



City Council – Meeting Agenda
January 5, 2021 – 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 December 1, 2020.
 - Adopt Resolution #2021-02 Accepting Donation.
 - Accept resignation of part-time police officer Adam Goerger.
 - Appoint Todd Foreman to Fire Lieutenant, January 1, 2021-December 31, 2023.
 - Approve fire pay compensation clarification and changes.
 - Approve payment of bills.
5. 2021 Annual Appointments – Discuss and Approve.
6. Public Hearing – Fee Schedule Ordinance – Sewer Rate Ordinance
 - Adopt Ordinance #453 – Sewer Rates
7. Public Hearing – Vacation of City Right-of-Way
 - Adopt Resolution #2021-01 Vacating City Right-of-Way
 - Approve Easement Agreement
8. Minor Subdivision Request – Towne/Howard
 - Adopt Resolution #2021-03 Approving Minor Subdivision
9. Mayor's Comments & Open Forum
10. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jon Halter
 - Discussion on 2022 Hwy 23 – Project Utilities/Eastview Lift Station Abandonment
 - Public Works/Fire – Mark Pappenfus
 - Discussion on 2022 Hwy 23 Highway Lighting
 - Administration – Sarah Brunn
 - Discussion/Approve Amended Debt Service Schedule
11. Old Business
 - Update on wastewater project.
 - Update on orderly annexation.
12. New Business



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13. Discussion on purchase of PID 020049300 & PID 020050000.
 - Close the meeting per Minn. Stat. 13D.05 Subd. 3(c) 13D.05 – discussion on potential land price of PID 020049300 & PID 020050000.
14. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – December 1, 2020

The Foley City Council held a regular meeting on December 1, 2020, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

Consent Agenda

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

- Approve minutes of Nov. 10 & 13, 2020.
- Approve Proclamation – School Choice Week.
- Approve payment of bills.

Motion carried, unanimous.

S.E.H. – Smoke Testing Report

Jarod Griffith, City Engineer filling in for Jon Halter, gave an overview to the council of the results of the I&I sewer study last spring. The full report was included in the council packet. The flow monitoring and sewer testing focused on the two primary sewer districts feeding into Broadway Avenue and Birch Drive. The meters recorded five major rain events. The results showed that I&I issues are improving, but there are still areas of concern. Table 3 and 4 showed the wet to dry ratio of the city's wastewater is double during rain events. Roughly 70% of the I&I flow is in the Broadway Avenue lift station district. Next step is to develop a manhole repair plan to fix defects. Discussion and questions from the council followed. No cost estimates for recommended projects at this time. These will be brought back to the council for consideration in the spring.

Mayor's Comments & Open Forum

No one spoke.

Department Reports

Foley Police Department

Chief Katie McMillin gave an overview of the November call report. The department received 265 calls in November. Equipment violations were up (taillights and headlights) while animal complaints were down. Winter Parking is now in effect as of Nov. 1. Twenty-five parking tickets were issued after reminders were posted on the city's social media. Warnings were given for the first week in November before tickets were issued. The department received eight applications for the part-time officer position. The review and hiring process will be postponed until January.

City Engineer

Jarod Griffith, city engineer, gave the council an update and overview of possible 2022 projects. The lift station at 11th Avenue and force main would be removed down to Penn Street. The project is estimated at \$248,949.45. The utility improvement project to extend gravity sewer to Lord Avenue is estimated at \$150,255. Discussion and questions followed. If the council wishes to proceed these improvements would be done in coordination with the 2022 highway project. The council also asked further questions regarding the lighting on the Hwy 23 roundabout project.

Public Works and Fire Department

Mark Pappenfus gave an update to the council on the purchase of a new sewer vac truck and directed the council to the materials in their packet. The 2020 budget includes \$360,000 for the purchase of a new truck. Pappenfus said he'd found a used 2017 truck in good condition that looked promising and might be available after Jan. 1. Pappenfus asked the council for a motion to allow staff to evaluate the truck and sign a purchase agreement for \$300,000 (less the trade in for the existing vehicle) if the truck passed inspection. Motion by Gondeck, seconded by Swanson, to authorize staff to review the vehicle and sign a purchase agreement with the understanding it would come back to the council to approve the expenditure. Motion carried, unanimous. Pappenfus said there were no updates from the fire department at this time other than that accidents were way down in November.

Administration

City Administrator Sarah Brunn asked the council if there were any questions regarding the 2021 meeting schedule provided in the council packet. She also directed the council to her performance review questionnaire and evaluation sheet included in the packet and asked for the council's feedback. Brunn also reminded the council they would be discussing the sewer rate ordinance next month. Brunn also reported the Cares money reporting was completed and sent to the state. The county also approved and released a non-profit grant list on Monday. The 4th Avenue N art mural is now complete.

Old Business

Brunn gave the council an update on the Orderly Annexation and Joint Planning agreement with Gilmanton Township. Brunn would attend the township meeting after the city council meeting and would report back to the council.

Public Hearing – Truth in Taxation Hearing

Mayor Bettendorf recessed the regular city council meeting at 6:08 p.m. to conduct a public hearing on the 2021 budget.

Brunn explained the levy increase for the 2021 budget was minimal. It would amount to a 1.05% increase, which was less than the city's projected tax base growth of 4%.

Josh Coder, 220 2nd Avenue, asked who evaluated property values in the city. Brunn explained the county assessor determined property values.

The City recognized there may have been an issue with the delivery of the proposed tax notices by the county auditor-treasurer and did extra notification of the TNT hearing via the city's social media pages and word of mouth. The City decided to move ahead with passing of the levy due to a concern about holding any additional meetings due to a significant spike in COVID-19 cases in the local community.

The meeting was also recorded and made available for public to view on the city website and social media pages.

The regular city council meeting was reconvened at 6:12 p.m.

Motion by Gondeck, seconded by Musachio, to adopt Resolution #2020-35 Tax Levy 2021.

Motion carried, unanimous.

At 6:13 p.m. Mayor Bettendorf closed the meeting per Minn. Stat. 13D.05 Subd. 3(c) 13D.05 – for discussion on potential land price of PID 020049300 & PID 020050000.

At 6:32 the meeting reconvened.

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

Meeting adjourned.

Sarah A. Brunn, Administrator

Boards and Committees – Current Annual Appointments

Official Newspaper: *Benton County News*

Official Process Server: *Benton County Sheriff*

Health Officer: *Dr. Kevin Stiles*

Health Board Members: *Charlotte Monroe, Jeannie Rajkowski*

City Engineering Firm: *Short Elliott Hendrickson, Inc.*

City Attorney: *Rinke-Noonan*

City Building Inspector: *AllSpec Services*

City Auditor: *Schlenner & Wenner*

Benton Economic Partnership – City Administrator & Gerard Bettendorf (2020) – if needed

Board of Equalization: authority directed to Benton County.

Acting Mayor: *Jeff Gondeck (2020)*

Official Depository: *City Administrator* - approve the depositories for City Funds

Approve Collateral: *City Administrator* - approve the collateral for City investments

Approve bonding of the City Administrator – annual renewal

Emergency Manager: *Foley Police Chief*

Library Board (5 Members, 3 Year Term)

2021 – 2023: Dawn Magnuson, Bethany Silverness (tentative as of date of packet)

Planning Commission (7 – 10 Members, 3-year terms, staggered)

2021 - 2023: Rosalie Musachio – term is up but staff does not recommend 2 council with only 2 community members. Need another non-council member.

Economic Development Authority (5 Members, 4 year Term)

2021 – 2023: Jeremy Johnson (Frandsen Bank), Gerard Bettendorf – term is up but staff does not recommend 2 council with only 2 community members.

Personnel Committee (2)

2021: Jeff Gondeck, Gerard Bettendorf - 2020

~~Housing Advisory and Appeals Board (5 Members, 3 Year Term):~~

~~2020-2022: Gary Gruba, Bruce Latterell, Ryan Christiansen, Noel Lewandowski (meets only as needed)~~

Staff authorized to initiate EFT receipts/payments – Sarah Brunn, Monica Shaw, Sara Judson-Brown

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021 - 02

A RESOLUTION ACCEPTING DONATION FOR FIRE DEPARTMENT

WHEREAS, the City of Foley encourages public donations to help defray the costs of the general public of providing services and improve the quality of life in Foley, and

WHEREAS, Mid-Minnesota Mutual Insurance Co. has offered to donate funds for the Foley Fire Department, and

WHEREAS, Minnesota Statutes 465.03 requires that all gifts and donations of real or personal property be accepted only with the adoption of a resolution approved by two-thirds of the members of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley, Benton County, Minnesota, that this donation is hereby accepted for use by the City of Foley.

BE IT FURTHER RESOLVED that the City extends its sincere appreciation to Mid-Minnesota Mutual Insurance Co. for their generous donation.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 5th day of January 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

MID-MINNESOTA MUTUAL INSURANCE CO.

