watabts@gmail.com; Julie Fandel; Pat Lezer; Christine Scherbing; Sarah Brunn; Dana Furman  
**Cc:** Christine A. Bosshart (cbosshar@co.benton.mn.us); Heather Bondhus (hbondhus@co.benton.mn.us)  
**Subject:** Cares Grant \$ Information  
**Attachments:** CARES ACT Grant Election Officials.doc  
**Importance:** High

Hello Election Officials,

As some of you may have already heard the State has offered some additional funding to help prevent, prepare and respond to coronavirus in the upcoming primary and general elections. We just received the information for the CARES Act Election grant from the state a week ago and did inform the county commissioners at today's board meeting.

**Additionally – as a reminder the State is providing these PPE supplies for both the primary and general elections. This will include: masks for judges, masks for voters, hand sanitizer, and disinfectant and COVID signage for the polling places.**

The CARES Act Election Grant allocation is attached above for your review.

Each jurisdiction has the option to utilize these funds or not.

**Requirements:**

1. Jurisdictions have a required 20% match. See the attached Grant Allocation for your jurisdictions match amount. The county will need to be provided with a copy of the meeting minutes approving the matching CARES Act Grant Funding no later than **Monday August 24<sup>th</sup>, 2020.**  
\*\*\*If your jurisdiction is opting out of the CARES Grant funding please email me and let me know that.  
\*\*\*Feel free to submit meeting minutes sooner if you have them ready and you are electing to receive the grant monies.
2. CARES Act Funds must be used to pay for costs being incurred because of the pandemic.
3. Jurisdictions **MUST** keep track of all expenses and retain ALL receipts for purchases made with grant monies.

We are planning on going over some of the PPE supplies AFTER the PAT training next week. Please jot down any questions you may have and bring them along to the PAT training.

Thanks for the service you provide to your local jurisdictions!!

## Sarah Brunn

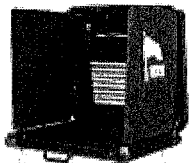
**From:** Inclusion Solutions <contact@inclusionsolutions.com>  
**Sent:** Wednesday, July 8, 2020 3:53 PM  
**To:** Sarah Brunn  
**Subject:** Order #103921 -- Inclusion Solutions thanks you

Dear Sarah Brunn,

Thank you for shopping at Inclusion Solutions! This message confirms your order, number 103921. Please use this number in all correspondence regarding this order. To view further details regarding this order, or to check its status at any time, please visit your [order status page](#).

### Invoice

Product	Qty	Unit Price	Ext Price
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Model 2000  
Booth

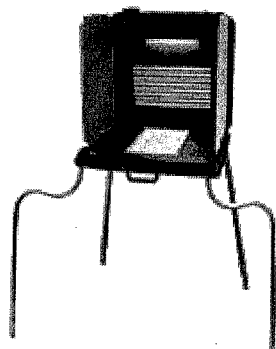
8

\$199.00

\$1,592.00

Sarah Brunn  
City of Foley  
251 4th  
Avenue N  
Ship To: PO Box 709  
Foley, MN  
56329  
3209687260

Ship Via: **UPS  
Ground**



Model 2000  
Accessible  
Booth (Hard  
Curtain)

1

\$219.00

\$219.00

<b>Subtotal</b>	<b>\$1,811.00</b>
Sales Tax	\$0.00
Shipping	\$250.47
<b>Order Total</b>	<b>\$2,061.47</b>

Share Your Order!  



Resolution # \_\_\_\_\_

**Orderly Annexation and Joint Planning Agreement Between  
Gilmanton Township and the City of Foley**

**WHEREAS**, the Town of Gilmanton ("Town") and the City of Foley ("City") have had discussions regarding the planning and development of lands adjacent to the City;

**WHEREAS**, the Town and City jointly agree that both intend to conserve agricultural lands and promote growth and development in appropriate areas only upon annexation to the City;

**WHEREAS**, the Town and City jointly enter into this agreement to establish an orderly annexation area and adopted land use controls;

**WHEREAS**, the Town and City jointly agree that lands within the orderly annexation area should be governed by the land use controls of the City instead of Benton County;

**WHEREAS**, the Town and City jointly enter into this agreement to establish a process for administering the City's land use controls within the orderly annexation area;

**WHEREAS**, Minnesota Statutes § 414.0325 provides a procedure for the Town and City to agree on a process of orderly annexation of a designated area; and

**WHEREAS**, the orderly annexation area encompassed by the Agreement is relatively small, consisting of approximately 840 acres, as depicted in **Exhibit A** ("Orderly Annexation Area") and legally described in **Exhibit B**;

**WHEREAS**, on \_\_\_\_\_, 2020 a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

**WHEREAS**, the City and Town have agreed to all the terms and conditions for the annexation of the Orderly Annexation Area and the City and Town agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE**, for good and valuable consideration, and after a properly conducted joint public hearing by the Town and City, the Township Board of Supervisors of the Town of Gilmanton and the City Council of the City of Foley hereby resolve and agree as follows:

**ORDERLY ANNEXATION AGREEMENT**

1. **Designation.** The City and Town designate the real property the area described and depicted in Exhibit A ("Orderly Annexation Area") as subject to orderly annexation pursuant to Minnesota Statute 414.0325. The Orderly Annexation Area consists of

approximately 840, the population in the subject area is less than 75, and the land use type is agricultural.

2. **State Jurisdiction**. The Town and City, by approval and submission of this Agreement to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge to accomplish orderly annexation in accordance with the terms of this Agreement.
3. **Rural Preservation Until Annexation**. The Town and City have identified the Orderly Annexation Area as areas that are about to become urban or suburban, and because the City anticipates being capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area if development occurs. In the interim, however, the intent of the Town and City is to maintain and preserve the current rural character of the Orderly Annexation Area until property is annexed into the City. This means allowing agricultural uses and homesteads at a density of one per forty acres and restricting subdivisions for building purposes that result in lots smaller than 40 acres. Nothing in this Amendment is intended to impair or restrict the rights of lots of record or legal nonconformities.
4. **Conditions for Annexation**. Property in the Orderly Annexation Area shall be annexed into the City when agreed to by two of the following three parties: the property owner, the City of Foley, or Gilmanton Township.
5. **Property Taxes**. The City and Town to the following property tax provisions:
  - a. **Rate**. The tax capacity rate applicable to property after annexation shall be increased in substantially equal proportions each year of a six-year period until it equals the tax capacity rate of the City. If any part of the annexed property becomes developed prior to the end of the six-year period, it shall be assessed at the City's tax rate.
  - b. **Reimbursement**. The City agrees to reimburse the Town an amount equal to seven years' of property taxes that would be received from annexed properties based on the rates and values at the time of annexation. Payment will be made in a lump sum within 6 months after the annexation is effective.
6. **Agreement Continuation Term**. ~~The Agreement shall remain in full force and effect except as specifically amended in this Amendment. Unless the parties have agreed to an extension, this agreement shall terminate on December 31, 2030.~~
- 6-7. **Exclusive**. It is the intent of the parties that this Agreement sets the exclusive procedures under which annexation from the Township to the City may occur during the term of this Agreement.

