

City Council - Meeting Agenda May 4, 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 April 6, 2021
 - Accept resignation of police officer, Tom Pitzen.
 - Approve Hwy 23 Utility Work Design Services.
 - Approve payment of bills.
- 5. Public Hearing Annexation Petition
 - Adopt Ordinance #455 Annexation of Property
- 6. Public Hearing Conditional Use Permit for McDonald's Drive-Thru Addition
 - Adopt Resolution #2021 -11 Amending CUP
- 7. Mayor's Comments & Open Forum
- 8. Department Reports:
 - Police Department -Katie McMillin
 - City Engineer Jon Halter
 - o Update on sidewalk by police garage.
 - Public Works/Fire Mark Pappenfus
 - Hatchery/Pine Street Parking
 - o Discussion on compost site.
 - Administration Sarah Brunn
 - o Update on pool & pay rates of seasonal employees.
 - o Lion's Club Fun Days Liquor License
 - o Update on joint planning board.
- 9. Old Business
 - Update on wastewater/fiber project.
 - Update on land use plan.
- 10. New Business
- 11. 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.
- 12. Adjourn

CITY OF FOLEY, MINNESOTA CITY COUNCIL MEETING – April 6, 2021

The Foley City Council held a regular meeting on April 6, 2021, 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: Jack Brosh

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 March 2, 2021.
- Approve minutes of March 16 & 19, 2021.
- Approve hiring of part-time officer Russell Lipinski.
- Approve updated police department policies (POST Mandated).
- Approve purchase agreement for PID 020054100.
- Approve Vet Clinic horse clinic on April 17, 2021.
- Approve Vet Clinic Indemnification Agreement for April 17, 2021.
- Approve payment of bills.

Motion carried, unanimous.

Deb Olson – Parking Regulations

Deb Olson of 600 Dewey Street addressed the council, giving an overview of several areas around town where she believed the city was in violation of state parking ordinances. She mentioned several areas where parking stalls were too close to stop signs and hydrants. Olson said the improper striping of the parking stalls causes a visibility issue for drivers when too close to intersections.

Discussion on appointment of members to Joint-Planning Board with Gilmanton Township Mayor Bettendorf asked which of the councilmembers present would have an interest in being appointed to the Joint-Planning Board with Gilmanton Township. According to the Orderly Annexation Agreement with the township, the city could appoint two members to the board. Bettendorf said he would like to be on the board.

Gondeck, Musachio, and Swanson all expressed an interest in being appointed. Discussion followed. Adam Ripple, city attorney, said that the city could designate a third member to be an alternate if one of the two other appointments were unable to attend a meeting. Non-members could attend meetings but would not be able to vote. If more than two city council members attended a Joint-Planning Board meeting then city staff would post a public notice on a possible quorum based on open meeting law.

Musachio asked about term limits. Sarah Brunn city administrator said the Joint-Planning Board appointments would be added to the list of annual appointments. The agreement with the township only stated that the city and the township would take turns chairing the board.

Motion by Bettendorf, seconded by Swanson, to approve Gondeck and Swanson to the board with Musachio listed as an alternate.

Gondeck, Swanson and Bettendorf voted aye. Musachio voting nay.

Motion carried.

Jim Martinson - Telecommuter Forward! Certification

Jim Martinson of 18802 65th Street, Oak Park, spoke to the council on the importance of telecommuting and gave an overview of his personal experience. Martinson is also currently a member of the Economic Development Authority. He asked the council to pass Resolution #2021-10 Supporting Telecommuter Forward Certification and to be appointed as the point of contact. The state of Minnesota has statutes that have established a process of certification to become a telecommuter city. Information in the council's packet included a list of communities that have been certified. Discussion and questions followed with councilmembers expressing their support of the resolution.

Motion by Gondeck, seconded by Swanson, to approve Resolution #2021-10. Motion carried, unanimous.

Mayor's Open Forum

No one spoke.

Department Reports

City Attorney

Adam Ripple city attorney had nothing new to update the council. Gondeck asked Ripple how the city stood in regards to state parking ordinances, referring to Olson's presentation. Ripple stressed that it was the responsibility of the operator of the vehicle to comply with parking laws. If a driver is in violation of parking ordinances, then the appropriate response from residents should be to call the police department. Discussion followed.

Musachio asked about the possibility that the city had improperly striped some parking stalls. Mark Pappenfus, director of Public Works, said that the parking plans and striping were approved by the state agency, MnDot. Jon Halter, city engineer, agreed stating that the feasibility study done prior to the Dewey Street project were approved by MNDot, but if the council asked for a review the engineering team could look into it. The remedy would be to remove any parking stalls that did not comply. Discussion followed. Brunn explained to the council how over time state ordinances can change and are not always easy for old cities to comply and one example was the changes that had to made with the city downtown sidewalks.

Police Department

Chief Katie McMillin updated the council. The department was extremely busy in March responding to 325 calls. Assistance to other agencies and speed enforcement were both up. McMillin also reminded the council that Winter Parking enforcement has now expired as of April 1.

City Engineer

Jarrod Griffith, city engineer, gave an update to the council regarding the Hwy 23 project. The letter of exception was approved by the state so the city can keep the existing utilities under the new roundabout. The city will still need to remove the storm sewer line by the new roundabout. The city is able to move forward with the Broadway crossing as part of the project.

Public Works and Fire Department

Mark Pappenfus, director of Public Works, updated the council on several items. He directed the council to a quote for Hyperline manhole covers in their packets. Pappenfus said he would like to purchase two manhole covers as a test. It would help improve water from flowing into the storm sewers. Brunn agreed stating it was important due to the amount of water that was flowing into the storm sewer for the I&I as well us for the upcoming flow charges per gallon that the city will soon be paying to St. Cloud with the new wastewater system.

Motion by Gondeck, seconded by Musachio, to approve the Hyperline quote. Motion carried, unanimous.

Pappenfus also asked the council for permission to proceed with expansion plans for the 60 x48 back storage shed this summer. He directed the council to the materials bids in their packet. Brunn explained the expansion would also be used for the police department and secure storage of forfeited property.

Motion by Swanson, seconded by Gondeck, to give staff permission to proceed with the expansion plans for the storage shed.

Motion carried, unanimous.

Administrative

Sarah Brunn, city administrator, updated the council regarding the Hwy 23 project. A small piece of land that the city obtained through public conveyance many years ago will not be available for compensation from MnDOT.