PO BOX 428
SAUK RAPIDS, MN 56379

BREMER BANK
ALEXANDRIA, MN 56308

2802

75-1041/960

PAY FIVE HUNDRED AND 00/100 ***** DOLLARS

TO THE
ORDER OF

DATE

AMOUNT

12/18/2020

\$*****500.00

Foley Fire Department
251 4th Ave N
PO Box 709
Foley MN 56329

VOID AFTER 90 DAYS



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

MID-MINNESOTA MUTUAL INSURANCE CO.

2802

VENDOR NO.: FOLEYFD
12/18/20 2020 DONATION

VENDOR NAME: Foley Fire Department
500.00 .00

500.00

12/18/20

2802

500.00

.00

500.00

Need a Resolution to
Accept this Donation to
the Fire Dept.

Put in 1-5-21 Council Packet

2021-02

From: [Katie McMillin](#)
To: [Sarah Brunn](#)
Subject: FW: Notice of resignation for January 10, 2021
Date: Monday, December 14, 2020 7:28:11 AM

For council meeting next month.

From: Adam Goerger [mailto:strategicresponse.us@gmail.com]
Sent: Friday, December 11, 2020 12:39 AM
To: Katie McMillin
Subject: Notice of resignation for January 10, 2021

Hello Chief McMillin. A while back I spoke to you about reducing my hours or possible resignation from the city of Foley. After a lot of consideration and back and forth discussion with my wife over the last month I have made the decision to resign with my last shift being January 10, 2021.

With how often I am gone and the hours I am currently and will be working with BCSO, I have not been home with my wife and kids very often, and won't be if I continue working part time jobs on my days off. It has taken its toll not only on me but more importantly my wife and kids.

With distance learning for my children and these uncertain times, I have not been able to do my part and my wife has been stuck with doing everything and constantly taking care of everything and everyone at home with no breaks in between. My oldest is struggling in school. My wife is mentally exhausted and for obvious reasons. I just need to make more time for myself and everyone at home. With everything going on, I just need to be more of a husband and a father than a law enforcement officer.

It pains me to be writing this because I started with Foley and I have this loyalty to you and the department that I do not want to necessarily want to get rid of.

I absolutely love the department and everyone I have had the pleasure of working with. I look forward to working side by side with everyone in the future.

I also appreciate everything you have done for me. More than you could imagine. It has been an honor to work under you and serve the city for the last year.

Let me know if there is anything I need to do.

Adam Goerger
8810



Foley Fire Department

81 Norman Avenue South • P.O. Box 709 • Foley, MN 56329 • 320-968-7260

Date: December 29, 2020

To: Foley City Council

From: Fire Chief Pappenfus

Re: Fire Department Open Lieutenant Position

I would like to recommend the following Member of the Foley Fire Department be appointed as an Officer on the Foley Fire Department for the term of January 1, 2021 thru December 31, 2023. This position will fill an open position created by a recent retirement from our Department.

Lieutenant: Todd Foreman

The above meets the minimum requirements for this position according to the Foley Fire Department Personnel Policies and has also been recommended and approved by our Foley Fire Department Membership Committee after they conducted interviews of applying candidates.

Thank you,

A handwritten signature in black ink that reads "Mark Pappenfus".

Mark Pappenfus

Foley Fire Chief

Foley Fire Department Firefighter Compensation

Hourly Pay:

\$10.00 Per Hour for Emergency Calls

~~\$4.00 Flat Rate for Stand by Status for Emergency Calls~~

\$4.00 Flat Rate for Stand by Status for Medical Calls

\$8.00 Flat Rate for Stand by Status for Fire Calls & Rescue Calls unless determined different by OIC

~~\$10.00 Flat Rate for the first 2 hours thereafter hourly pay~~ Per Hour for Meetings and Drills, at the discretion of the Fire Chief or Training Officer.

Officers Pay:

Fire Chief-	\$300.00	per month
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Asst. Chief-	\$75.00	per month
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Captain-	\$25.00	per month
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Lieutenant-	\$15.00	per month
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Training Officer -	\$75.00 \$50.00	per month
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Training Officer Asst's	\$50.00	per month
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Secretary-	\$10.00	per month
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Maintenance:

Medical Equipment (x1) (x2)	\$15.00	per month
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SCBA Air Packs/ Air Tanks (x2)-	\$15.00	per month
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Lead Truck Maintenance (x4)-	\$15.00	per month
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Regular Truck and Hall Maintenance	\$10.00	per month
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Truck Equipment Maintenance-	\$15.00	per month
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Bills List - January 1, 2021

Gross Salaries	Payroll - 12/4/20	\$	27,570.17
EFTPS	Federal Withholding	\$	5,006.78
MN Dept of Revenue	State Withholding	\$	1,007.95
State Treas. PERA	PERA	\$	5,398.05
Nationwide	Deferred Comp	\$	770.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	40.00
Further	HSA Contribution	\$	460.00
Gross Salaries	Payroll - 12/18/20	\$	27,793.06
EFTPS	Federal Withholding	\$	5,081.98
MN Dept of Revenue	State Withholding	\$	1,031.96
State Treas. PERA	PERA	\$	5,440.56
Nationwide	Deferred Comp	\$	770.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	40.00
Further	HSA Contribution	\$	460.00
Gross Salaries	Payroll - 12/31/20	\$	29,840.82
EFTPS	Federal Withholding	\$	5,496.71
MN Dept of Revenue	State Withholding	\$	1,079.14
State Treas. PERA	PERA	\$	5,533.77
Nationwide	Deferred Comp	\$	770.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	40.00
Further	HSA Contribution	\$	210.00

Already Paid - 1/5/21

Alex Air Apparatus	FD Gear Wash	\$	133.99
AllSpec Services	Building Inspection Services	\$	409.40
American Door Works	PD Garage Door Repair	\$	155.86
Auto Value	Shop, Street, FD, Safety supplies	\$	284.09
Batteries Plus Bulbs	FD Batteries	\$	18.99
Benton County Attorney	October 2020 Legal Fees	\$	1,232.00
Benton County Auditor-Treasurer	Election Machine Maintenance Agreement	\$	1,740.84
Benton County Highway Department	PD Fuel	\$	755.03
Bill Bronder	2020 Planning Commission Stipend	\$	60.00
Bolton & Menk	WW Design Engineering Project	\$	13,862.00
Central McGowan	Public Works, FD & PD Medical Equipment	\$	241.84
Chamberlain Oil Co	Street Supplies - Oil	\$	655.95
Cintas	Public Works Uniforms	\$	270.66
Cloudnet	Email Server Fee	\$	10.00
Coborn's	FD Supplies	\$	5.70
Core & Main	Cold Patch	\$	826.00
Dr. Kevin Stiles	2020 Health Officer Stipend	\$	100.00
Electric Motor Service	Furnace Belts for City Hall	\$	29.46
Emergency Medical Products	FD Medical Products	\$	506.36
Ferguson Waterworks	Water Supplies	\$	429.95
First National Bank of Omaha	Credit Card Purchases	\$	365.30
Five Starr Auto Repair	Public Works Vehicle Repair	\$	63.90
Foley Fuel & Lumber	Public Works Supplies, Storage Addition Plans	\$	933.12
Foley Hardware	Mower, Street Repair	\$	57.41
Foley Public Library	2020 Annual Contribution	\$	1,000.00
Further	Employee HSA Contr. & Admin Fee	\$	32.30
Gopher State One Call	Email Tickets	\$	13.50
Grand Champion Meats	City Hall Supplies	\$	560.00
Granite Electronics	FD Radio Supplies	\$	5,425.40
Hawkins	Water Chemicals	\$	1,249.56
HealthPartners	Employee Health Insurance	\$	7,744.56
Helmin Construction	Street Supplies - Class 5	\$	62.01
Henry Embroidery	Employee Apparel	\$	300.43
Jeff Gondeck	2020 Planning Commission Stipend	\$	60.00
John Vizenor	2020 Christmas Lights Winner	\$	100.00
Kris Engineering	Street Maint	\$	1,112.62

LETG	Software Maint Renewal	\$	4,604.38
Macqueen Emergency	FD Equipment	\$	10,445.51
Marco	Copier Lease	\$	742.90
MN Dept of Labor	2020 Quarter 4 Building Permit Surcharge	\$	45.00
MN Dept of Revenue	November 2020 Sales & Use Tax Return	\$	684.00
Murphy Chevrolet	Public Works & PD Vehicle Repair	\$	507.76
NASASP	Membership Dues	\$	39.00
Noel Lewandowski	2020 Planning Commission Stipend	\$	60.00
Quality Meats	City Hall Supplies	\$	506.87
RevTrak	November 2020 CC Processing Fee	\$	1,053.61
Rinke Noonan	Towns/Howard, MNPEA, General Legal	\$	1,843.50
Riteway Business Forms	A/P Checks	\$	209.88
RMB Environmental Laboratories	Water and Sewer Testing	\$	345.00
Robert McCoy	Final Mural Payment	\$	5,691.03
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Rosalie Musachio	2020 Planning Commission Stipend	\$	60.00
Schwaab, Inc	Notary Stamp - Brunn	\$	32.33
Short Elliot Smith	Pouchtec, WW Improv, I&I, General Eng	\$	6,569.02
Staples	Office Supplies	\$	53.68
Star Publications	November Publications	\$	139.65
Streichers	Safety Vests (Grant Reimbursement), FD Uniforms	\$	1,721.56
Sun Life Financial	Employee LTD Insurance	\$	189.63
Temple Display	Christmas Decoration Bulbs	\$	131.56
Thomas Tool & Supply	FD Equipment Maint	\$	636.12
Titan Machinery - Rogers	Public Works Machine Maint	\$	3,417.67
USAbLe Life	Employee Life Insurance	\$	188.50
Verizon	Cell Phones & Park Cameras	\$	301.82
Werner Electric	Public Works Supplies, & FD Bldg Maint	\$	329.00
Wex Bank	Fuel Credit Card Purchases	\$	1,558.13
Xcel Energy	Utilities	\$	5,753.80