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## **JOINT PLANNING AGREEMENT**

1. **Applicable Land Use Controls.** Zoning within the Orderly Annexation Area is currently administered by Benton County, utilizing the Benton County Zoning Ordinance. In order to eliminate authority for changes in applicable land use controls from residing with Benton County and outside of the control of either the Town or City, and to eliminate questions of applicability of past revisions of Benton County's Development Code, the Town and City agree to apply the City's zoning ordinance within the Orderly Annexation Area. The goal of land use controls is to preserve the Orderly Annexation Area as agricultural until development is appropriate, so no rezoning of property to a designation other than Agricultural within the Orderly Annexation shall occur prior to annexation.
2. **Zoning Designation.** All property within the Orderly Annexation Area is currently zoned Agricultural "A", Business "B", Business Enterprise "B-2", or Single Family Residence "R-2" under Benton County's designation, a copy of which is attached as **Exhibit C**. Upon execution of this agreement, the property within the Orderly Annexation shall be zoned A-1 Agricultural in accordance with the City's zoning ordinance with the exception that properties zoned B or B-2 shall retain all permitted and conditional uses allowed for such zone under the Benton County's zoning, whether or not such uses currently exist on the property. All existing legal uses in operation on \_\_\_\_\_, 2020 shall be able to continue to operate as legal non-conformities.
3. **Administration of Land Use Controls.** The Town and City agree that land use controls within the Orderly Annexation Area shall be administered as follows:
  - a. **Joint Planning Board.** Pursuant to Minnesota Statutes §§ 414.0325 and 471.59, the Town and City hereby establish a Joint Planning Board to administer land use controls within the Joint Planning Area. The Joint Planning Board shall consist of two township supervisors and two city council members as appointed by their respective bodies. Town representatives shall chair and vice-chair the Joint Planning Board on even years and City representatives shall chair and vice-chair the Joint Planning Board on odd years. Meetings shall be called on an as-needed basis when zoning requests are received or when either the City or Town request a meeting.
  - b. **Staff.** City staff shall, at no cost to the Town, provide all administrative functions for the Joint Planning Board including the preparation of meeting minutes, serving as zoning administrator, and undertaking enforcement actions. The official City newspaper shall be the official newspaper of the Joint Planning Board for all meeting, public hearing, and other official notices.
  - c. **Land Use Permits and Variances.** Conditional and interim use permits and variance requests shall be submitted on the City's forms and processed by the Joint Planning Board in accordance with the City's zoning ordinance.
  - d. **Ordinance Revisions.** Any revisions to the City's Agriculture District zoning ordinance shall automatically apply to the Orderly Annexation Area unless

specifically modified by the Joint Planning Board; this includes any interim ordinances. The City shall provide the Town will notice of any such revisions.

4. **Subdivision of Property.** It is the purpose of this Amendment to regulate subdivisions of land in a manner so as to protect the integrity of the agricultural nature of the Orderly Annexation Area. Such protection requires that any platting or subdivision of property be completed after the property has been annexed to the City, except in those rare circumstances where the Board determines:

- a. the subdivision will not increase the residential density of one single family dwelling per 40 acres;
- b. the subdivision will not precipitate commercial or industrial development; and
- c. the subdivision of land will not harm the continued vitality of the Orderly Annexation Area as a rural, agricultural area which will not be further developed until such time as is appropriate for annexation.

5. **Further Amendment.** Any amendment to the Joint Planning Agreement ~~or this Amendment~~ shall require a public hearing by the Joint Planning Board and approval by the Gilmanston Town Board and the Foley City Council.

6. **Effective Date.** This ~~Amendment~~ Orderly Annexation and Joint Planning Agreement shall be effective ~~immediately upon adoption of the Town Board and City Council and issuance of an Order by the Chief Administrative Law Judge.~~

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Adopted by Town Board of Supervisors for the Town Gilmanston this \_\_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
Town Board Chair

ATTEST:

By: \_\_\_\_\_  
Town Clerk

Adopted by City Council for the City of Foley this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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



**BOLTON  
& MENK**

Real People. Real Solutions.

Wastewater Regionalization Project

# City of Foley, Minnesota Alignment Options Report

BMI Project No. R21.120226

**Submitted by:**

Bolton & Menk, Inc.  
2040 Highway 12 East  
Willmar, MN 56201  
P: 320-231-3956  
F: 320-231-9710



# Certification

## Alignment Options Report

For

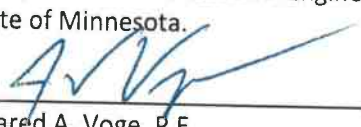
## Wastewater Regionalization Project

City of Foley  
Foley, Minnesota  
R21.120226

July 1, 2020

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By:

  
Jared A. Voge, P.E.  
License No. 45063

Date: 7/13/2020

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## I. PROJECT SUMMARY

### A. PROJECT INITIATION

The City of Foley has initiated a Wastewater Regionalization Project. Foley plans to regionalize the city's wastewater treatment with the City of St. Cloud Sanitary Sewer System rather than expand its current wastewater treatment plant to meet future capacity needs. In the Wastewater Treatment Facility, Facility Plan, a preliminary regionalization forcemain alignment was identified, using the Minnesota Trunk Highway 23 (TH 23) corridor right-of-way to connect to the St. Cloud system.

In addition to the regionalization forcemain, the City will also be constructing a fiber optic internet facility that will connect the City and its businesses and residents to reliable access to the internet.

The purpose of this report is to investigate forcemain and fiber optic alignment options and provide the City of Foley a recommended route for the proposed infrastructure.

### B. SCOPE

The alignment created in the Facility Plan shall be considered and the best option verified. Construction along state highways can be extensive with traffic control requirements and coordination during design. Other route options may exist that will simplify design and reduce construction costs for the Wastewater Regionalization Project. This report describes methodologies, analyses, and results used to determine evaluation criteria of various alignment options.

The City of Foley is growing. There is a need to expand the industrial park on the west side of the city. The existing gravity sanitary sewer in the industrial park is shallow and limits buildable lot areas. It is anticipated that a new lift station will be constructed along the west side of the existing industrial park to increase the utility service area on the west side of the city and serve as the primary regionalization lift station. This area in the industrial park is considered the beginning of the forcemain alignment. Please see the figure included in **Appendix A**.

During correspondence with the City of Foley, City of Sauk Rapids, and City of St. Cloud, it was agreed that City of Foley regionalization forcemain will connect to the sanitary sewer system in the City of Sauk Rapids about 600 feet to the north of TH 23 along Mayhew Lake Road NE (Benton County - CSAH 1). Please see the figure included in **Appendix A**. The forcemain connection will be at an existing manhole along the road and where the wastewater from the city will be discharged into the St. Cloud Sanitary system. This location is considered the end of the forcemain alignment.

### C. OVERVIEW OF ANALYSIS

To identify the best regionalization route, a rating method was created. The area analyzed included road alignments within 1.5 miles of TH 23. Each road, from intersection to intersection, was given a segment index. Factors collected and catalogued for each segment include road owner, road type, number of driveways, length, and approximate percentage of wetlands adjacent to the road. Each factor was assigned a rating value which resulted in a rating for each segment. The segments with the lowest rating values were summed to create alignment options for analysis across an entire alignment.

After the segment ratings indicated an overall alignment, more factors were developed to review each alignment. The overall alignment factors are the total length, stream crossing evaluation, and a hydraulic analysis if the regionalization system was constructed on the alignment. Finally, a field review of each route option was performed to add real-world

context to the options.

The analyses performed created informed route options which consider the overall complexity of design and construction for each route.

## II. REVIEW AREA AND SEGMENT RATING METHODOLOGY

### A. REVIEW AREA AND SEGMENT INDEX

A 1.5-mile buffer was established around TH 23 between Foley and the discharge location. The buffer generated enough segment options to analyze while minimizing excessive length to a potential forcemain alignment option. Some portions of the buffer were removed because a potential alignment would backtrack on itself thus adding excessive length.

A simple grid was then established around the extents of the buffer area to create a unique segment identification system. A segment follows a road, from Benton County road data, so a single segment spans the length of a road between two intersection. The grid was applied to each segment to create unique segment index so information about each segment could be applied to segments.

Two major streams flow through the buffer area, so each crossing was given a unique crossing index. The stream crossing factor is discussed in greater detail in the Overall Alignment Option section because it is more relevant to an overall alignment than an individual segment.

Five potential easement options, which are also considered segments, were identified to shorten the distance of an alignment. The review area and segment index are depicted in the figure Road and Segment Index Map located in **Appendix A**.

