

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – March 16, 2021

The Foley City Council held a regular meeting on March 16, 2021, at 5:30 p.m. at the Foley City Hall.

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

Members Absent: None

The pledge of allegiance was recited.

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

**Consent Agenda**

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

- Appoint Councilmember Rosalie Musachio to Planning Commission.

Motion carried, unanimous.

**Discussion on orderly annexation agreement and annexation petition**

The council discussed Resolution #2021-08 Petition of Annexation. Sarah Brunn, City Administrator gave an overview of the resolution and answered council questions regarding the petition process. Brunn explained that if the council passes the petition today it starts a 30-day clock. At the end of 30 days, the petition is submitted to the state. If anything changes during that 30-day waiting period, the council could readdress the petition. Discussion followed.

Adam Ripple, City Attorney, also answered questions from the council and provided additional information. He referred the council to their packets and explained that additional parcels were identified and included in the resolution beyond what was discussed in the Orderly Annexation Agreement. Discussion followed. Ripple advised the council that they could choose to recess tonight's council meeting until after the Gilmanton Township board meeting on March 17 to see if the township agrees to adopt the Orderly Annexation Agreement (OAA).

Motion by Gondeck, seconded by Swanson, to pass Resolution #2021-08 Petition of Annexation.

Discussion followed.

Motion carried, with Gondeck, Musachio, Bettendorf, and Swanson voting aye. Brosh voting nay.

Motion by Musachio to terminate negotiations on the OAA and withdraw offer of OAA from the township.

Discussion followed. Musachio said the motion was necessary to end the time staff was needing to spend on managing the negotiations with the township.

The motion failed to receive a second and therefore did not proceed to a vote.

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

No one spoke.

## **Department Reports**

### **City Attorney**

Adam Ripple city attorney stated that he had nothing else to report back to the council at this time.

### **Administration**

Sarah Brunn said she had nothing else to report to the council at this time. Her wastewater project update would be shared under Old Business.

### **Old Business**

Brunn gave an overview of the wastewater project and where it currently stands. Brunn directed the council to their packets and the latest calculations of the connection fee. Discussion followed. The map of the proposed route and lift station locations are still being finalized. Brunn explained they are getting very close to a final plan. The water would be metered on both ends – one in Foley and one at the St. Cloud treatment plant.

Brunn also updated the council on discussions with installing a fiber conduit along with the wastewater pipe. Staff will be meeting with Benton County tomorrow. The county could potentially share in a portion of the cost for the fiber. Additional fiber could be added to the 2022 highway project and would extend the fiber east of Foley and hopefully assist with a plan to extend even beyond Foley to other areas of Benton County. Benton County has stated it would like to be able to connect their east gate building located in St. Cloud. Staff is exploring the possibility that the county could connect directly along our fiber route. There is also the possibility of connecting the fiber directly with Sauk Rapids which would provide a more secure connection for the police department.

### **New Business**

No new business.

### **Discussion on purchase of PID 020049300 & PID 020050000.**

At 6:02 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 6:08 p.m. the meeting reconvened. Staff was directed to continue discussions.

Discussion followed with Doug Lezer chair of the Gilmanton Township Board. Mayor Bettendorf and the council expressed the strong desire to have the OAA with the township rather than the Petition for Annexation. Several council members expressed their opinions and restated the city's position. Discussion followed.

Motion by Gondeck, seconded by Swanson, to recess the meeting and reconvene on Friday, March 19, at 12 p.m. Motion carried, unanimous.

Meeting recessed at 6:22 p.m.

Meeting reconvened on Friday, March 19, at 12 p.m.

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

Members Absent: Jack Brosh

Update on Gilmanton Township Meeting

- Discussion on Resolution #2021 – 09 Orderly Annexation and Joint Planning Agreement with Gilmanton Township.

Sarah Brunn City Administrator gave an overview of the meeting with the Gilmanton Township board on Wednesday, March 17. The board voted to approve the OAA with one small change regarding insurance. The board asked the city to put a rider on the city's insurance to protect the board. This is the only change from the latest draft. The joint committee with the township would be four members (2 from the council and 2 from the township board) and 500 feet solar setbacks. The vote was unanimous from the township board to approve the OAA. Discussion and questions followed.

Motion by Gondeck, seconded by Swanson, to approve the Orderly Annexation Agreement with the stated change.

Motion carried with Gondeck, Bettendorf, and Swanson voting aye. Musachio voted nay.

Motion by Gondeck, seconded by Swanson, to adjourn the meeting.

Motion carried, unanimous.

Meeting adjourned at 12:10 p.m.



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Sarah A. Brunn, Administrator