To Be Paid - 1/1/21

Benton Economic Partnership	2021 Membership	\$	2,500.00
CAN Surety	2021 Bond Policy	\$	100.00
Central MN Water Education Alliance	2021 Membership Dues	\$	228.00
Delta Dental	Employee Dental Insurance	\$	1,092.15
Ehlers	2015 Bond Payment Interest & Principal	\$	76,925.00
ESO Solutions	Annual Support	\$	247.20
Falcon Bank	2020 Bond Payment Interest & Principal	\$	382,656.62
Foley Area Chamber of Commerce	2021 Membership	\$	200.00
Highway 23 Coalition	2021 Membership	\$	1,500.00
Midco	Phone & Internet Charges	\$	718.44
MN Chiefs of Police Assoc	Membership Renewal	\$	305.00
MN State Fire Chiefs Assoc	Membership Renewal	\$	400.00
MN State Fire Department Assoc	2021 MSFDA Membership Dues	\$	290.00
Northland Trust Services	2018 Bond Payment Interst & Principal	\$	60,725.00
Postmaster	Utility Billing Postage Account	\$	1,500.00
Volunteer Fire Fighters Benefit Assoc	Annual Renewal	\$	230.00
		\$	747,818.53

Boards and Committees – Current Annual Appointments

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CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 453

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

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

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

Section 610:00 Sewer Rates and Charges Established.

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

- (a) Minimum for up to 7,000 gallons.....\$53.20
- (b) Excess over 7,000 gallons.....\$00.76 per 100 gallons
or portion thereof.

Subd. 5. Effective date of Sewer Rates. The sewer rates described above shall take effect on January 1, 2021.

Passed and adopted by the City Council of the City of Foley this 5th day of January, 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator

City of Foley
Subdivision Development
Findings & Order

Date: 12/14/2020

Applicant Name: Conrad Thorne

Property Location: 681 Norman Ave N

Zoning of Property: R-1

Zoning Request: Split 8 feet off of Howard Property + attach to 681

Norman Ave N

The following conditions apply to the subdivision development request:

1. Proceed with vacation of city Row (33')
2. Establish a new 33' utility easement + agreement.
3. Recommet approval of lot split as requested

THE FOLEY PLANNING COMMISSION RECOMMENDS:

Approved ☒ Not Approved ☐

Comments: _____

Date 12/14/20

William M. Brundel
Chair, Foley Planning Commission

THE FOLEY CITY COUNCIL DETERMINES:

Approved ☐ Not Approved ☐

Date of Public Hearing: _____

Time: _____

Results: _____

Date _____

Mayor _____

11X17

Last Update: 5-18-18

City of Foley Subdivision Development Plat Review Application

Street Location of Property: 681 Norman Ave N, Foley MN 56329
 Legal Description of Property: _____
 Current Zoning of Property: Res. Proposed Zoning: Res.
 Type of Request: To obtain 8' Feet of Property from Beck Howard
 *** (Attach narrative describing details of project scope) *** ON the Northside of his Property

Property Owner: Thomas Howard 320-291-6106
 Name _____ Phone _____
681 Norman AVE N
 Address _____
Foley MN 56329
 Fax _____
 Email Howard-6954@msn.com

Applicant: Conrad & Arlys Towne 320-309-0952
 Name _____ Phone _____
P.O Box 753 - 703 Norman Ave
 Address _____
Foley MN 56329
 Fax _____
 Email _____

Type of Request & Fee Amount:

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

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

Has a request been made previously on this property? ☐ Yes ☒ No Explain: _____

This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions. A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and that I am responsible for all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or purchase agreement), or I am the authorized person to make this application and the fee owner has also signed this application.

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

Application Filed: _____
 Date Fees Paid: _____
 Staff Initials: JB
 Date Application Accepted: _____

Conrad Towne 11-7-20
 Signature of Applicant Date

Thomas Howard 11-7-20
 Signature of Fee Owner Date

CERTIFICATE OF SURVEY

for
Conrad & Arlys Towne
Sec. 26, T. 37, R. 29, Benton County, Minnesota

PROPERTY ADDRESS:
703 Norman Avenue
Foley, MN 56329

PROPERTY DESCRIPTION PER DEED DOC. NO 163116:

Seven-tenths of an acres in the extreme southeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Twenty-six (26), Township Thirty-seven (37) Range Twenty-nine (29), said tract being 150 in width and the south line to be along the south fence of farm and the east line to be the center of a road running through the center of Section Twenty-six (26), Benton County, Minnesota.

OTHER INTEREST ABSTRACT ENTRY NO. 54 (QCD) Charles Strait & Charles Towne to Village of Foley Book 99 of Deeds, Page 558 Instrument No. 105516, Recorded Oct. 29, 1959:

The East 223.3 feet of the South 33 feet of the SE1/4 of NW1/4, Sec. 26, Tp. 37., Rg. 29 to be used for road.

ABSTRACT COVER

The East 203.3 feet of the North 150 feet of the South 183 feet of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, in the City of Foley, Benton County, Minnesota.

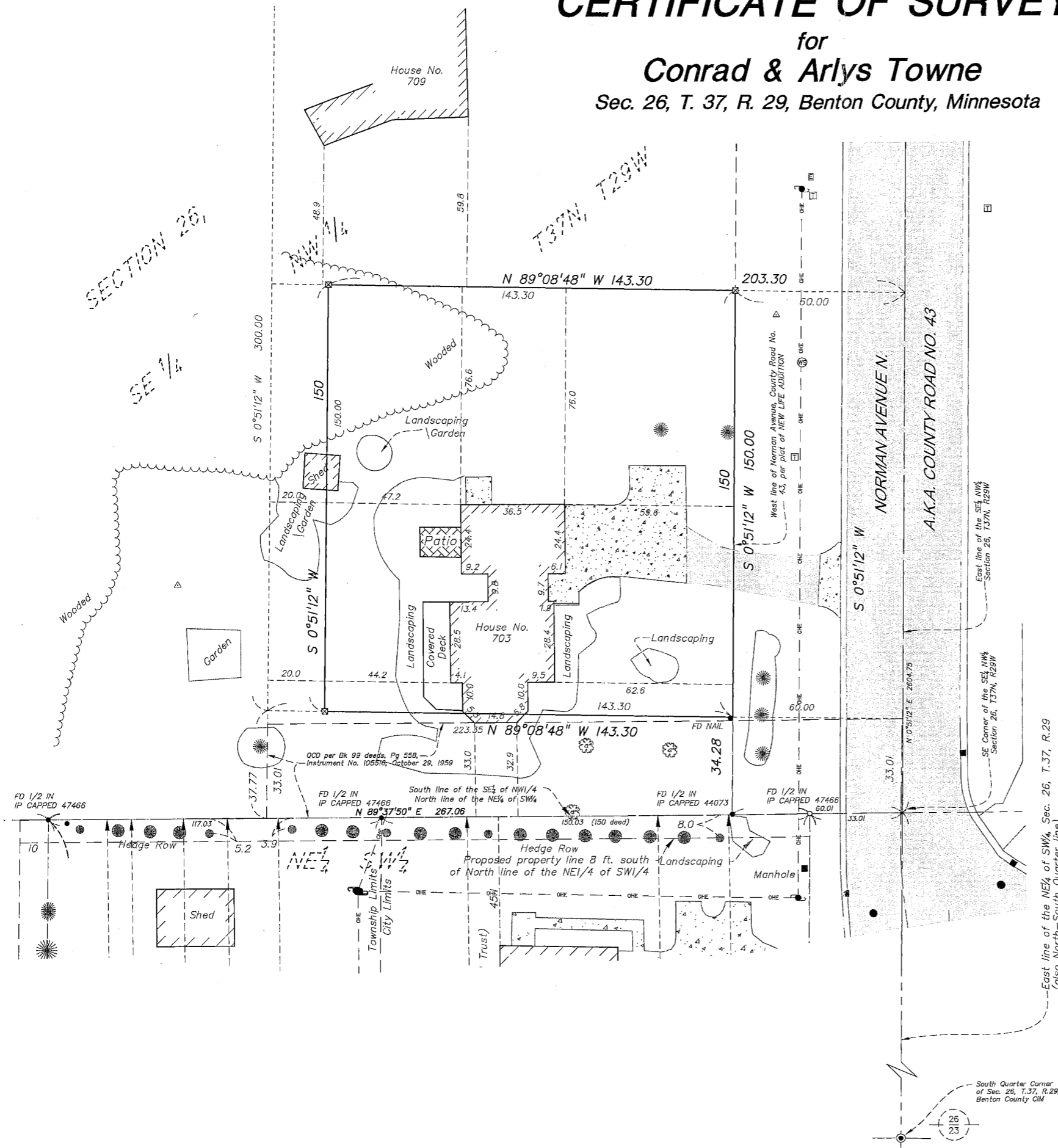
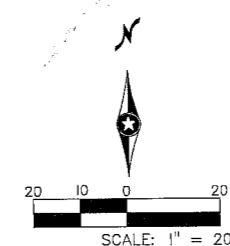
PROPOSED DESCRIPTIONS TO BE DETERMINED BY THE CLIENT