### B. SEGMENT RATING METHODOLOGY

Information for each segment was collected and catalogued. These segment factors were developed to provide context for the complexity of the design and construction of an alignment. The factors used to rate individual segments are discussed below.

**Segment Owner** – This rating considered the level of coordination and permitting needed during design. It is anticipated that more coordination is required during design if an alignment option is constructed along a MnDOT owned segment. Coordination and permitting is typically less with County right-of-way, and township roads. Township roads, however, typically are not platted so some easements may be needed for forcemain and fiber construction.

**Segment Type** – This rating explored the potential construction complexity for each segment. Generally, this identifies the level of traffic control that will be required for the segment and cost of surface disruption that may occur during construction. The road surface type and number of lanes were also considered.

**Driveways** – This rating examines the complexity of crossing driveways or roads that accesses the segment. Driveways were counted using aerial photography and adjusted based on the number along a segment. Potential items considered are cost of surface disruption and driveway culverts. This rating also considers the number of private utilities to the number of driveways. The more driveways, the more utilities anticipated which results in higher construction costs.

**Wetlands** – This rating estimates the length of wetlands along a segment using the National Wetland Inventory layers. A ratio was approximated by the length of wetlands adjacent to a segment compared to the overall length of the segment. This considered the work needed to delineate wetlands during design and the site management that occurs during construction as the presence of wetlands increase.

TH 23 Utilities – A preliminary map request was initiated as part of the alignment option analysis. The information provided is the quantity of utilities within the corridor as reported by Gopher State One Call. These were tallied and referenced to each segment along TH 23. The tallies were summed for each segment. This is a 1-to-1 comparison; no ratios were developed.

Potential Easements – This design factor rated possible coordination efforts required to obtain a utility easement. The factor considers the length and property ownership.

#### C. SEGMENT RATING RESULTS

Using the factors outlined in Segment Methodology section, the factors were summed to obtain the ratings for each segment and are shown in the Segment Rating Map located in Appendix B. The rating for each segment is the number under the segment index. The lower the rating, the more viable a segment is for an alignment option.

The original alignment, shown as the Red Alignment Option, suggested in the Facility Plan was considered. The other three alignment options resulting from the segment analysis are the Green, Orange, and Purple Alignments. The route option to the north of TH 23 is the Green Alignment Option. The option to the south of TH 23 is the Purple Alignment Option. The Orange Alignment has the lowest total resulting from the segment analysis. The total segment rating for each option are outlined in the **Table 1**.

<b>TABLE 1: TOTAL SEGMENT RATING RESULTS</b>		
<b>Alignment Option</b>	<b>Total Rating</b>	<b>Rank</b>
Orange (Lower)	284.5	1
Purple (South)	300.3	2
Green (North)	321.8	3
Red (TH 23)	408.1	4

The segment analysis results show the Orange option as the most viable option for the regionalization forcemain route. The segments along this option would generally be lower in design and construction complexity than the other options. This, however, only identifies a potential route based solely on each individual segment and not the entire alignment option. The overall alignment options, resulting from the segment analysis, are discussed in the next section. The results for the segment ratings can be seen in the Segment Rating Results Figure in **Appendix B**.

### III. OVERALL ALIGNMENT OPTION REVIEW

#### A. ALIGNMENT OPTION RATING METHODOLOGY

The segment rating analysis only identified potential alignment options based on the segment analysis, so the overall alignment is reviewed in this section. The overall alignment factors used to analyze each alignment option are below.

**Length** – The length of an option was obtained by summing the length of each segment. The length of segments for the TH 23 (Red) option was used as a baseline length because it is the shortest. The option lengths for the Green, Orange and Purple length were divided by the Red length which results in a length multiplier. This multiplier was applied to the segment rating results.

**Stream Crossing** – Crossing a stream with utilities creates both design and construction complexity. Utility Crossing licenses will be required for each utility at each crossing. There is also coordination needed with the roadway owner of each crossing because there may be limitations on depth and proximity to the bridge structures. The construction complexity of each crossing will also depend on the length of the crossing as well as the measures needed to protect the stream from construction activities. Each crossing rating was added to the segment rating results.

**Hydraulic Analysis** – The overall hydraulic characteristics associated with each alignment were reviewed. Based on the preliminary information available, from a hydraulic perspective, all alignments considered are feasible. Although some alignments are shorter than others, the corresponding impact on pump sizing is not of a magnitude sufficient to select an alignment solely on hydraulic characteristics. For the purpose of this analysis, the alignments with shorter length are preferred however, the impact of length on the hydraulics is not the primary determining factor for the alignment selection process.

#### B. ALIGNMENT OPTION REVIEW RESULTS

The results of the overall alignment review are shown in Table 2 below.

TABLE 2: OVERALL ALIGNMENT OPTION RESULTS		
Alignment Option	Overall Alignment Review Results	Rank
Orange	382.9	1
Purple (South)	387.6	2
Green (North)	466.9	3
Red (TH 23)	471.1	4

This information shows that after using the outlined methods to analyze each segment and an entire alignment, the Orange alignment option has the lowest rating, thus the more viable option. The Purple option is also a very close second viable option. The results do illustrate the viability of each option, however, a field review of each alignment will create a qualitative picture of each option.

#### C. ALIGNMENT OPTION FIELD REVIEW

The final method to review route options was by physically following each alignment to qualitatively review viability of each route. The factors for the field review are visible encumbrances like communication pedestals, aerial utilities, private property landscaping, surface improvements, and other design and construction complexities. The onsite review also considered which side of the road the forcemain and fiber optic cable should be constructed.



Red Alignment Option – The field review of this route identified that there several road crossings, some of those County roads, along both sides of TH 23. There were also some above ground utilities along both sides of this route. This alignment option is the flattest of the options reviewed.

Green Alignment Option – The field review of this option identified a few obstacles that would add complexity to the design and construction on this route option. There are some overhead power lines that can increase safety concerns during construction. The review also identified several hills along the alignment.

Purple Alignment Option – The following description begins at the Industrial Park on the westside of the city to the discharge location in Sauk Rapids. This alignment would need to obtain an easement south to the township road. The field review shows the alignment will likely cross petroleum or gas pipelines. The initial segments along the route would encounter overhead utilities on each side of the road. There would also be low lying natural areas which indicate wet soil conditions. Approximately half-way through the alignment, there are segments where the right-of-way is tight to the road, which means more coordination with property owners and potential utility easements. As the route follows TH 95, there are also very steep slopes around the Elk River crossing which lead to deeper excavations and great slope protection during construction. From the TH 23 crossing at TH95, the route follows County State Aid Highway which has several private residences and a golf course. Construction in these conditions can have atypical surface restoration to maintain positive perceptions of the project. This alignment would need to obtain an easement

Orange Alignment Option – The first half of this route follows the Purple Alignment option, so the field review is similar. The review identified overhead utilities, low-lying natural areas, and constricted right-of-way. After crossing TH 23, the remaining portion of the alignment navigates through very rural, natural, and agricultural areas so minimal above-ground utilities were seen. This portion, however, has a lot of turns and is longer than the remaining portion of the Purple Alignment option.

#### D. FIELD REVIEW – MODIFIED ORANGE ALIGNMENT OPTION

In summary, the Purple and Orange alignments are both viable route options for the forcemain regionalization and fiber optic project. During the field review, a simpler route was identified as the Orange route with the last portions of the Red alignment. Generally, where the Purple and Orange options diverge near the Elk River crossing, the simpler option would be to follow TH 23 along the north side to the discharge location. This portion would be shorter and would encounter visible obstructions like overhead utilities and road connections to the highway. The segment ratings for the Modified Orange route were added and overall rating parameters were applied to the route as well. **Table 3** has the overall ratings, including the overall rating for the Modified Orange alignment.