Brunn also gave an update on the storm sewer MnDOT requested the city move. Brunn explained that the sewer line was installed in 1989 for the school system to help manage water flow from their retention pond and school expansion. The school could not own utilities at the time so the city stepped in at the time and took part ownership. No formal written agreement was made at the time. Since then, the city has expanded to also use the line and maintained it. Brunn asked the council for permission to meet with the school and negotiate on possibly splitting the cost to move the line and meet MnDOT's requirement. Discussion followed. The council agreed to let staff open negotiations with the school and update the council on progress.

Brunn also updated the council on the Open Book Meeting later this month. Notices are out and show a significant shifting of property values. Residential values have gone up. Brunn reminded the council if they get questions to refer them to the county assessor.

Brunn gave an update on the pool. Staff is working to hire for the pool as well as summer help for Public Works. Brunn also explained that she is working with the pool manager to develop some quarantine strategies if members of our pool staff come down with covid. The city doesn't typically offer refunds for swimming lessons but may have to consider it on an individual basis if pool staff is

quarantined. We are getting lots of questions about pool. The community is really excited about having the pool back this summer.

Brunn informed the council that the Rural Water is almost done with the rate study for the water/sewer. Staff should receive preliminary results soon. We want to make sure we charge the appropriate amount based on the fee St. Cloud charges us.

Brunn also said that staff is getting lots of calls from residents regarding the orderly annexation agreement.

Brunn gave an overview of the compensation study. Staff is gathering information and reaching out to other cities. Employees will also be interviewed to get a better sense of job descriptions.

Brunn asked the council their thoughts on the front office hiring part-time summer help to assist with some office projects, including filing and scanning. Brunn estimated it would cost the \$3,500 to hire a part-time person for the summer. The council was open to the idea. Brunn would bring back any final hiring to the council for approval.

Old Business

The wastewater project continues to move forward. Staff did not have any additional updates at this time.

New Business

Brunn gave an overview for the petition for annexation that was received. Public notices were sent. The property owners have requested sewer service from the city. Staff tentatively offered the same tax reimbursement as the orderly annexation agreement. The annexation should be completed before the physical sewer connection is made. The owners will be responsible for the trunk and sewer connection fees. Discussion followed. A final approval would be requested in May.

Discussion on purchase of PID 020049300 & PID 020050000.

At 6:29 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 6:53 p.m. the meeting reconvened. The public was invited back into the chambers.

Brunn gave an overview regarding the city's fiber project. Benton County is onboard with the project. There was a question of who would own the fiber. Brunn asked the council if they were in agreement if the City would possibly own the fiber. This would make negotiations and maintenance of the fiber easier instead of three entities (city, county, and school district) jointly owning the fiber. The county has agreed to contribute at least half of the cost of the fiber. Brunn reminded the council the city would get a significant benefit from the project. The council agreed and asked that staff move forward with negotiations.

Motion [by	Swanson,	seconded b	у	Gondeck,	to	adjourn	the	meeting.
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Motion carried, unanimous.

Meeting adjourned at 6:57 p.m.

Daran A. Drum, Aummistrator	Sarah A.	Brunn,	Administrator
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Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between City of Foley, Minnesota ("Client"), and Short Elliott Hendrickson Inc. ("Consultant"), effective January 1, 2016, this Supplemental Letter Agreement dated April 28, 2021 authorizes and describes the scope, schedule, and payment conditions for Consultant's work on the Project described as: 2022 TH 23 Utility Improvements – Additional Design Services.

Client's Auth	orized Representative: Sara	Sarah Brunn, City Administrator							
Address:	PO Box 709								
	Foley, MN 56329-0709								
Telephone:	320.968.7260	email: sbrunn@ci.foley.mn.us							
Project Manager: Jarod Griffith									
Address:	1200 25th Avenue South, PO Box	: 1717							
	St. Cloud, MN 56302-1717								
Telephone:	320.229.4304	email: jgriffith@sehinc.com							

Scope: The Basic Services to be provided by Consultant:

This agreement is for the additional design services related to the utility extensions and relocations related to the TH 23 Project, that were not included in the original scope.

Task 2: Additional Design Services

- Design of a storm sewer relocation on the north side of TH 23, as it was determined to be in conflict with MnDOT's road design.
- Utility crossing at Broadway Avenue. As MnDOT expanded the limits of their project, it made sense for the City to complete this utility crossing replacement now when it could be open cut, versus in the future when it would need to be directionally drilled.
- Evaluation of a number of different alignment options in the south ditch as required by MnDOT (original fee assumed only one alignment option would be designed):
 - o Prelim alignment.
 - o Alignment based off right of way.
 - o Tweaked and pushed alignment to the center of the ditch due to small utilities.
 - In-slope alignment.
 - Alignment with a 5' buffer from r/w to trench limits.
- Sewer and Water Main Relocation around RAB:
 - o Laid out, designed, and evaluated the sewer and water relocation at the RAB.
 - o meetings, phone calls, etc. with MnDOT related to our request to leave this in place.
 - o Modifying our design to leave the utility crossings in place.
- During design we discovered MnDOT's road plans were excavating several feet above an existing sanitary in the north ditch. This created a scenario were there wouldn't be enough cover over top of this existing pipe, so we needed to redesign the sewer in this area. As a part of working thru this unforeseen issue, we needed to redesign the Dollar General sewer service, and their frontage road.
- Due to MnDOT eliminating a houses septic system, it caused us to extend the design for the sewer and water (and add services) at Lord Avenue. Ultimately MnDOT ended up not eliminating the septic, so then we had to adjust our design again to go back to the original plan for stubs at Lord Avenue.
- Additional time spent working with MnDOT's right of way group in regard to property ownership and construction limits for LS removal, as well as some additional easement needs on the project.

Payment:

Additional Design Services	\$19,800	Lump Sum including expenses and equipment					
Total Fee	\$19,800						

The payment method, basis, frequency, and other special conditions are set forth in attached Exhibit A-2.

Other Terms and Conditions: Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein: None.

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Short	Elliott Hendrickson Inc.	City of Foley, Minnesota					
Ву:	14/	By:					
•	Jon Halter						
Title:	City Engineer	Title:					

Exhibit A-2 to Supplemental Letter Agreement Between City of Foley, Minnesota (Client) and Short Elliott Hendrickson Inc. (Consultant) Dated April 28, 2021

Payments to Consultant for Services and Expenses Using the Lump Sum Basis Option

The Agreement for Professional Services is amended and supplemented to include the following agreement of the parties:

A. Lump Sum Basis Option

The Client and Consultant select the Lump Sum Basis for Payment for services provided by Consultant. During the course of providing its services, Consultant shall be paid monthly based on Consultant's estimate of the percentage of the work completed. Necessary expenses and equipment are provided as a part of Consultant's services and are included in the initial Lump Sum amount for the agreed upon Scope of Work. Total payments to Consultant for work covered by the Lump Sum Agreement shall not exceed the Lump Sum amount without written authorization from the Client.