SURVEYORS NOTES

- The Description defined in Warranty Deed in Book 154 of Deeds, page 364, as Document No. 163116, is not ambiguous. Note, the Quit Claim Deed described in Book 122 of Deeds, Page 347, defines the exception as it is described in the Warranty Deed in Book 154 of Deeds, page 364, as Document No. 163116. This deeds cites that this exception "... be Surveyed later" ...
- The East 60 feet of the above mentioned tract was platted on September 2, 2014 and dedicated as Norman Avenue, aka County Road No. 43 in the plat of NEW LIFE ADDITION and should be excepted from the above mentioned tract.
- The proposed area to be attached to the above mentioned tract in the NE1/4 SW1/4, East of the East 150 feet is Annexed in the City of Foley, and that part West is in Gilman Township.
- Descriptions in this area will need to be approved by both the City of Foley and Gilman Township jurisdictions and descriptions will need to be separate.
- This survey represents existing conditions at the time of survey. Other actions to be taken which will be mitigated in the future with the client.

LEGEND:

- Denotes found iron monument
- Denotes set iron monument
- Denotes found cast iron monument
- Denotes catch basin
- Denotes sanitary manhole
- Denotes power pole
- Denotes telephone pedestal
- Denotes light pole
- Denotes electrical cabinet
- Denotes water service
- Denotes tree, coniferous
- Denotes tree, deciduous
- Denotes shrub/bush
- Denotes Scott Bergherr, LS
- Denotes Craig Wensmann, LS
- Denotes bituminous surface
- Denotes concrete surface
- Denotes pavers
- Denotes overhead electric
- Denotes woods edge



REV NO.	DATE	DESCRIPTION
1	9/28/2018	DATE: 9/28/2018
2		DESIGN BY: BRD
3		DRAWN BY: BRD
4		CHECKED BY: BRD
5		DWG FILE: 18-0328C05
6		FILE NO: 18-0328.00

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

Signed: Barry E. Pederson
Date: 10/8/2018 Reg. No. 23044

**BOGART, PEDERSON
& ASSOCIATES, INC.**



Conrad & Arlys Towne
PO BOX 753
703 Norman Avenue
Foley, MN 56329

SHEET NO.

This Indenture, Made this 11th day of September, 1959,

between Charles F. Strait and Stella M. Strait, his wife, and Charles W. Towne and Rita M. Towne, husband and wife,
 of the County of Benton and State of Minnesota
 part ies of the first part, and Village of Foley, a municipal corporation,
~~corporation~~ under the laws of the State of Minnesota, party of the second part,

Witnesseth, That the said part ies of the first part, in consideration of the sum of One Dollar and other valuable consideration DOLLARS, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Bargain, Quitclaim, and Convey unto the said party of the second part, its successors and assigns, Forever, all the tract or parcel of land lying and being in the County of Benton and State of Minnesota, described as follows, to-wit:

The East 23.3 feet of the South 33 feet of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-six (26), Township Thirty-seven (37), Range Twenty-nine (29).

To be used for a road.

33' Between Towne + Lateral
 (West Extension of Penn St.)

The consideration for this conveyance is less than \$100.00

To Have and to Hold the Same, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever.

In Testimony Whereof, The said part ies of the first part have hereunto set their hand s the day and year first above written.

In Presence of

Patricia Thomas

W. M. M. M.

Witnesses as to Charles F. Strait and Stella M. Strait

State of Minnesota,

ss.

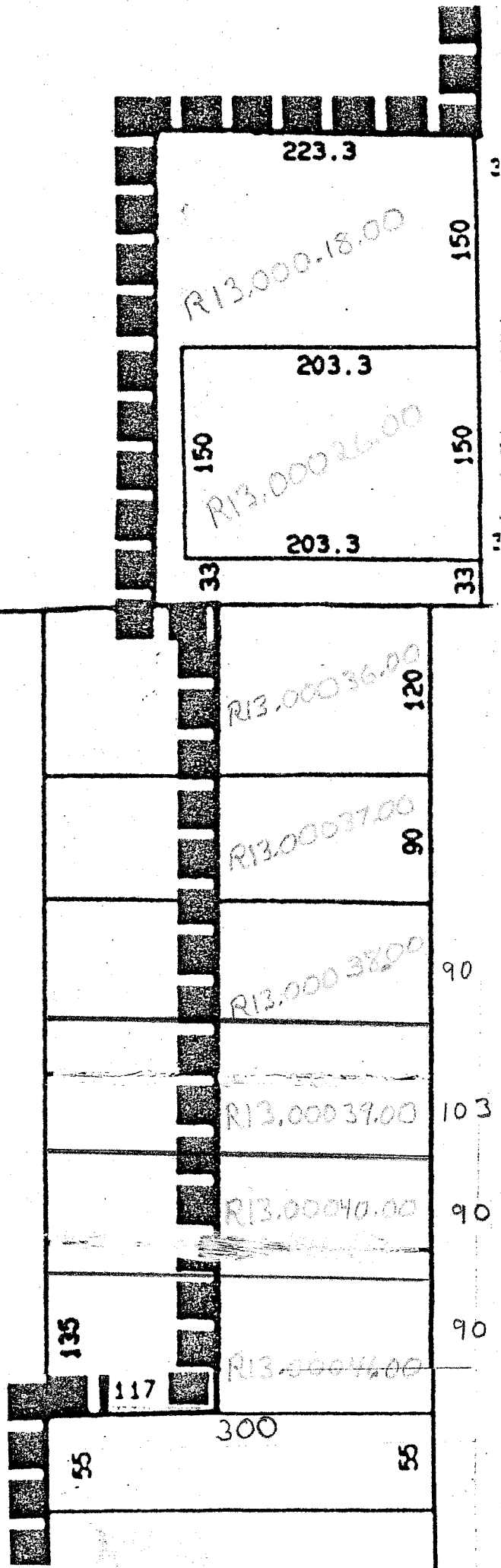
Charles F. Strait
Stella M. Strait
Charles W. Towne
Rita M. Towne

N
→

check
Lots

5

412



Norman Ave No.

From: [Jon M. Halter](#)
To: [Sarah Brunn](#); [Ripple, Adam](#); [Mark Pappenfus](#)
Subject: RE: Towne/Howard - Lot Split Request
Date: Tuesday, November 17, 2020 3:02:13 PM
Attachments: [image001.png](#)

Sarah-

Mark and I discussed today and don't see any issue with the lot split..... But as you state below, we do feel it is important to maintain the existing 33' easement

thanks

Jon M. Halter, PE (MN)
Principal, Project Manager
Short Elliott Hendrickson, Inc.
320.250.6084 mobile | 320.229.4344 direct | 320.229.4300 main
Building a Better World for All of Us
Follow SEH on Twitter | Facebook | LinkedIn | Instagram

From: Sarah Brunn <sbrunn@ci.foley.mn.us>
Sent: Monday, November 16, 2020 1:50 PM
To: [Ripple, Adam](mailto:aripple@rinkenoonan.com) <aripple@rinkenoonan.com>; [Jon M. Halter](mailto:jhalter@sehinc.com) <jhalter@sehinc.com>; [Mark Pappenfus](mailto:mpappenfus@ci.foley.mn.us) <mpappenfus@ci.foley.mn.us>
Subject: Towne/Howard - Lot Split Request

Good afternoon.

Please see attached lot split application for Conrad Towne & Thomas Howard. They are requesting 8' of property be split off of the Howard property to the south. This one gets a little tricky because the City has a 33 foot easement in this same area. They requested we give up the easement but staff is not recommending release. I have attached a copy of the easement and confirmed with Cheryl Kantor at the Land Services office that is recorded - Bk 99D Pg 558 on 10-29-1959 – also noted on the survey.

This application is tentatively scheduled for the December 14th planning commission meeting for review. This will also need to be addressed by Gilmanton Township as well.

I'd appreciate your comments by email no later November 30th. I'd like to be able to communicate our findings with Gilmanton Township prior to their meeting that week.

Adam – I will need you to verify that this easement is valid and will still remain in place with this change. Are there any other actions required to retain it?

I've also included a link to the minor subdivision code if it's helpful.