<b>Alignment Option</b>	<b>Overall Alignment Review Results</b>	<b>Rank</b>
Orange	382.9	1
Orange - Modified	384.5	2
Purple (South)	387.6	3
Green (North)	466.9	4
Red (TH 23)	471.1	5

All of the alignments are illustrated in the Overall Alignment Ratings Figure in **Appendix C**. The final tabulation for each option can be found in **Appendix E**.

## IV. CONCLUSION AND RECOMMENDATIONS

The summary of findings for each option are discussed below. The items highlighted in these discussions are the significant areas found during the route analysis and illustrate the benefits and challenges for each option.

### A. ALIGNMENT OPTIONS CONCLUSION

**Red Alignment Option** – This route follows the TH 23 corridor. The right-of-way along this route is wider than other routes which provides space for construction. The alignment option has the highest overall rating due to the presence of utilities and the expected design and construction coordination with MnDOT. Even though the route is the shortest distance, following TH 23 the entire way would require extensive phasing and traffic control during construction. In addition, this route would cross several County Roads so protective casings would be required.

**Green Alignment Option** – The Green route is situated north of TH 23. This alignment has the second highest overall rating. It is the longest of the routes analyzed, approximately 28% longer than the Red option. The field review also identified several hills along the route so additional air-release manholes and deeper construction would likely be required. The field review also identified fewer above ground obstructions.

**Orange Alignment Option** - The Orange route follows the lower rated segments resulting in the lowest total segment rating. The route also has the lowest overall alignment rating, just below the Purple and Modified Orange alignments. It is approximately 17% longer than the Red option. The waterway crossing for this alignment was rated the least complex when compared to the other crossing locations.

**Purple Alignment Option** – The Purple route generally is south of TH 23 crossing the highway at TH 95. The route has the third lowest overall rating and it is 13% longer than the Red alignment option. The route encounters some above ground utilities and some low-lying areas at the beginning. The route would cross the Elk River adjacent to TH 95 bridges which has steep slopes. The final third of the alignment is located on private property.

**Modified Orange Alignment Option** – This alignment is south of TH 23, following Township roads, until it intersects TH 23 and follows the highway until it discharges into the Saint Cloud sewer system. This route decreases total elevation change which minimizes the need for forcemain appurtenances. The field review resulted in identifying a low-lying area which are anticipated to have wet soil conditions.

### B. ALIGNMENT RECOMMENDATION

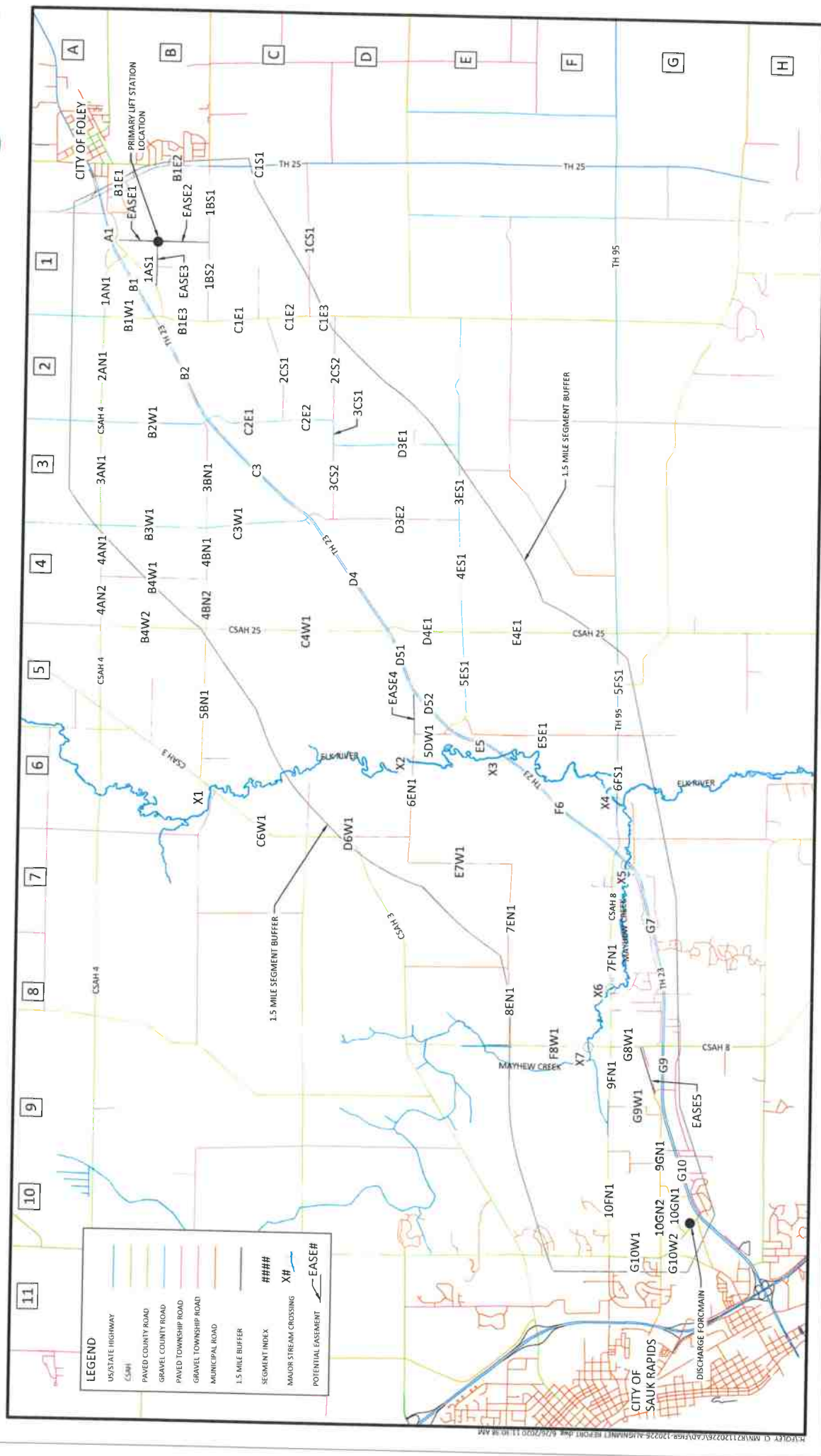
All options have unique design and construction challenges; however, the following are obstacles identified for the Orange modified route. This alignment will need to obtain an easement from private property owners to get to the township road to the south primary lift station and an easement so the forcemain and fiber can get to TH 23 right-of-way. Consistent coordination during design will occur with MnDOT for traffic control and the permits needed for this portion of the route. This coordination will result in the required traffic control along TH 23 for the safety and access needed for construction. Coordination is also needed with private utilities providers during design so minimize relocation and alleviate construction issues. When construction is completed, there will also need to be safe access to maintain the new facilities. These challenges are not unusual for this type of project and can be overcome.

The recommended alignment is the Orange Modified route and a figure of the route is included in **Appendix D**. This alignment is 9% shorter than original Orange alignment, even though the overall alignment rating is slightly higher. This alignment, overall, will have fewer impacts to road crossings, driveways, and wetlands. It encounters minimal above ground utilities and surface improvements. Using the Red alignment for the second half of this route

decreases the length and reduces the total elevation change minimizing hydraulic demand on the system. There are limited access points to the highway along this section which means fewer protective casings and traffic disturbances. The Orange Modified route utilizes the best scored segments for the first half while minimizing the length of the overall system.