The Lump Sum amount includes compensation for Consultant's services and the services of Consultant's Consultants, if any for the agreed upon Scope of Work. Appropriate amounts have been incorporated in the initial Lump Sum to account for labor, overhead, profit, expenses and equipment charges. The Client agrees to pay for other additional services, equipment, and expenses that may become necessary by amendment to complete Consultant's services at their normal charge out rates as published by Consultant or as available commercially.

B. Expenses Not Included in the Lump Sum

The following items involve expenditures made by Consultant employees or professional consultants on behalf of the Client and shall be paid for as described in this Agreement.

- Expense of overtime work requiring higher than regular rates, if authorized in advance by the Client.
- 2. Other special expenses required in connection with the Project.
- The cost of special consultants or technical services as required. The cost of subconsultant services shall include actual expenditure plus 10% markup for the cost of administration and insurance.

The Client shall pay Consultant monthly for expenses not included in the Lump Sum amount.

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	Bills List - May 4, 2021		
Gross Salaries	Payroll - 4/9/21	\$	28,048.14
EFTPS	Federal Withholding	\$	5,146.14
MN Dept of Revenue	State Withholding	\$	1,033.13
State Treas. PERA	PERA	\$	5,414.58
Nationwide	Deferred Comp	\$	795.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	55.00
Further	HSA Contribution	\$	600.00
Gross Salaries	Payroll - 4/23/21	\$	28,291.14
EFTPS	Federal Withholding	\$	5,167.37
MN Dept of Revenue	State Withholding	\$	1,032.52
State Treas. PERA	PERA	\$	5,463.03
Nationwide	Deferred Comp	\$	895.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	55.00
Further	HSA Contribution	\$	600.00
To Be Paid - 5/4/21			
Auto Value	Shon Sunnlies	Φ	#A ==
Benton County Attorney	Shop Supplies March 2021 Court Fees	\$	53.97
Benton County Hwy Department	March 2021 Court Fees March 2021 PD Fuel	\$	583.00
Benton County Land Services	2021 Assessment Agreement - 2nd Payment	\$	786.08
Bolton & Menk	WW Expansion	\$ \$	5,076.00
Boy Scout Troop 10	Foley Clean-Up Day	\$ \$	101,794.65
Cathy Theis	PD Transcription Fees	\$ \$	5,000.00
Central McGowan	PD Medical Equip	\$ \$	80.00 48.58
Cintas	Uniforms	\$ \$	270.32
Delta Dental	Employee Dental Insurance	\$ \$	1,092.15
Electric Motor Service	Well #4 Maint	\$ \$	68.25
Ferguson Waterworks	Water Meters & Supplies	\$	892.27
First National Bank of Omaha	Credit Card Purchases	\$	1,904.37
Foley Hardware Co	Street Vehicle, City Hall, Park, Water, FD Maint	\$	178.26
Further	4/21 Admin Fee & Employer HSA Contribution	\$	380.35
Gilman Coop Creamery	Water Supplies	\$	62.24
Granite Electronics	FD Radio Maint	\$	76.00
Handyman's Hardware	Shop Water Heater	\$	439.99
Hawkins	Water Chemicals	\$	1,169.11
HealthPartners	Employee Health Insurance	\$	9,707.67
Henkemeyer Landfill, Inc	Disposal of Old Shingles	\$	126.00
Hoisington Koegler Group	Land Use Plan	\$	9,683.75
Jim Moshier	2020-2021 Snow Plowing	\$	317.75
Johnson's Towing	DWI Vehicle Impound	\$	15.00
KM Fire Pump Specialists	FD Vehicle Repair	\$	460.00
L.I.F.E, LLC	PD EMR Refresher Training	\$	135.00
M.R. Sign	Street Signs	\$	171.60
MacQueen Emergency	FD Equipment & Supplies, Street Dept Supplies	\$	920.26
Marco	Copier Lease	\$	307.91
Midco	Phone & Internet Services	\$	732.99
Mimbach Fleet	FD Equipment & Supplies	\$	551.94
MN Dept of Health	Pool License	\$	720.00
MN Dept of Revenue	3/21 Sales & Use Tax Return	\$	1,947.00
MN Rural Water Association	2021 Membership	\$	300.00
Murphy Chevrolet	PD Squad Repair	\$	370.44
Rapids Alterations & Repair	SRO Uniform Maint	\$	95.81
Rick Herbrand	2020-2021 Snow Plowing	\$	37.50
Rinke Noonan	Zoning, OAA, General Legal	\$	9,516.50
RMB Environmental Laboratories	Water & Sewer Testing	\$	350.00
RWB Emergency Lighting	Capital Improv Plan - 2021 Squad	\$	1,397.60
Shift Technologies	March Antispam	\$	33.60
Short Elliott Hendrickson Staples	Sewer Imp, I&I, General Engineering	\$	8,225.20

Sun Life Financial	Employee LTD Insurance	\$	192.17
Team Lab	Sewer Chemicals	\$	612.50
Towmasher	2020 CIP-Snow Plow Truck	\$	115,878.00
Travis Janson	2020-2021 Snow Plowing	\$	54.00
USAble Life	Employee Life Insuance	\$	201.50
Verizon	Cell Phones & Park Cameras	\$	373.08
Wex Bank	Credit Card Fuel Purchases	\$	135.17
Xcel Energy	Utilities	\$ \$	4,660.53
		\$	370,844.09

CITY OF FOLEY COUNTY OF BENTON STATE OF MINNESOTA

ORDINANCE NUMBER 455

AN ORDINANCE OF THE CITY OF FOLEY, MINNESOTA ANNEXING LAND LOCATED IN GILMANTON TOWNSHIP, BENTON COUNTY, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033 SUBDIVISION 2(3), PERMITTING ANNEXATION BY ORDINANCE

WHEREAS, a petition signed by all the property owners, requesting that property legally described as:

The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota. (the "Property") (Tax PID 020053400)

be annexed to the City of Foley Minnesota, was duly presented to the Council of the City of Foley on the 4th day of May, 2021; and

WHEREAS, the Property is unincorporated and abuts the City of Foley on its southern boundary; is less than 120 acres; and is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, the Property is not located within a flood plain or shoreland area; and

WHEREAS, the Property is currently a residential home and annexation is requested to facilitate the extension of city services for the existing residential home on the Property; and

WHEREAS, the City of Foley held a public hearing pursuant to Minnesota Statutes § 414.033, Subd. 2b, on May 4th, 2021, following thirty (30) days written notice by certified mail to the Town of Gilmanton and to all landowners within and contiguous to the Property to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033, Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, the City Council of the City of Foley hereby ordains as follows:

1. The City Council hereby determines that the Property abuts the city limits and is or is about to become urban or suburban in nature in that the Property will be connected to city services, including public sewer facilities.