<https://ci.foley.mn.us/wp-content/uploads/2015/05/Section-11-MinorSubdivisions.pdf>

From: Adam Rippe
To: Sarah Brunn; 'Halter, Jon'; Mark Pappenfus
Subject: RE: 04313-0108 City of Foley: Towne/Howard - Lot Split Request
Date: Tuesday, November 24, 2020 8:18:46 AM
Attachments: image002.png
image003.png
image001.png
SKM_C450/20112407530.pdf

First, the easement encumbers the land that is described in the legal descriptions of the easement, regardless of who owns the land or how it is divided. Second, the text of the easement is enforceable and it is recorded, so I don't have concerns about its validity. There is nothing the City needs to do to "keep" the easement. The only thing I don't know is the exact location of the easement based on the survey.

I cannot tell if the survey accurately shows the easement or not. The drawing shows the south section line of section 26, but I cannot tell where the $\frac{1}{4}$ lines are between the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ and NE $\frac{1}{4}$. The red dashed line in the attached seems to roughly depict an area 33' x 223', but I cannot tell where it is within the SE $\frac{1}{4}$. I need to see more information on the survey. The narrative on the ft hand side of the survey seems consistent with the 1959 easement.

Based on Beacon, it looks like the $\frac{1}{4}$ line is the property line with the corner in the middle of Norman, so it looks like the survey is probably right. We may need a surveyor to confirm. If the City is not going to vacate the easement, it may not matter unless someone is planning to build in or right up to the easement. I am happy to discuss further.

ADAM RIPPEN BENTON COUNTY, MINN

Map Search Comp Search Results Comp Results Report Pictometry Imagery Tax Estimator

Map tip normal mode
Map tip hover mode
Don't show map tips

130002600
703 NORMAN AVE
0.49 Acres
View: Reports | Pictometry Imagery | Google Maps opens in a new tab

Parcel ID 130002600
Sec/Twp/Rng 26-037-029
Property Address 703 NORMAN AVE
District FOLEY
Brief Tax Description FOLEY
Sect-26 Twp-037 Range-029 .49 AC. 7 AC IN EXTREME SE COR OF SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4 TR BEING 150 FT WIDE AND S LINE TO BE ALONG S FENCE OF FARM & E L
(Note: Not to be used on legal documents)

Alternate ID n/a
Class 201 - RESIDENTIAL
Acreage 0.49

Owner Address CONRAD TOWNE
703 NORMAN AVE
PO BOX 753
FOLEY, MN 56329

Adam A. Rippe
Attorney

RINKE NOONAN
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700 General
(320) 257-3868 Direct
(320) 656-3500 Fax

[website](#) | [email](#) | [bio](#) | [map](#)



From: Sarah Brunn <sbrunn@ci.foley.mn.us>
Sent: Monday, November 23, 2020 1:12 PM
To: Adam Rippe <ARippe@rinkenoonan.com>; 'Halter, Jon' <jhalter@sehinc.com>; Mark Pappenfus <mpappenfus@ci.foley.mn.us>
Subject: RE: Towne/Howard - Lot Split Request

Adam,

Have you had a chance to look at this one yet? Mark has been digging into it and the survey description doesn't appear to match up with Beacon (we understand it's not a full description). He'd like to get your thoughts on it.

Thanks.

Sarah A. Brunn

December 17, 2020

To Whom It May Concern:

This notice is in regard to the City considering vacation of right-of-way located between the properties of 703 & 681 Norman Avenue N. The City Council of Foley, Minnesota gives notice that it will hold a public hearing on January 5, 2021 at 5:30pm or soon after that as can be heard, at the City Hall, 251 4th Avenue N, Foley, to discuss the vacation of right-of-way as legally described below:

The East 223.3 feet of the South 33 feet of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼) of Section Twenty-Six (26), Township Thirty-seven (37), Range Twenty-nine (29) according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.

You are receiving this letter and corresponding information because you are a nearby property owner, utility or other entity possibly affected by the vacation. If you have any questions or concerns about this vacation, please contact the Foley City Hall at 320-968-7260 or City Administrator Sarah Brunn via email at sbrunn@ci.foley.mn.us. Due to the current pandemic, city staff is also able to relay comments, either verbal or written to the council members at this hearing. Anyone wishing to appear with reference to this matter will also be heard at this meeting. Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Sarah A. Brunn". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Sarah A. Brunn
City Administrator

Karl G Strait Etal
6792 Hwy 25 NE
PO Box 215
Foley, MN 56329

Conrad & Arlys Towne
703 Norman Avenue N
PO Box 753
Foley, MN 56329

Thomas & Rebecca Howard
681 Norman Avenue N
Foley, MN 56329

Xcel Energy
Attn: Mark Osendorf
3515 3rd Street NE
St. Cloud, MN 56303

Benton County
Attn: Chris Byrd
PO Box 247
Foley, MN 56329

Midcontinent Communications
Attn: Steve Johnson
402 N Red River Ave
Suite 5
Cold Spring, MN 56320

CenturyLink
Foley CDO M73202
PO Box 182575
Columbus, OH 43218-2575

Cal'manton Township
Attn: Pat Lezer, clerk
11350 115th AVENUE
Foley, MN 56329

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021-01

A RESOLUTION TO VACATE RIGHT-OF-WAY

WHEREAS, the City of Foley (“Owner”) owns the property (the “Property”), shown in **Exhibit A** and legally described as follows:

The East 223.3 feet of the South 33 feet of the Southeast Quarter of the Northwest Quarter (SE ¼ of NW ¼) of Section Twenty -Six (26), Township Thirty-seven (37), Range Twenty-nine (29).

WHEREAS, the right-of-way is not currently improved; and

WHEREAS, the property is currently designated for a road which has been determined an unlikely improvement the City would make;

WHEREAS, the City is in need of a utility easement in this area for future growth;

WHEREAS, the City desires to vacate the right-of-way and replace it with a 33-foot-wide utility easement;

WHEREAS, due and proper published and posted notice of public hearing has been given by the City as required by law; and

WHEREAS, after a public hearing held on this date, the City Council finds that it is in the public interest to vacate the right-of-way hereinafter described.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Foley, Minnesota, as follows:

1. The City’s right-of way is hereby vacated.
2. A utility easement will be established to protect needs of the City for future utility needs immediately following vacation.

3. The Mayor and the City Clerk are hereby authorized and directed to execute and record this Resolution with the Benton County Recorder.

This Resolution is adopted on this 5th day of January, 2021.

CITY OF FOLEY, MINNESOTA

By _____
Gerard Bettendorf, Mayor

ATTEST:

Sarah Brunn, City Administrator

STATE OF MINNESOTA)
) ss
COUNTY OF BENTON)

The foregoing was acknowledged before me this ____ day of _____, 2021, by Gerard L. Bettendorf, as the Mayor of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF BENTON)

The foregoing was acknowledged before me this ____ day of _____, 2021, by Sarah A. Brunn, as the City Administrator of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

EXHIBIT A

(Description and Sketch of Vacation)

The East 223.3 feet of the South 33 feet of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Twenty-Six (26), Township Thirty-seven (37), Range Twenty-nine (29) according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Benton County, Minnesota.



DRAINAGE AND UTILITY EASEMENT

THIS AGREEMENT, is made effective January 5, 2021, between **Conrad Towne and Arlys Towne**, wife and husband ("Towne"); and **Rebecca Howard and Thomas Howard**, wife and husband ("Howard") (collectively "Grantors"); and the **City of Foley, Minnesota** ("City").

RECITALS.

- A.** Grantors are the owners of the following described real property located in Foley, Minnesota as described in **Exhibit A** ("Property").
- B.** As part of an effort to clean up a boundary line between the Grantors, Grantors wish to vacate a dedicated but unconstructed road and are willing to grant a permanent drainage and utility easement as a condition of approval of the vacation request.
- C.** The parties desire to create easements for drainage and utilities.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Easement. Grantors hereby grant and convey to the City, a perpetual easement (the "Permanent Easement") for utility purposes over, under and across the Property as described and depicted in **Exhibit B** (the "Easement Area"). The Permanent Easement includes the right of the City, its contractors, agents, and employees to enter the Easement Area at all reasonable times for the purposes of laying, constructing, operating, inspecting, altering, repairing, replacing, or maintaining drainage and utility infrastructure.

2. No Obstructions. No fences or other structures over, under, on, through, across, or within the Easement Area shall be constructed, nor shall any obstruction be placed over, under, on, through, across or within the Easement Area. The City or its assigns may remove any unauthorized obstruction. Existing vegetation shall be allowed to remain, but the City may remove vegetation without compensation if necessary to complete work in the Easement Area.

3. Warranty of Title. Grantors warrant that they are the respective owners of the Property and have the right, title and capacity to convey the Easement to the City.

4. **Grantors' Use of Easement Area.** Grantors retain the right to use the Easement Area for uses not inconsistent with the rights granted to the City.

5. **Binding Effect.** This Agreement and the Permanent Easement created by this Agreement shall continue in full force and effect in perpetuity. The Permanent Easement shall be considered to run with the land and burden the Grantors and their successors and assigns.

6. **Modification.** This Agreement may not be modified except by the express written consent of the City.