## Appendix A: Road and Segment Index Figure





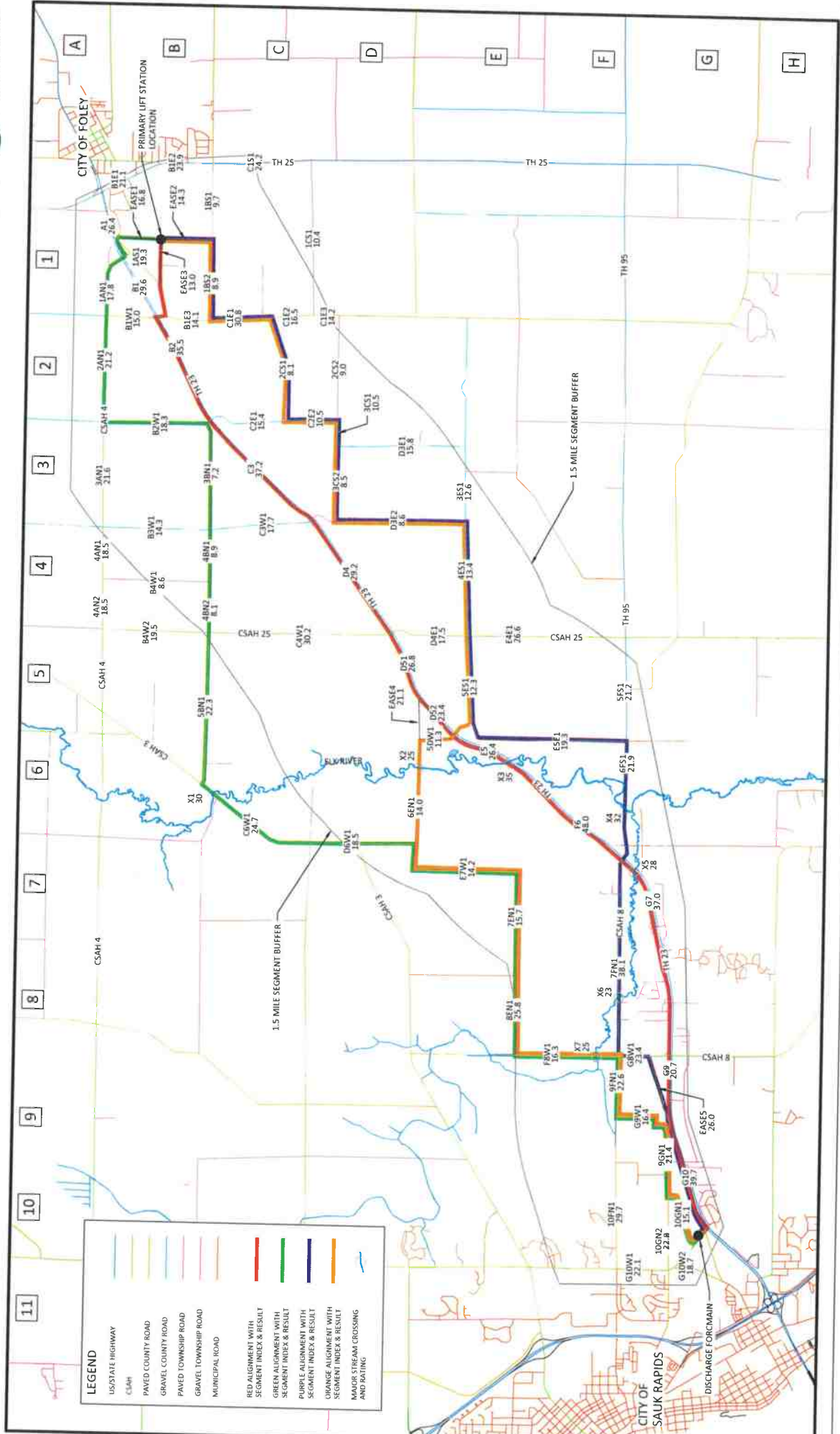
## Appendix B: Segment Rating Results Figure

# WASTEWATER REGIONALIZATION PROJECT

CITY OF FOLEY

## SEGMENT RATING RESULTS

JUNE 2020



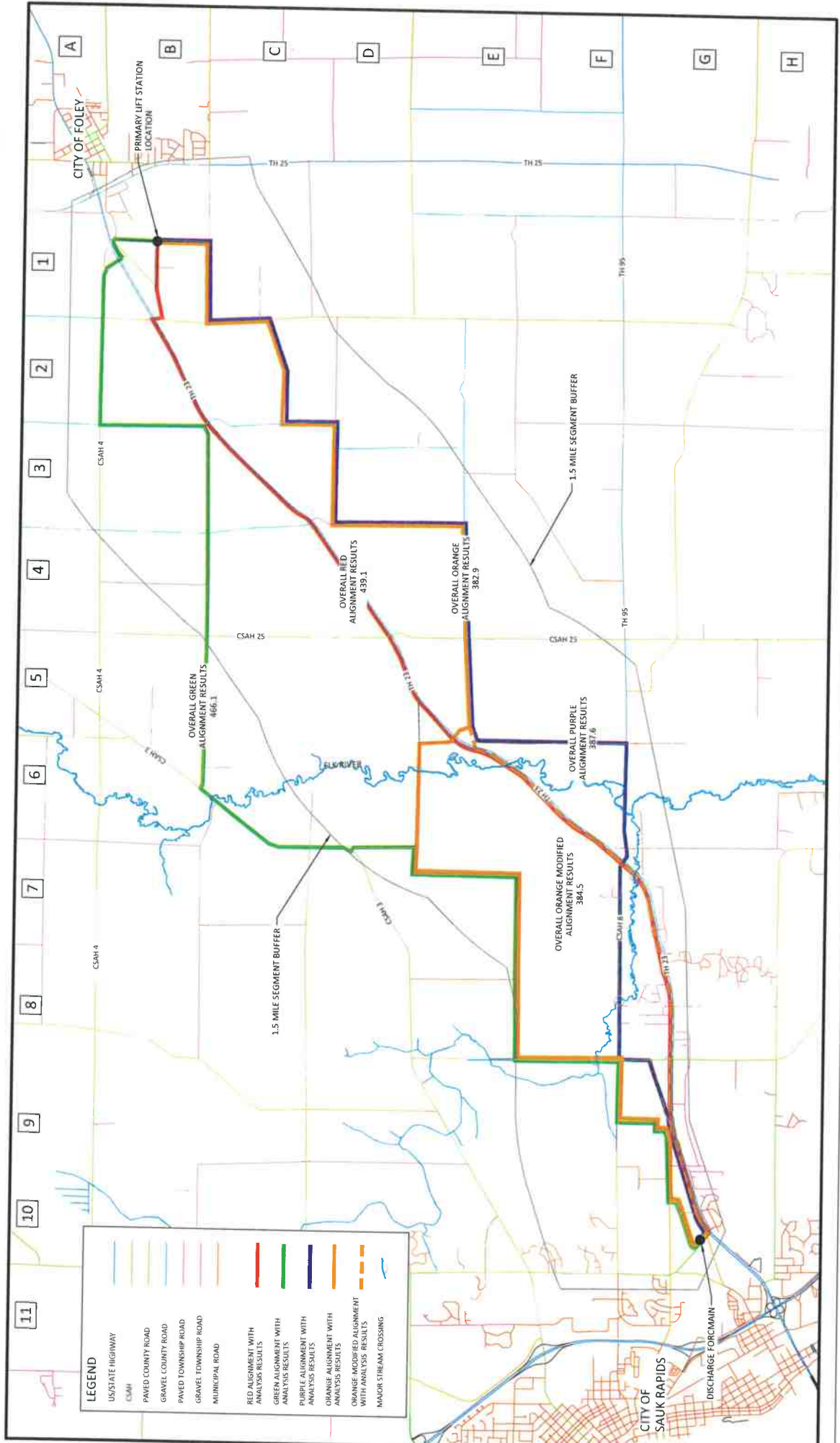
## Appendix C: Alignment Option Results Figure