- 2. None of the Property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.
- 3. The corporate limits of the City of Foley, Minnesota, are hereby extended to include the following described property, said land abutting the City of Foley and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the owners of the Property.

The Property consists of a total of approximately 1.57 acres. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached as Exhibit A.

- 4. That the population of the area legally described and hereby annexed is 2.
- The City of Foley, pursuant to Minnesota Statutes § 414.036, with respect to the 5. property taxes payable on the area legally described (herein or attached exhibit), hereby annexed, shall make a cash payment to the Town of Gilmanton ("Town") as follows:

The City agrees to reimburse the Town an amount equal to seven years of property taxes for the Property based on 2021 rates and values. Payment of \$3,054.45 will be made in a lump sum within six months after the annexation is effective.

- There are no special assessments or debt incurred by the Town outstanding for the 6. Property.
- That the City Administrator of the City of Foley is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Benton County Auditor, and the Gilmanton Township Clerk.
- That this Ordinance shall be in full force and effect and final upon the date this

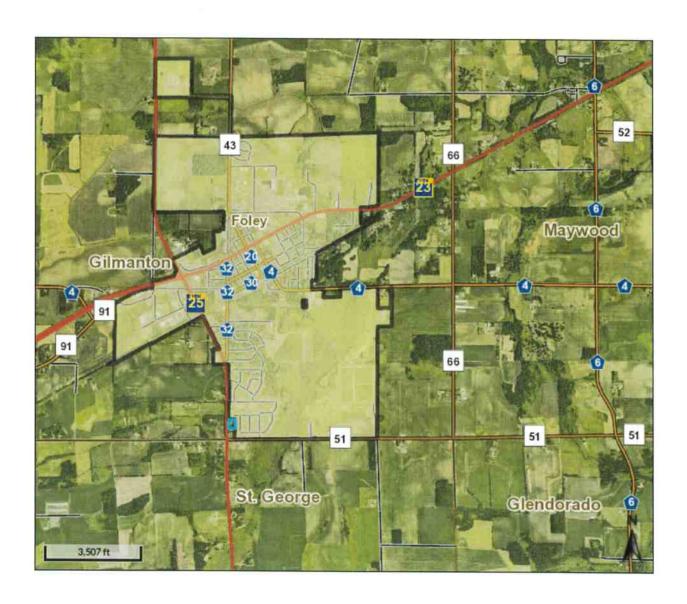
his 4th

Ordinance is approved by the Office of A	administrative Hearings.
PASSED AND ADOPTED by the day of May, 2021.	ne City Council of the City of Foley, Minnesota, t
	Gerard L. Bettendorf, Mayor
ATTEST:	
Sarah A. Brunn, City Administrator	
(City Seal)	

EXHIBIT A

(Map of Property to be annexed)





RESOLUTION OF GILMANTON TOWNSHIP CONCERNING ANNEXATION OF CERTAIN LAND PURSUANT TO MINNESOTA STATUTES § 414.033 Subd. 2(3)

WHEREAS, The Township of Gilmanton received a copy of a petition for annexation of certain property described as:

The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

(the "Property") (Tax PID 020053400) and owned by Mike and Nicole Sayler; and

WHEREAS, The Township of Gilmanton received a copy of the City of Foley's Ordinance No. 455, annexing the Property.

NOW THEREFORE, The Gilmanton Town Board supports the petition for annexation of the Property.

Date:		
	Town Chair	
	TF 01 1	
	Town Clerk	



City of Foley

251 4th Avenue North • P.O. Box 709 Foley, Minnesota 56329 (320) 968-7260 • Fax (320) 968-6325 www.ci.foley.mn.us • Email:contactus@ci.foley.mn.us

April 2, 2021

Dear Property Owner,

Enclosed you will find a Notice of Public Hearing scheduled for May 4, 2021 on the petition for annexation of applicant Mike and Nicole Sayler, 5618 Highway 25 NE. You are receiving this notice in compliance with Minnesota Statutes § 414.033, Subd. 2b that all adjoining property owners receive written notice of the public hearing's time, place and purpose. A map of the property is also enclosed. If you have any questions concerning this notice, please contact Foley City Hall, 968-7260. Thank you for your time.

Sincerely,

Sarah A. Brunn City Administrator

NOTICE OF PUBLIC HEARING ON A PETITION FOR ANNEXATION

Notice is hereby given that on the 4th day of May, 2021, at 5:30 P.M. at the Foley City Hall, in the City of Foley, MN the City Council and the Planning commission will hold a joint public hearing relating to the request of Mike and Nicole Sayler to annex a parcel of land into the Foley City limits.

The area proposed for annexation is legally described as follows:

The West 227.7 feet of the North 300 feet of the South 702.7 feet of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

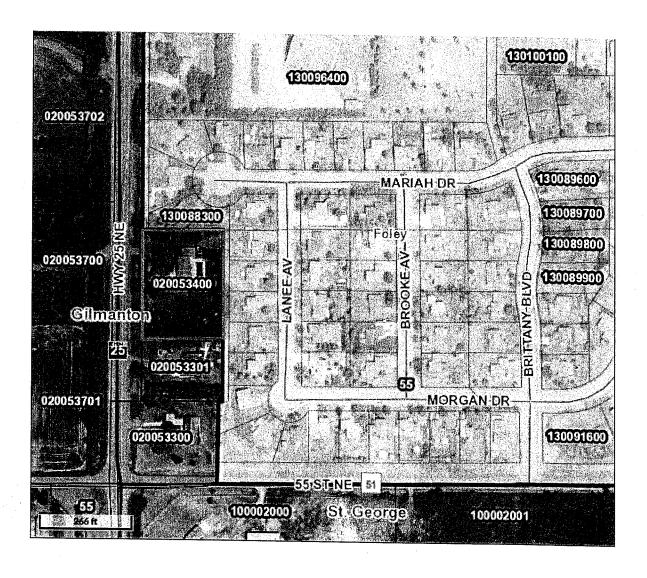
(Tax PID 020053400)

Anyone wishing to appear with reference to the above annexation request will be heard at this meeting.