**SIGNATURE PAGE TO
DRAINAGE AND UTILITY EASEMENT**

GRANTOR

Conrad Towne

Arlys Towne

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON _____)

On this _____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Conrad Towne, husband to Arlys Towne, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON _____)

On this _____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Arlys Towne, wife to Conrad Towne, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.

Notary Public

**SIGNATURE PAGE TO
DRAINAGE AND UTILITY EASEMENT**

GRANTORS

Rebecca Howard

Thomas Howard

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON _____)

On this _____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Rebecca Howard, wife to Thomas Howard, who I know to be the person described in the foregoing instrument, and who acknowledged that she executed that instrument as her free act and deed.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON _____)

On this _____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Thomas Howard, husband to Rebecca Howard, who I know to be the person described in the foregoing instrument, and who acknowledged that he executed that instrument as his free act and deed.

Notary Public

**SIGNATURE PAGE TO
DRAINAGE AND UTILITY EASEMENT**

CITY OF FOLEY

Gerard Bettendorf
Mayor

Sarah Brunn
City Administrator

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON)

On this ____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Gerard Bettendorf, to me personally known, who, being by me duly sworn did say that he is the Mayor of City of Foley, a Minnesota body politic named in the foregoing instrument, and that said instrument was signed on behalf of said City by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF BENTON)

On this ____ day of _____, 2021, before me, a Notary Public for this County, personally appeared Sarah Brunn, to me personally known, who, being by me duly sworn did say that she is the City Administrator of City of Foley, a Minnesota body politic named in the foregoing instrument, and that said instrument was signed on behalf of said City by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

THIS INSTRUMENT DRAFTED BY:

RINKE NOONAN (aar)

1015 West St. Germain Street, Suite 300

P.O. Box 1497

St. Cloud, MN 56302-1497

(320) 251-6700

File No. 04313-0108

Exhibit A

(Towne Parcel Tax PID 130002600)

Seven-eighths of an acre in the extreme southeast corner of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Twenty-six (26), Township Thirty-seven (37) Range Twenty-nine (29), said tract being 150 in width and the south line to be along the south fence of farm and the east line to be the center of a road running through the center of Section Twenty-six (26), Benton County, Minnesota.

(Howard Parcel Tax PID 130003600)

That part of the West 150.00 feet of the East 183.00 feet Northeast Quarter of the Southwest Quarter of Section 26, Township 37, Range 29, Benton County, Minnesota, as measured at right angles to the east line thereof, lying northerly of the following described line: Beginning at a point on the east line of said Northeast Quarter of the Southwest Quarter distant 2518.60 feet northerly of the southeast corner of said Southwest Quarter; thence westerly at right angles for 300.00 feet to the west line of said East 300.00 feet and said line there terminating.

Together with: That part of the West 117.00 feet of the East 300.00 feet Northeast Quarter of the Southwest Quarter of Section 26, Township 37, Range 29, Benton County, Minnesota, as measured at right angles to the east line thereof, lying northerly of the following described line: Beginning at a point on the east line of said Northeast Quarter of the Southwest Quarter distant 2518.60 feet northerly of the southeast corner of said Southwest Quarter; thence westerly at right angles for 300.00 feet to the west line of said East 300.00 feet and said line there terminating.

Exhibit B

Permanent Easement Legal Description

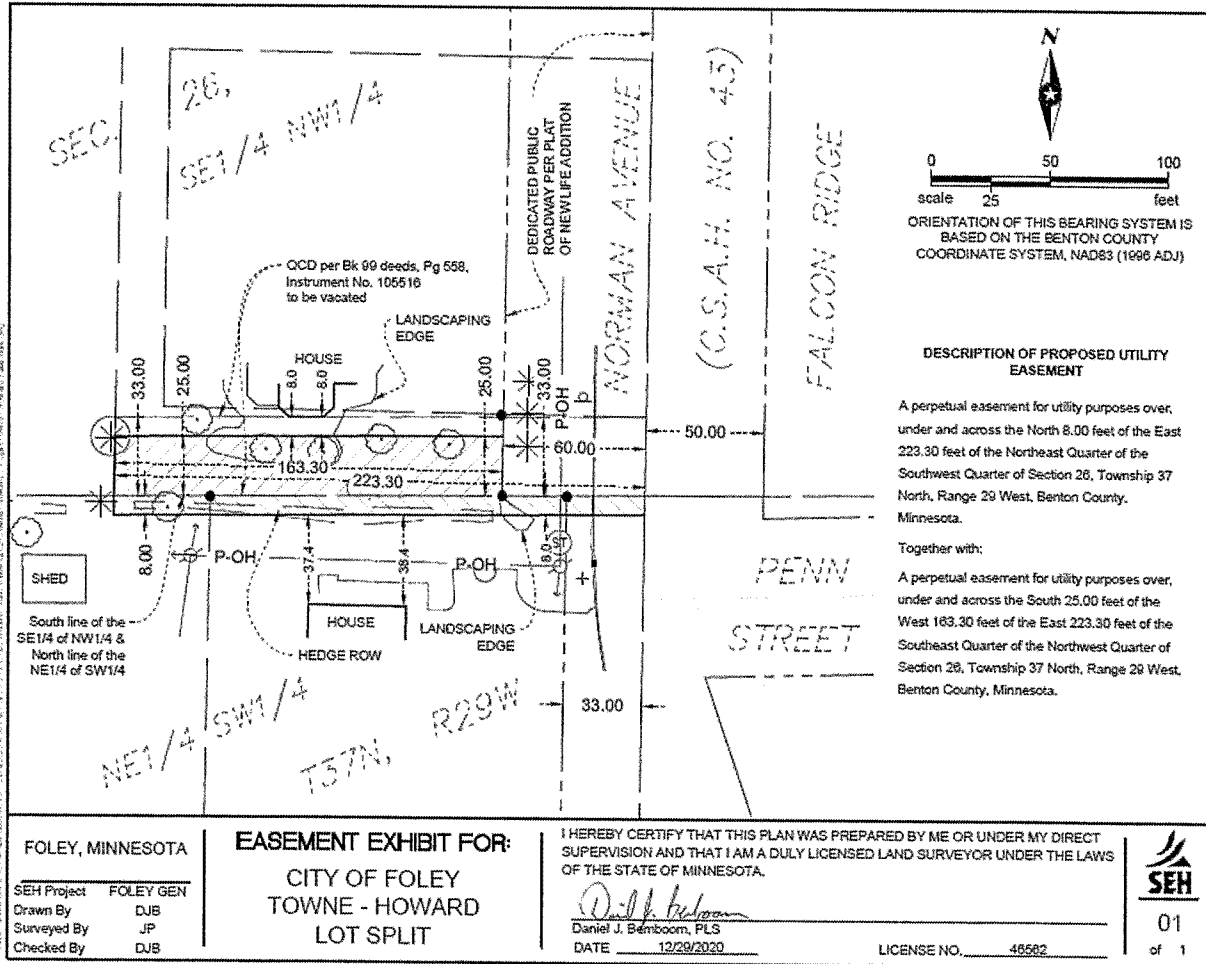
A perpetual easement for drainage and utility purposes over, under and across the North 8.00 feet of the East 223.30 feet of the Northeast Quarter of the Southwest Quarter of Section 26, Township 37 North, Range 29 West, Benton County, Minnesota.

Together with:

A perpetual easement for drainage and utility purposes over, under and across the South 25.00 feet of the West 163.30 feet of the East 223.30 feet of the Southeast Quarter of the Northwest Quarter of Section 26, Township 37 North, Range 29 West, Benton County, Minnesota.

Exhibit C

Easement Area Sketch



CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2021-03

A RESOLUTION APPROVING MINOR SUBDIVISION AND ADOPTING FINDINGS OF
FACT

WHEREAS, an application for minor subdivision was received on November 13, 2020 with a certificate of survey as identified in **Exhibit A**;

WHEREAS, upon review of the application and certificate of survey there were concerns regarding existing right-of-way designated to the City in the affected area; and

WHEREAS, the City reviewed the application and determined the right-of-way could be vacated and replaced by a utility easement;

WHEREAS, due and proper published and posted notice of public hearing has been given by the City as required by law for the vacation process; and

WHEREAS, the City approved the vacation of city right-of-way contingent on replacing it with a utility easement;

WHEREAS, the City's planning commission reviewed all aspects of the vacation, utility easement and minor subdivision and recommended approval to the City Council with conditions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Foley, Minnesota, as follows:

1. The above findings of fact are adopted.
2. The City Council approves the subdivision with the following conditions:
 - a. The vacation process must be completed, signed and recorded. Approval of subdivision is contingent on owners signing the new utility easement following the vacation process.
 - b. The new easement agreement must be signed by all parties and recorded.

3. The Mayor and the City Clerk are hereby authorized and directed to execute this Resolution and notify Benton County.

This Resolution is adopted on this 5th day of January, 2021.