# WASTEWATER REGIONALIZATION PROJECT

CITY OF FOLEY

## ALIGNMENT OPTION RESULTS

JUNE 2020



## Appendix D: Recommended Alignment Figure





## Appendix E: Alignment Options Tabulation



**ALIGNMENT OPTIONS TABULATION**  
WASTEWATER REGIONALIZATION PROJECT  
CITY OF FOLEY, MN  
BMI PROJECT NO.: R21.120226

RED			
SEGMENT INDEX	SEGMENT RATING	LENGTH (FEET)	
EASE3	13.0	2310	
IAS1*	9.6	3824	
B1	29.6	3500	
B2	35.5	5920	
C3	37.2	7260	
D4	29.2	7090	
D51	26.8	3340	
D52	23.4	2590	
E5	26.4	3210	
F6	48.0	7700	
G7	37.0	10610	
G9	20.7	2260	
G10	39.7	6715	
SEGMENT RATING SUBTOTAL		376.1	

GREEN			
SEGMENT INDEX	SEGMENT RATING	LENGTH (FEET)	
EASE1	16.8	1990	
B1*	9.9	3500	
IAN1	17.8	3250	
2AN1	21.2	5401	
B2W1	18.3	5540	
3BN1	7.2	5476	
4BN1	8.9	2670	
4BN2	8.1	2965	
5BN1	22.3	7740	
C6W1	24.7	6445	
D6W1	18.5	5460	
E7W1	14.2	6715	
7EN1	15.7	5350	
8EN1	25.8	4957	
F8W1	16.3	5181	
9FN1	22.6	3080	
G9W1	16.4	3099	
9GN1	21.4	3653	
10GN1	15.1	2956	
SEGMENT RATING SUBTOTAL		321.2	

ORANGE			
SEGMENT INDEX	SEGMENT RATING	LENGTH (FEET)	
EASE2	14.3	2660	
1BS2	8.9	4102	
C1E1	30.8	3093	
2CS1	8.1	5394	
C2E2	10.5	2651	
3CS1	10.5	1140	
3CS2	8.5	3943	
D3E2	8.6	6605	
4ES1	13.4	5766	
5ES1	12.3	5514	
5DW1	11.3	1890	
6EN1	14.0	6320	
7FN1	15.7	5350	
8EN1	25.8	4957	
F8W1	16.3	5181	
9FN1	22.6	3080	
G9W1	16.4	3099	
9GN1	21.4	3653	
10GN1	15.1	2956	
SEGMENT RATING SUBTOTAL		284.5	

PURPLE			
SEGMENT INDEX	SEGMENT RATING	LENGTH (FEET)	
EASE2	14.3	2660	
1BS2	8.9	4102	
C1E1	30.8	3093	
2CS1	8.1	5394	
C2E2	10.5	2651	
3CS1	10.5	1140	
3CS2	8.5	3943	
D3E2	8.6	6605	
4ES1	13.4	5766	
5ES1	12.3	4514	
5ET1	19.3	8520	
6FN1	21.9	6010	
7FN1	38.1	9975	
G8W1	23.4	1658	
EASE5	26.0	2000	
G10	39.7	6715	
SEGMENT RATING SUBTOTAL		294.3	

ORANGE - MODIFIED			
SEGMENT INDEX	SEGMENT RATING	LENGTH (FEET)	
EASE2	14.3	2660	
1BS2	8.9	4102	
C1E1	30.8	3093	
2CS1	8.1	5394	
C2E2	10.5	2651	
3CS1	10.5	1140	
3CS2	8.5	3943	
D3E2	8.6	6605	
4ES1	13.4	5766	
5ES1	12.3	5514	
E5	26.4	3210	
F6	48.0	7700	
G7	37.0	10610	
G9	20.7	2260	
G10	39.7	6715	
SEGMENT RATING SUBTOTAL		297.7	

**LENGTH RATING**

ALIGNMENT LENGTH (FT)	66329
LENGTH MULTIPLIER	1
ALIGNMENT RATING SUBTOTAL	376.1

ALIGNMENT LENGTH (FT)	85028
LENGTH MULTIPLIER	1.28
ALIGNMENT RATING SUBTOTAL	411.1

ALIGNMENT LENGTH (FT)	77354
LENGTH MULTIPLIER	1.17
ALIGNMENT RATING SUBTOTAL	332.9

ALIGNMENT LENGTH (FT)	74746
LENGTH MULTIPLIER	1.13
ALIGNMENT RATING SUBTOTAL	332.6

ALIGNMENT LENGTH (FT)	71363
LENGTH MULTIPLIER	1.08
ALIGNMENT RATING SUBTOTAL	321.5

**STREAM CROSSING RATING**

X3	35
X5	28
ALIGNMENT RATING SUBTOTAL	439.1

X1	30
X7	25
ALIGNMENT RATING SUBTOTAL	466.1

X2	25
X7	25
ALIGNMENT RATING SUBTOTAL	382.9

X4	32
X6	23
ALIGNMENT RATING SUBTOTAL	387.6

X3	35
X5	28
ALIGNMENT RATING SUBTOTAL	384.5

**OVERALL ALIGNMENT RATING**

OVERALL RATING:	439.1
-----------------	-------

OVERALL RATING:	466.1
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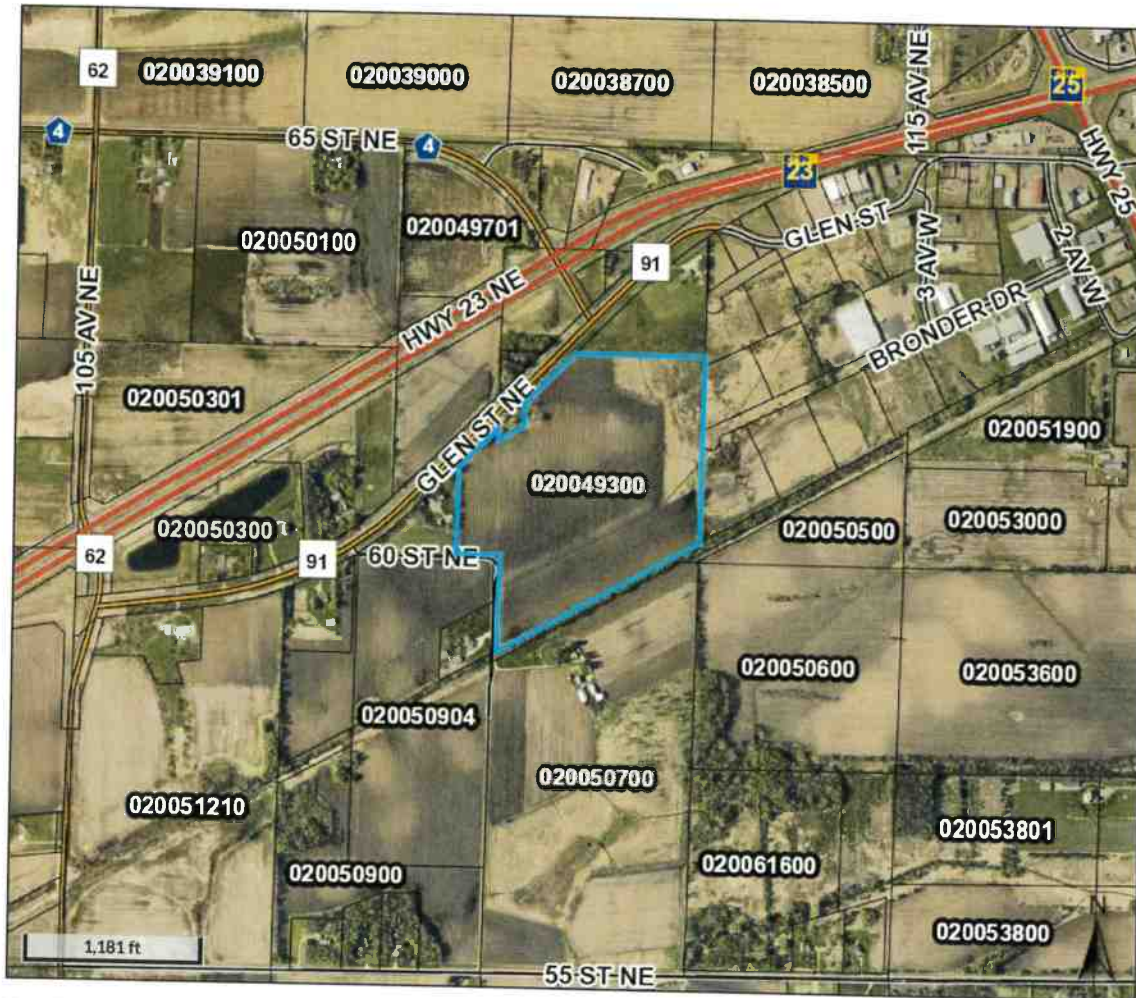
OVERALL RATING:	382.9
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OVERALL RATING:	387.6
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OVERALL RATING:	384.5
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\*PROPORTION OF SEGMENT RATING BASED ON LENGTH