Sarah A. Brunn City Administrator

EXHIBIT A

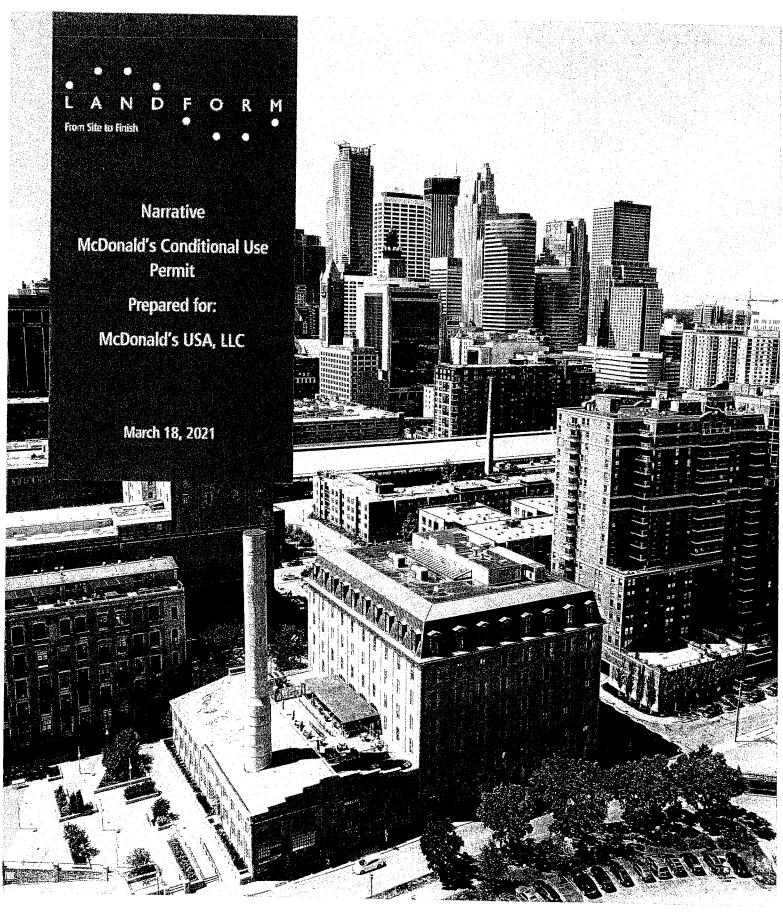
(Map of Property to be annexed)



Last Update: 5-18-18

City of Foley Conditional Use Permit Application (CUP)

Street	t Location of I	Property: 139 MN-2	23 W, Foley, MN 56	6329					
Curre	nt Zoning of F	roperty.	hway Business Di		Proposed Zoning:	NA			
Type	of Request:	Conditional use pe	rmit to construct a re describing detai	side-by-side	isting fast fo	od restaurant use.			
		(Attach harrativ	re describing detai	us or project	scope) ***				
Prope	erty Owner:	Carter Mann, McDor	nald's USA, LLC.			952.300.5504			
		<i>Nam</i> e 4643 South Ulster St	, Suite 1300			Phone			
		Address Denver CO, 80237	-	***************************************		Fax			
						carter.ma Email	ann@us.mcd.com		
Applic	cant:To	m Meyer, Landform Professi	onal Services, LLC.			612-638-	0241		
	Nar	ne South 5th Ave, Suite 513				Phone	1		
	Add	dress				Fax			
	Min	neapolis, MN 55401			//	tmeyer@ Email	landform.net		
						Email			
Туре	of Request & I	ee Amount:							
-		ing/Amendment	\$250.00	D	Preliminary Plat		\$500.00		
ŀ	X Condi D Varian	tional Use Permit	\$250.00	<u>P</u>	Final Plat		\$		
-		ed Unit Development	\$250.00 \$250.00	D	Annexation Site Plan Review/C)thor	\$400.00 +		
L		ou othe povolopmoste	\$230.00	ا ا		es Paid	\$ 250.00		
							<u> </u>		
Has a	reauest been r	nade previously on this	property? D V	es X No I	Explain: — — — — —				
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as regui	rea by applicable	City Ordinance provisions. I	4 determination of co	moleteness of	the application shall be ma	ide within ten	business days of the		
request.	тнів аррисацын	making application for the c should be processed in my	name and I am the	party whom th	ne City should contact rega	irdina anv ma	tter nertaining to this		
applicati I am the	ori. I nave attache authorized persor	ed a copy of proof of ownersh n to make this application and	nip (either copy of Owr. If the fee owner has al	ner's Duplicate Iso signed this	Certificate of Title, Abstract application.	of Title or purc	:hase agreement), or		
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D	Supporting D	ocuments Attached		Applicat	tion Filed:	3/18/2			
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-7	Ollen		3/15/2021		Cota M	3-15-2	1		
Signatu	re of Applicant		Date	Signatur	e of Fee Owner		Date		



SUBMITTED TO City of Foley 251 4th Ave. N PO Box 709 Foley, MN 56329



PREPARED BY Landform Professional Services, LLC 105 5th Ave S, Suite 513 Minneapolis, MN 55401

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Introduction

On behalf of McDonald's USA, LLC., Landform is pleased to submit this application for Conditional Use Permit approval to allow construction of a side-by-side restaurant at 139 MN-23 W, Foley, MN 56329. The site includes a developed parcel that is used by the existing McDonald's, Subway, Bloom Salon, and Liquor Store. Our plan includes reconstructing the drive through and adding additional signage. We are excited about the improvements proposed for this site.

Conditional Use Permit

We are requesting approval of a conditional use permit to allow the reconstruction of the drive through to add a side-by-side drive through. The expansion of the drive through will require additional signage. The landscape islands on the site will be relocated and expanded to accommodate the side-by-side drive through. No parking will be lost through the expansion of the drive through. The Zoning Ordinance requires the following conditions to be addressed when considering a conditional use permit.

1. Not a Burden on Public Facilities. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.

The additional of the side-by-side drive through will not cause a burden on the public facilities. The construction of the additional drive through lane will allow more room for vehicle stacking on site and reduce any risk of vehicles congestion on adjacent streets.

2. Compatible with Existing and Planned Adjacent Uses. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area.

The addition of the side-by-side drive through will not affect the orderly development of the area. The area is already largely developed and no adjoining lots are undeveloped aside from a pond to the north.

3. No Adverse Affect on Adjacent Properties. The structure and site will not have an appearance, traffic, noise odors, fumes, dust, vibration, light or emission levels or other features that will have an adverse effect upon adjacent properties for purposes already in use or permitted.