CITY OF FOLEY, MINNESOTA

By _____
Gerard Bettendorf, Mayor

ATTEST:

Sarah Brunn, City Administrator

STATE OF MINNESOTA)
) ss
COUNTY OF BENTON)

The foregoing was acknowledged before me this ____ day of _____, 2021, by Gerard L. Bettendorf, as the Mayor of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

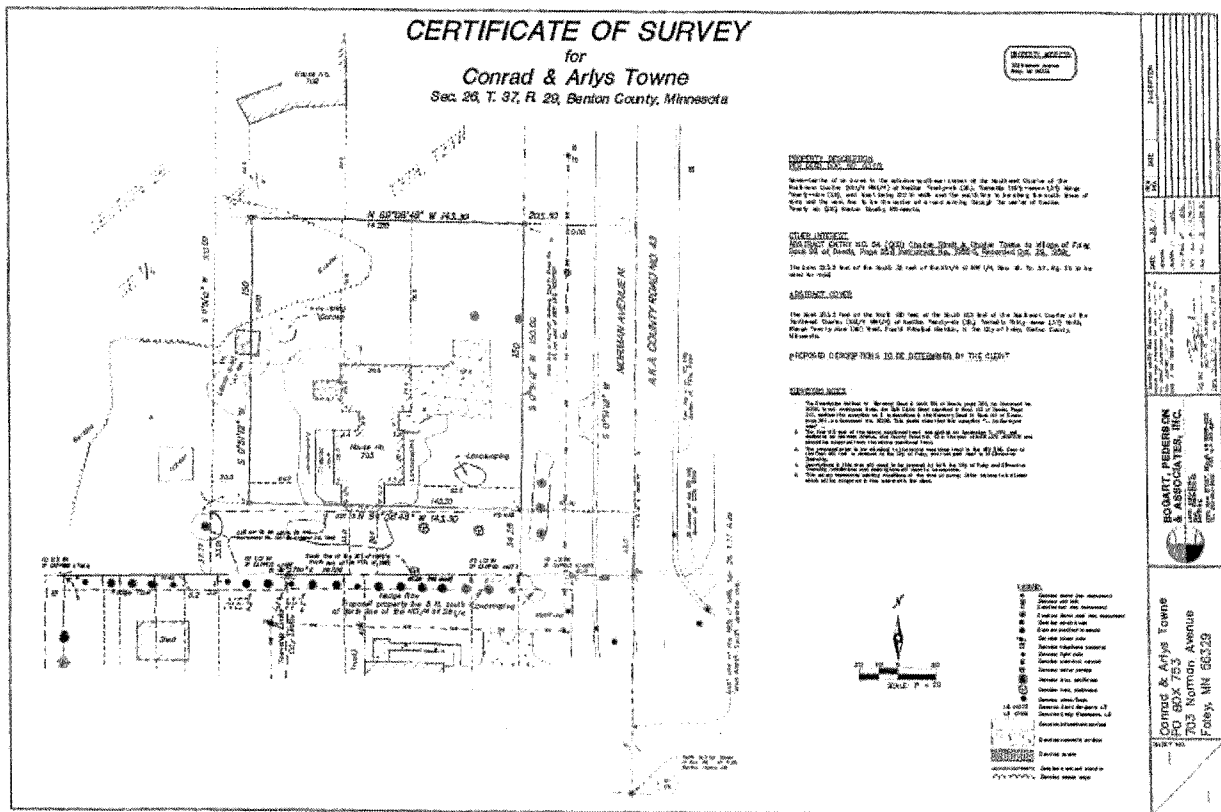
Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF BENTON)

The foregoing was acknowledged before me this ____ day of _____, 2021, by Sarah A. Brunn, as the City Administrator of the City of Foley, Minnesota, a municipal corporation under the laws of the State of Minnesota.

Notary Public

(Certificate of Survey)



From: [Mark Pappenfus](#)
To: [Sarah Brunn](#)
Subject: TH 23 Utility Figure and Estimate
Date: Tuesday, November 24, 2020 7:38:46 AM
Attachments: [FOG18_Estimate_112320.pdf](#)
[foG18fig1_11232020.pdf](#)

Sarah,

Attached is the Engineers estimate for some possible Sewer and Water utility work to be completed along Hwy. #23 between 11th Ave. and Lord Ave. as part of the MN DOT 2022 Reconstruction project. There are 2 parts to this estimate – the 1st one is for the abandonment of the Eastview Lift Station (located on NE corner of Hwy. #23 & 11th Ave. by St. Paul's Church) and to install a new gravity sewer line along Hwy. #23 back to 8th Ave. The 2nd part of the estimate is to stub a new water and sewer main across Hwy. #23 at Lord Ave. for any future improvements to any properties on the South side of the Hwy. The advantage of doing this work in 2022 as part of the project is that we can cut the trenches across the Hwy. instead of boring them which is more money. Let's start some discussion with Council at our December Meeting, although we won't need to make a final discission until the early next year.

Please contact me with any questions.

Thanks, Mark

Mark Pappenfus
City of Foley Public Works Director



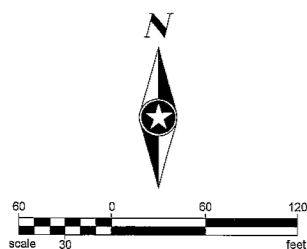
LIFT STATION ABANDONMENT AND UTILITY IMPROVEMENTS
 FOLEY, MN
 SEH NO. FOLEY G18

11/23/2020

ITEM NO.	ITEM DESCRIPTION	UNIT OF MEASUREMENT	UNIT PRICE	APPROXIMATE QUANTITY	TOTAL	APPROXIMATE QUANTITY	TOTAL
				LIFT STATION ABANDONMENT		UTILITY IMPROVEMENTS	
1	REMOVE MANHOLE	EACH	\$500.00	2	\$1,000.00	0	\$0.00
2	REMOVE LIFT STATION	EACH	\$25,000.00	1	\$25,000.00	0	\$0.00
3	REMOVE FORCE MAIN	LIN FT	\$8.00	1505	\$12,040.00	0	\$0.00
4	REMOVE SEWER PIPE (SANITARY)	LIN FT	\$8.00	29	\$232.00	0	\$0.00
5	HYDRANT	EACH	\$4,500.00	0	\$0.00	1	\$4,500.00
6	6" GATE VALVE AND BOX	EACH	\$2,200.00	0	\$0.00	1	\$2,200.00
7	10" GATE VALVE AND BOX	EACH	\$2,800.00	0	\$0.00	1	\$2,800.00
8	10"X10" WET TAP	EACH	\$7,000.00	0	\$0.00	1	\$7,000.00
9	6" WATERMAIN DUCTILE IRON CL 52	LIN FT	\$40.00	0	\$0.00	17	\$680.00
10	10" WATERMAIN DUCTILE IRON CL 52	LIN FT	\$45.00	0	\$0.00	96	\$4,320.00
11	DUCTILE IRON FITTINGS	POUND	\$9.00	0	\$0.00	90	\$810.00
12	CONNECT TO EXISTING SANITARY SEWER	EACH	\$1,500.00	1	\$1,500.00	1	\$1,500.00
13	10" PVC PIPE SEWER SDR 35	EACH	\$50.00	0	\$0.00	258	\$12,900.00
14	12" PVC PIPE SEWER SDR 35	LIN FT	\$55.00	1607	\$88,385.00	0	\$0.00
15	18" STEEL CASING PIPE, JACKED W/ 10" CARRIER PIPE	LIN FT	\$300.00	0	\$0.00	70	\$21,000.00
16	20" STEEL CASING PIPE, JACKED W/ 12" CARRIER PIPE	LIN FT	\$350.00	0	\$0.00	70	\$24,500.00
17	CONSTRUCT DRAINAGE STRUCTURE DESIGN 4007 (0'-8')	EACH	\$4,500.00	7	\$31,500.00	1	\$4,500.00
18	CONSTRUCT DRAINAGE STRUCTURE DESIGN 4007 (8'+)	LIN FT	\$250.00	99	\$24,750.00	11	\$2,750.00
19	2" PVC CONDUIT SCH 80	LIN FT	\$3.00	0	\$0.00	7280	\$21,840.00
					\$184,407.00		\$111,300.00
35% Soft Cost					\$64,542.45		\$38,955.00
Total Cost					\$248,949.45		\$150,255.00

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* Existing gas main, force main, water main, and 36" RCP in the north ditch.
* Existing fiber main in the south ditch.

SEH
PHONE: 651.490.2000
3535 VADNAIS CENTER DRIVE
ST. PAUL, MN 55110-5196
www.sehinc.com

FILE NO.
FO G18

DATE:
11/23/2020

**EASTSIDE LIFT STATION
ABANDONMENT
FOLEY, MINNESOTA**

**FIGURE
NO. 1**

2022 Highway 23 Local Project Costs

Mobilization =	\$6,800
Drill & Grout Reinf Bar (Expoxy Coated)=	\$255
4" Concrete Walk=	\$21,424
6" Concrete Walk=	\$3,524
8" Concrete Driveway Pavement=	\$3,332
*Lighting Type 9-40 (16)=	\$53,460
*Lighting Foundation (16)=	\$15,562
3" Nonmetal Conduit=	\$5,875
Direct Buried Lighting Cable=	\$40,327
Traffic Control=	\$4,100
TOTAL:	\$154,659

*Standard Lighting – any upgrades for banners, electric for holiday lights would be in addition.