Overview



Legend

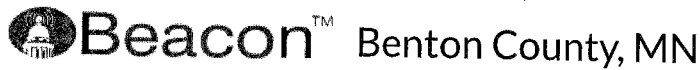
-  Parcels
-  Highways
-  County Roads
-  Roads

Parcel ID	020049300	Alternate ID	n/a	Owner Address	LEROY CHARLES HERBST REV TR &
Sec/Twp/Rng	34-037-029	Class	101 - AGRICULTURAL		CATHERINE MARIE HERBST REV TR
Property Address	10846 HWY 23 NE	Acreage	51.18		4912 105TH AVE NE
	FOLEY				FOLEY, MN 56329
District	GILMANTON TOWNSHIP				
Brief Tax Description	Sect-34 Twp-037 Range-029 51.18 AC PART OF NW1/4 SE1/4 LYING N OF GN RR ALSO PART OF SE1/4 NW1/4 & SW1/4 NE1/4 LYING S HWY 23 LESS TR W/UNDIV 1/2 INT TO LEROY CHARLES HERBST REV TR & W/UNDIV 1/2 INT TO CATHERINE MARIE HERBST REV TR				
	(Note: Not to be used on legal documents)				

Date created: 7/27/2020

Last Data Uploaded: 7/27/2020 6:48:52 AM

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**Owner****Primary Taxpayer**

Leroy Charles Herbst Rev Tr &  
Catherine Marie Herbst Rev Tr  
4912 105th Ave NE  
Foley, MN 56329

**Summary**

Parcel ID 020049300  
Property 10846 HWY 23 NE  
Address FOLEY  
Sec/Twp/Rng 34-037-029  
Brief Sect-34 Twp-037 Range-029 51.18 AC PART OF NW1/4 SE1/4 LYING N OF GN RR ALSO PART OF SE1/4 NW1/4 & SW1/4 NE1/4 LYING S HWY 23 LESS TR  
Tax Description W/UNDIV 1/2 INT TO LEROY CHARLES HERBST REV TR & W/UNDIV 1/2 INT TO CATHERINE MARIE HERBST REV TR  
(Note: Not to be used on legal documents)  
Deeded Acres 51.18 This parcel has Green Acres.  
Class 101 - (HSTD) AGRICULTURAL  
District (201) GILMANTON TOWNSHIP  
School District 0051  
Creation Date 08/05/1989

**Land**

Seq	Code	CER	Dim 1	Dim 2	Dim 3	Units	UT	Unit Price	Adj 1	Adj 2	Adj 3	Adj 4	Eff Rate	Div %	Value
1	TILLABLE A	0	0	0	0	20.000	AC	3,300.000	1.00	1.00	1.00	1.00	3,300.000	1.000	66,000
2	TILLABLE B	0	0	0	0	20.000	AC	3,000.000	1.00	1.00	1.00	1.00	3,000.000	1.000	60,000
3	TILLABLE C	0	0	0	0	3.000	AC	2,500.000	1.00	1.00	1.00	1.00	2,500.000	1.000	7,500
4	PASTURE/MEADOW	0	0	0	0	6.000	AC	1,600.000	1.00	1.00	1.00	1.00	1,600.000	1.000	9,600
5	PUBLIC ROAD R/W	0	0	0	0	2.180	AC	0.000	1.00	1.00	1.00	1.00	0.000	1.000	0
6	TILLABLE A GN/AC	0	0	0	0	20.000	AC	3,300.000	1.00	1.00	1.00	1.00	3,300.000	1.000	66,000
7	TILLABLE B GN/AC	0	0	0	0	20.000	AC	3,000.000	1.00	1.00	1.00	1.00	3,000.000	1.000	60,000
8	TILLABLE C GN/AC	0	0	0	0	3.000	AC	2,500.000	1.00	1.00	1.00	1.00	2,500.000	1.000	7,500
9	PASTURE/MEADOW GN/AC	0	0	0	0	6.000	AC	1,600.000	1.00	1.00	1.00	1.00	1,600.000	1.000	9,600
10	PUBLIC ROAD R/W	0	0	0	0	2.180	AC	0.000	1.00	1.00	1.00	1.00	0.000	1.000	0
Total (GA & RP not included)						51.180									143,100

**Sales**

Multi Parcel	IN	Q	Sale Date	Buyer	Seller	Sale Price	Adj Price	eCRV
Y	WD	U	01/31/1992	HERBST, LEROY & CATHERINE	JAECKELS, GEORGE & DOROTHY	\$74,000	\$74,000	

☐ There are other parcels involved in one or more of the above sales:

**Valuation**

	2020 Assessment	2019 Assessment	2018 Assessment	2017 Assessment	2016 Assessment
+ Estimated Building Value	\$0	\$0	\$0	\$0	\$0
+ Estimated Land Value	\$143,100	\$143,100	\$143,100	\$143,100	\$143,100
+ Estimated Machinery Value	\$0	\$0	\$0	\$0	\$0
= Estimated Market Value	\$143,100	\$143,100	\$143,100	\$143,100	\$143,100

**Taxation**

	2020 Payable	2019 Payable	2018 Payable	2017 Payable
Estimated Market Value	\$143,100	\$143,100	\$143,100	\$143,100
- Excluded Value	\$0	\$0	\$0	\$0
- Homestead Exclusion	\$0	\$0	\$0	\$0
= Taxable Market Value	\$143,100	\$143,100	\$143,100	\$143,100
Net Taxes Due	\$674.00	\$716.00	\$824.00	\$994.00
+ Special Assessments	\$0.00	\$0.00	\$0.00	\$0.00
= Total Taxes Due	\$674.00	\$716.00	\$824.00	\$994.00

**Taxes Paid**

Receipt #	Receipt Print Date	Bill Pay Year	Amt Adj	Amt Write Off	Amt Charge	Amt Payment
430160	5/12/2020	2020	\$0.00	\$0.00	\$0.00	(\$337.00)
420307	11/13/2019	2019	\$0.00	\$0.00	\$0.00	(\$358.00)

401546	5/6/2019	2019	\$0.00	\$0.00	\$0.00	(\$358.00)
395419	11/15/2018	2018	\$0.00	\$0.00	\$0.00	(\$412.00)
380980	5/15/2018	2018	\$0.00	\$0.00	\$0.00	(\$412.00)
366504	10/17/2017	2017	\$0.00	\$0.00	\$0.00	(\$497.00)
351846	5/15/2017	2017	\$0.00	\$0.00	\$0.00	(\$497.00)
339906	11/14/2016	2016	\$0.00	\$0.00	\$0.00	(\$507.00)
323242	5/11/2016	2016	\$0.00	\$0.00	\$0.00	(\$507.00)
313905	11/16/2015	2015	\$0.00	\$0.00	\$0.00	(\$533.00)
296073	5/12/2015	2015	\$0.00	\$0.00	\$0.00	(\$533.00)
269326	5/9/2014	2014	\$0.00	\$0.00	\$0.00	(\$6.00)
0	N/A	2014	\$0.00	\$0.00	\$0.00	(\$1,006.00)
257067	10/15/2013	2013	\$0.00	\$0.00	\$0.00	(\$434.00)
244906	5/13/2013	2013	\$0.00	\$0.00	\$0.00	(\$434.00)

**Taxes Unpaid**

Unpaid Tax	2020 Payable
+ Unpaid Spec Asmt	\$337.00
+ Unpaid Fees	\$0.00
+ Unpaid Penalty	\$0.00
+ Unpaid Interest	\$0.00
= Unpaid Total	\$0.00
	<b>\$337.00</b>

**Tax Statement (Current)**[2020 Tax Statement](#)**Tax Statements (Historical)**[2019 Tax Statement](#)[2018 Tax Statement](#)[2017 Tax Statement](#)[2016 Tax Statement](#)

No data available for the following modules: Buildings, Extra Features, 2020 Mobile Home Property Tax Statement, Photos, Sketches.