The addition of the side-by-side drive through will not affect adjacent properties. The additional drive through will allow McDonald's to serve customers more quickly and reduce customer time on site.

4. Related to the Needs of the City. The use is reasonably related to the overall needs of the City and to existing land uses.

The side-by-side drive through is directly related to the existing use and is an expansion of what currently exists. The addition will allow this existing business to grow.

5. Consistent with the Comprehensive Plan. The proposed use is in compliance with the Land Use Plan and other portion of the Comprehensive Plan adopted by the City.

The proposed use is in compliance with the Comprehensive Plan.

6. Not a Traffic Hazard. The use will not cause a traffic hazard or congestion.

The proposed side-by-side drive through will not increase traffic congestion and is likely to relieve congestion that exists by allowing more room for stacking on the site.

7. Adequate Parking and Loading. That maximum measures have been or will be taken to provide maximum off-street parking and loading space to serve the proposed use.

The proposed project will not affect the existing parking on the site.

8. Not detrimental to Health, Safety and Welfare. The proposed use will not be detrimental to the public health, safety, comfort and general welfare of the City.

The proposed addition is not detrimental to the public health, safety, comfort and general welfare of the City. The conditional use permit will allow this existing business to continue to successful operate in the City.

9. Floodplain. For property located in Floodplain districts, the criteria set out in the Floodplain Ordinance will be met.

The property is not in a floodplain.

Summary

We respectfully request approval of the Conditional Use Permit to allow construction of a side-by-side drive through for the McDonald's at 139 MN-23 W, Foley, MN 56329.

Contact Information

This document was prepared by:

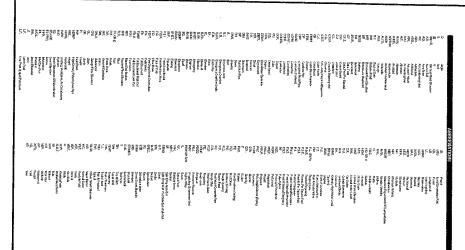
T.J. Hofer

Landform

105 South Fifth Avenue, Suite 513

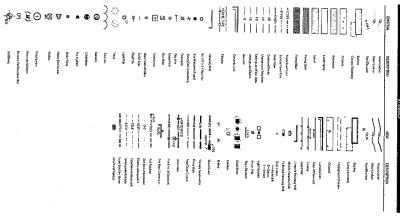
Minneapolis, MN 55401

Any additional questions regarding this application can be directed to T.J. Hofer at thofer@landform.net or 612.638.0247.