	2019 Total	2020 YTD	2020 Budget	2021 Budget	Notes
SEWER FUND					
E 602-49450-107 Salary	\$ 84,455.04	\$ 38,003.97	\$ 85,000.00	\$ 75,000.00	
E 602-49450-121 PERA	\$ 5,861.01	\$ 2,764.63	\$ 6,400.00	\$ 6,000.00	
E 602-49450-122 FICA	\$ 6,208.03	\$ 2,837.50	\$ 6,500.00	\$ 6,100.00	
E 602-49450-130 Insurance	\$ 10,728.26	\$ 13,750.00	\$ 35,000.00	\$ 33,980.00	
E 602-49450-201 Office Expense	\$ 8,876.49	\$ 4,940.18	\$ 8,500.00	\$ 8,800.00	Sarah figure allocate PW ins benefits - 30% - 21830-Year End JE sewer prop/lab 12150 Increase CGMC Dues \$2200
E 602-49450-208 Supplies	\$ 3,140.85	\$ 406.99	\$ 2,500.00	\$ 2,500.00	
E 602-49450-209 Uniforms	\$ 1,990.85	\$ 569.90	\$ 2,000.00	\$ 2,000.00	
E 602-49450-212 Fuel	\$ 2,056.88	\$ 397.48	\$ 2,000.00	\$ 2,000.00	
E 602-49450-216 Chemicals and Products	\$ 5,801.72	\$ 7,240.40	\$ 7,000.00	\$ 10,000.00	Increase - additional treatment costs
E 602-49450-241 Safety Equipment	\$ 738.34	\$ 62.97	\$ 3,500.00	\$ 3,500.00	
E 602-49450-303 Engineering Fees	\$ 14,507.17	\$ 5,099.86	\$ 10,000.00	\$ 10,000.00	
E 602-49450-322 Postage	\$ 500.00	\$ 500.00	\$ 2,400.00	\$ 2,400.00	
E 602-49450-380 Utilities	\$ 9,918.83	\$ 5,131.08	\$ 15,000.00	\$ 15,000.00	
E 602-49450-385 Wastewater Analysis	\$ 6,896.04	\$ 1,786.00	\$ 6,000.00	\$ 6,000.00	
E 602-49450-404 Machinery/Equipment	\$ 1,412.60	\$ 1,421.33	\$ 5,000.00	\$ 5,000.00	
E 602-49450-405 Other Maint./Repairs	\$ 12,914.75	\$ 5,347.70	\$ 12,000.00	\$ 12,000.00	
E 602-49450-433 Dues and Subscriptions	\$ 1,700.00	\$ 1,816.00	\$ 2,000.00	\$ 2,000.00	Check this - no budget last year or typo?
E 602-49450-445 Misc.	\$ 158.83	\$ 97.70	\$ 5,000.00	\$ 5,000.00	
E 602-49450-447 Training & School	\$ 828.00	\$ 450.00	\$ 1,000.00	\$ 1,000.00	
E 602-49450-455 Depreciation Expense	\$ 125,455.00	\$ 73.49	\$ 120,000.00	\$ 125,000.00	Sarah to figure - non-cash item
E 602-49450-510 Capital Outlay	\$ -	\$ -	\$ 60,000.00	\$ 60,000.00	Fund CIP - additional I/I work?
E 602-49450-515 Wastewater Expansion	\$ 18,548.26	\$ 37,645.75	\$ 60,000.00	\$ 75,000.00	
E 602-49450-516 I/I Study	\$ 2,801.52	\$ 9,091.26	\$ 10,000.00	\$ 15,000.00	
Transfers Out (Committed Debt Service)	\$ -	\$ -	\$ 60,000.00	\$ 100,000.00	Sarah to figure - rounded
	\$325,498.47	\$139,434.19	\$ 526,800.00	\$ 583,280.00	

Increased \$40,000
from \$60,000
Total: \$100,000



Building a Better World
for All of Us®

December 4, 2020

RE: City of Foley, Minnesota
Engineering Services
SEH No. FOLEY GEN 14.00

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

Dear Mayor and Council Members:

Enclosed is our proposed Hourly Rate Schedule for Engineering Services effective January 1, 2021. The proposed rates represent an average 1.9% increase over the 2020 rates.

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

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

Sincerely,

Jon Halter, PE
City Engineer
(Lic. MN)

Jarod Griffith, PE
Assistant City Engineer
(Lic. MN)

mrh

Enclosure

c: Mark Pappenfus, City of Foley
Karen Thull, SEH

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Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 1200 25th Avenue South, P.O. Box 1717, St. Cloud, MN 56302-1717
SEH is 100% employee-owned | sehinc.com | 320.229.4300 | 800.572.0617 | 888.908.8166 fax

SHORT ELLIOTT HENDRICKSON, INC.

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

Effective January 1, 2021 – December 31, 2021

Senior Project Manager	\$165	-	\$191
Project Manager, Senior Engineer, Senior Scientist, Land Surveyor	\$127	-	\$167
Project Engineer, Scientist	\$95	-	\$135
Staff (Graduate, Engineer, Architect)	\$92	-	\$113
Lead Technician, Lead Resident Project Representative	\$97	-	\$129
Technician, GIS Technician, Resident Project Representative	\$78	-	\$112
Survey Crew Chief	\$85	-	\$118
Survey Instrument Operator	\$69	-	\$84
Senior Administrative Assistant	\$72	-	\$101
Administrative Assistant	\$64	-	\$80
Intern	\$50	-	\$55
Specialist	Variable		

Reimbursable Expenses:

Printing and Postage Costs	Actual Cost
Subconsultants	1.1 x Actual Cost
Mileage	IRS Rate
Survey Vehicle and Equipment (Including Hubs, Lath, Irons, etc.)	\$ 4.50 / Hour
GPS Equipment	\$30.00 / Hour
Total Station	\$30.00 / Hour
RPR Vehicle	\$16.00 / Day
Regular City Council Meetings	No Cost

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 01-05-21 –COUNCIL MEETING
DATE: DECEMBER 31, 2020

Consent Agenda

We have another part-time police officer resigning. The personnel committee has started the hiring process for a new eligibility list and will be interviewing on January 11th.

The fire department is requesting an appointment of a new lieutenant as there was a vacancy because of a resignation. The recommendation is in your packet.

The fire department is also recommending some clarifications and changes to the fire compensation policy. The personnel committee has reviewed and recommends approval.

2021 Annual Appointments

The list of appointments is in your packet. We still have vacancies on a number of boards. There is always an option of appointing an interested party in the middle of year. A couple things to note:

- Planning commission only has 4 members – I do not recommend we continue with 2 council and 2 community – I'd recommend another community member or dropping one councilmember.
- EDA also has a similar situation and it would probably be best to follow the same situation as planning.

Fee Schedule – Sewer Rate Ordinance

Following the public hearing the council should move adoption of the provided ordinance. This implements the 10% rate increase for sewer provided for in the 2021 budget. No water rate increase occurred this year.

Vacation of City Right-of-Way

We received an application for a lot split between Conrad Towne and Thomas Howard. The split brought into question a strip of property the city has deeded in between the houses for a road. City staff reviewed and indicated a road would not likely be built but utilities may potentially be run in the future. Staff recommended proceeding with a vacation of the road right-of-way and replacing it instead with a utility easement. Public hearing notices were sent and the city council should address this item before addressing the subdivision request. Information is found in your packet. Staff can also provide more detail at the meeting.

Minor Subdivision Request – Towne/Howard

Following the vacation and easement items the council can then address the lot split. Information is in your packet.

Highway 23 – Utilities/Lift Station Work

City staff overviewed potential utility work to be done in conjunction with the Highway 23 work in 2022. Staff would like the council to make a decision on that project so we can plan accordingly on how it will be implemented within the larger project.

Highway 23 Lighting

Staff will also again discuss the lighting options for the 2022 project and hope to finalize a decision on what to include in the plans.

Amended Debt Service Schedule

I have been working on financial applications for our sewer project funding. Part of this process involves us taking a hard look to ensure we are charging our utility funds appropriately for costs. This will help make sure our rate structure moving forward is adequate. In reviewing our existing debt, I found some of our older debt (2008 Bonds – refunded in 2012 & 2020) did not allocate enough charges for utility costs from big projects to the utility funds. I went back and reviewed the original project quantities and updated our repayments schedules to include this larger charge to the utility fund. I'm asking you to approve these amendments to the budget. This is not changing our payment, only reducing the liability of the general tax levy and shifting more to the enterprise fund. This is the most accurate way to account for the actual cost of the infrastructure provided to the sewer fund.

Orderly Annexation Agreement

There is no change with the annexation agreement but I will be stopping in to the township meeting following our meeting on Tuesday.

Discussion on PID 020049300& PID 020050000

Staff will have an update for you on this item at the meeting.

Upcoming Reminders:

January 1, 2021 – City Hall Closed - Holiday

January 18, 2021 – City Hall Closed- Holiday

February 2, 2021 – Council Meeting

**This packet is going out earlier than usual, additional items to be provided next week!*