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**TO:** FOLEY CITY COUNCIL  
**FROM:** SARAH BRUNN, CITY ADMINISTRATOR  
**SUBJECT:** 08-04-2020 - COUNCIL MEETING – 5:30PM  
**DATE:** JULY 31, 2020

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**This meeting will be held at Foley City Hall. Masks are required per standards of state order. Masks can be removed while a member is speaking during the meeting. If you are not wearing a mask, please practice social distancing.**

#### **Consent Agenda**

Mr. Jim's is requesting to hold outdoor live music on various dates listed on the agenda. Approval by the council must be made by the council since it is beyond current noise ordinance.

The League of MN Cities Insurance is up for renewal. Each year the council must address the statutory tort limits. It is recommended to not waive these limits as it would cause additional liability on the city.

I am asking for the council to approve another emergency election judge appointment of Chief Katie McMillin. We are very concerned about our ability to handle this year's election based on the requirements. I am also placing an approval to increase the election judge pay by \$2 per hour this year, considering it a hazard pay increase. The personnel committee discussed and is recommending make this change. We can use CARES money to cover this cost. This will increase our pay to \$13-\$14 per hour depending on the position. In lieu of a rate increase for any full-time staff, I recommend we just offer them 2 hours of time off as hazard pay for each day worked.

Public works operator Scott McClure is resigning from his position as he is moving to another state. The personnel committee met earlier this week and is recommending we proceed with an internal application process for the lead position. This would offer both existing operators the chance to apply for the lead position. Once that decision is made, we would move forward with a full posting of the vacant operator position. The resignation and authorization to move forward with a hiring process is on your agenda. Any final hiring recommendation will come back to the council for final approval.

#### **Foley Area CARE**

Connie Cardinal from Foley Area CARE requested to be placed on the agenda to present to the council regarding their need for funding and desire for the council to provide funding to their organization from the CARES Act funds we received. I have more information on how I recommend we proceed with this request.

#### **Tom DeMarais – 230 Norman Avenue S**

Mr. DeMarais requested to be placed on the agenda regarding an issue with maintenance near his property. Public works can provide more detail on this matter.

#### **Bryan Moshier – Foley Fire Relief Report**

Mr. Moshier will be at the meeting to provide the annual financial forecast report of the fire relief. The summary is provided in your packet.



### **Election Booth Expenditures**

We recently were informed that the state has offered the cities and townships some additional election money related to COVID-19. Information is provided in your packet. I requested to utilize these funds for a portion of our election booth costs. I will need a council motion approving the expenditure and authorizing submission for the grant funds. These are in addition to the other CARES funds we received.

### **Highway 23 – Project Planning Update**

City staff will provide an update on the Highway 23 project and also would like to discuss lighting options with the council.

### **Discussion on Orderly Annexation/Joint Planning Agreement**

The Gilmanton Township attorney has recently provided us some recommended changes to the agreement that she will be recommending to the Township Board on August 4<sup>th</sup>. They are included in your packet. We do not know if Gilmanton will approve these changes or the agreement but the council does have the option to address them if desired. Our City Attorney is still reviewing at this time and I will be certain to relay his recommendations at the meeting.

### **Wastewater Project – Route Alignment**

In your packet is a document which provides detail on the route analysis. We will also have a large map at the meeting showing the recommended pipe alignment. You can see by the report they evaluated a number of different options and scored all areas to help make the decision. The recommended route is the orange modified alignment in your packet.

### **Discussion on CARES Act Funding**

I had another webinar with the League of MN Cities late this week regarding the CARES money. From that I learned more on what we can and cannot do with the funds as well as reporting requirements. Our first report is due on August 11, 2020 and we will be required to report monthly moving forward. The past few weeks I have been reviewing invoices and timecards to account for staff costs and utilize as much of the funds for expenditures we have already made. Based on my review of the requirements I am recommending we consider utilizing funds for these items:

- Staff costs, equipment, PPE, already expensed directly related to our COVID-19 response.
  - Some of these costs will only be 25% as FEMA reimbursement must be sought first.
- Employee Furlough Costs due to the state stay at home order.
- Additional PPE, equipment that we determine to be needed through Fall of 2020.
- Technology Updates – computers, ipad, docking stations, tough books, server updates – to eliminate employees sharing computers and increase our ability to work separately and remotely. All our departments are currently forced to share some technology which requires strict cleaning between each use.
- Additional desk in order to eliminate the sharing of desks in the Police Department.
- Laserfiche (electronic filing system and implementation) – already in the budget, but anything beyond budgeted amount could be utilized for CARES funding.
- Large TV Screen in council room with ability to zoom or google meets during live meetings and also provide us better capabilities for electronic meetings.

- Livestream technology to broadcast council meetings. Please check out the county board streaming that is available on their website. Devices could also be considered for councilmembers.
- Glass barrier for front counter. The counter is ready to go for this type of installation.
- Lucus device for contactless CPR.
- Radios for police, fire, public works – so long as it is not in current budget and would reduce the amount of shared equipment.

The council also indicated interest in business and nonprofit grants. I did some checking into that and found that the county is also considering this option. They are going to transfer 10% of their funds to the Benton Economic Partnership (BEP) and allow them to administer a grant program. I did reach out to the BEP and they indicated they would also consider doing the same for the City of Foley. If there is a desire to provide grants, I recommend this approach as it would eliminate a lot of work on staff to administer a grant program. In addition, we also have a legal issue of giving money to private businesses due to the public purpose statute. Routing through the BEP would eliminate this liability. If the council wants to proceed in this action, we could transfer \$20,000 to the BEP with the contingency that it is granted to City of Foley businesses/non-profits.

#### **Update on Nuisance/Parking and Storage Enforcement**

Chief McMillin can provide an update on this during her report – staff also did publish in the paper and on our social media pages a reminder about compliance. The council will need to decide how they wish to proceed.

#### **Consider Purchase of PID 020049300 & PID 020050000**

City staff has been in discussions with this property owner for a potential location for an industrial park expansion. If the council would like to discuss a possible price, they may close the meeting to do so. A map is in your packet, the second PID is little cut out piece that used to be an old rest stop on Highway 23. Since it's so small I did not print a second map. The property is about 52 acres in size.

#### **Budget**

City staff is working on budget and will have a preliminary report to the council before the budget workshop scheduled for August 18<sup>th</sup>.

#### **Upcoming Reminders:**

July 28, 2020 – August 11, 2020 – City Council Filings Open – 2 councilmember seats/1 mayor seat  
 August 4, 2020 – Council Meeting @ 5:30pm  
 August 4, 2020 – Gilmanton Township Meeting @ 7:30pm  
 August 10, 2020 – Planning Commission Meeting (if needed)  
 August 11, 2020 – State Primary Election  
 August 18, 2020 – City Budget Workshop – 5:30pm