McDONALD'S USA, LLC



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FOLEY, MINNESOTA

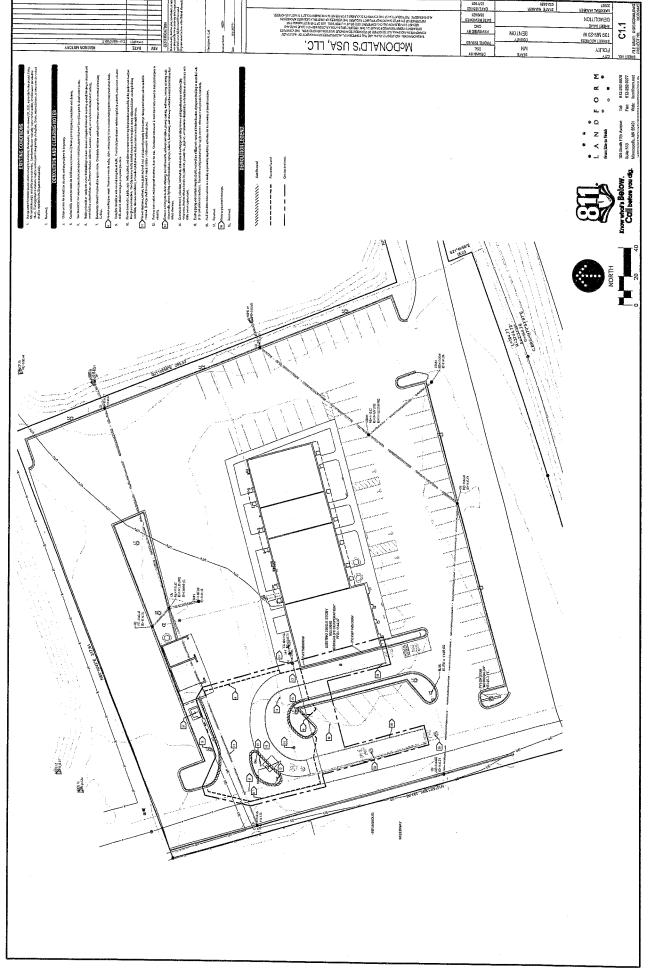
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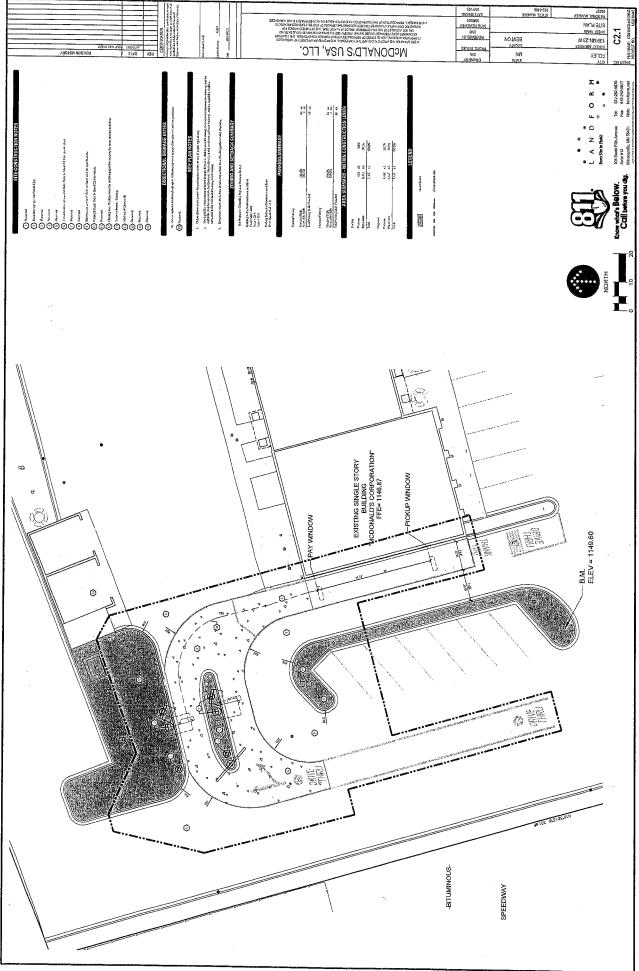
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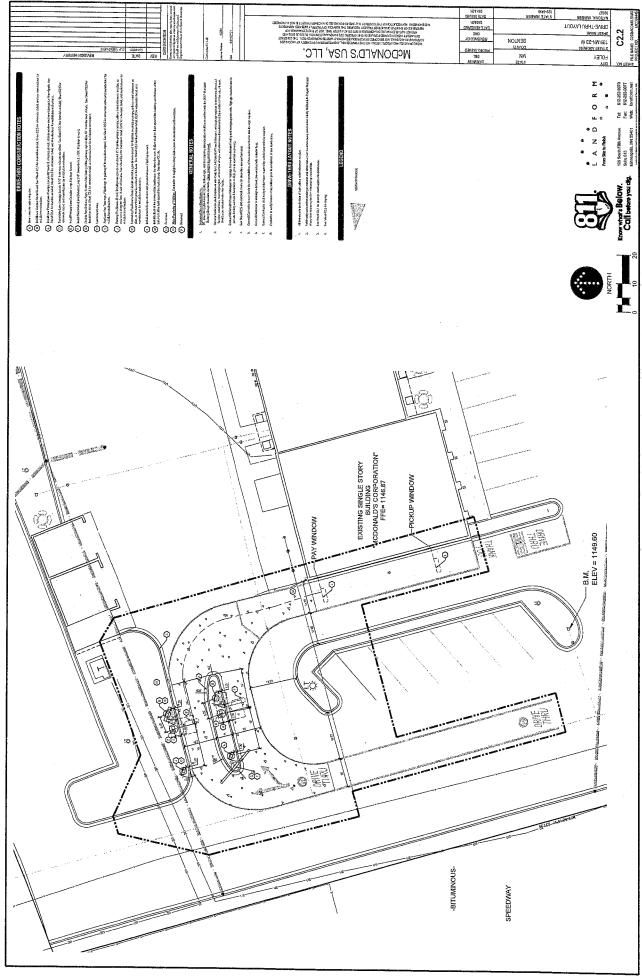
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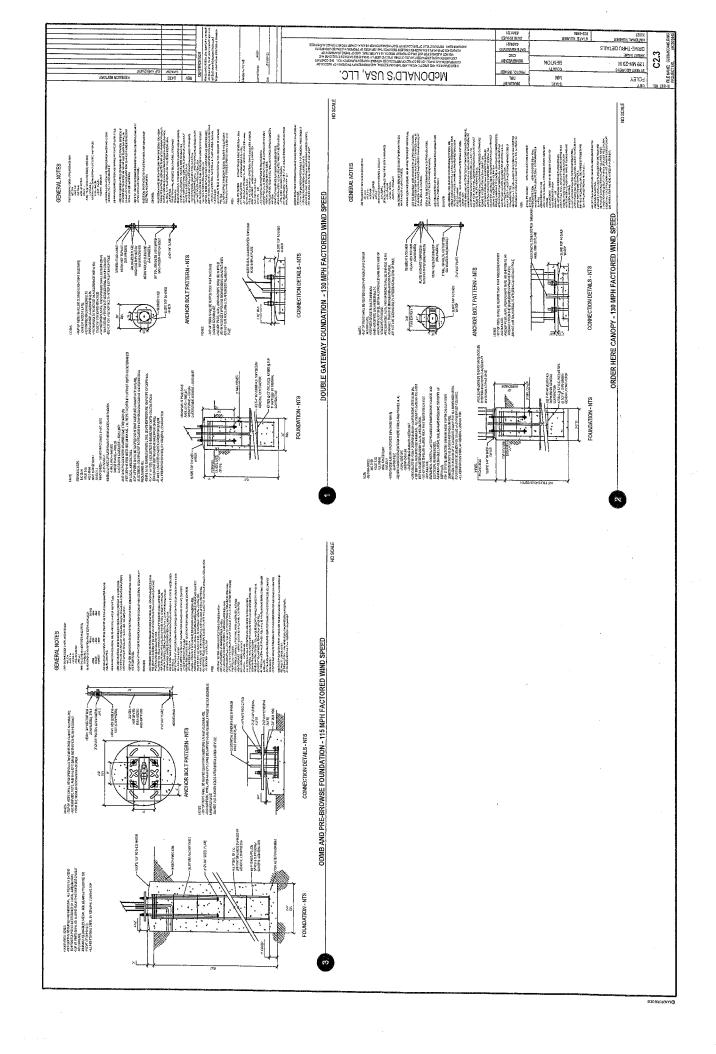
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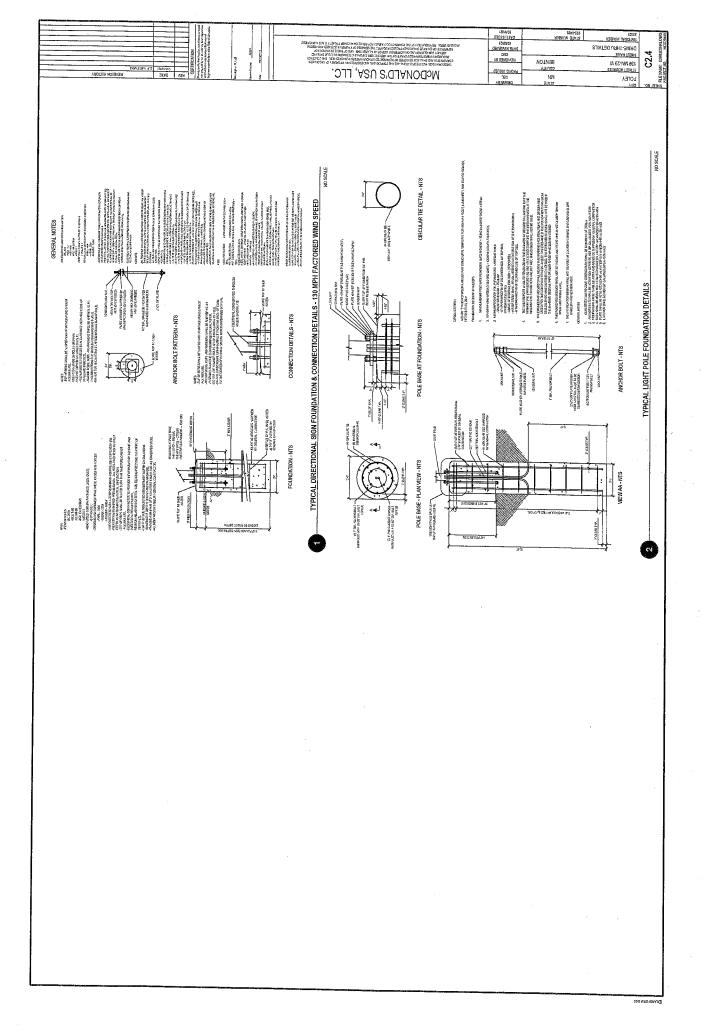
McDONALD'S USA, LLC.

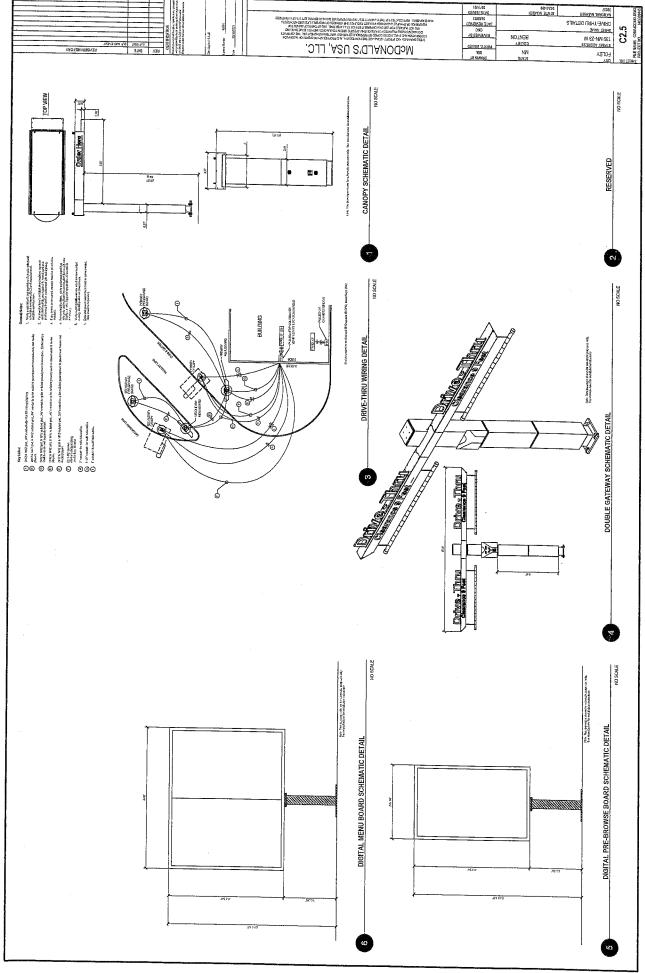


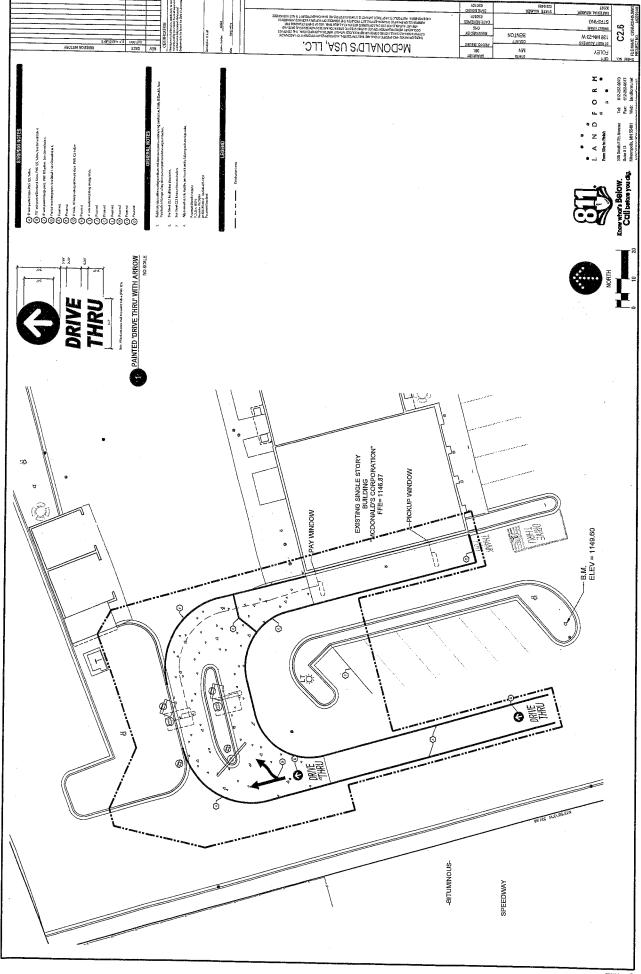


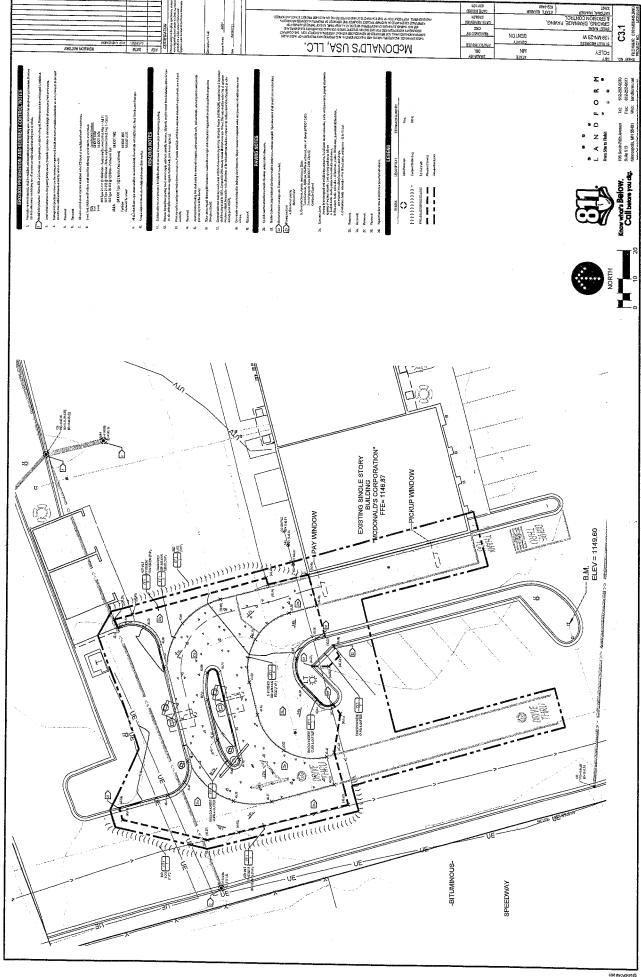


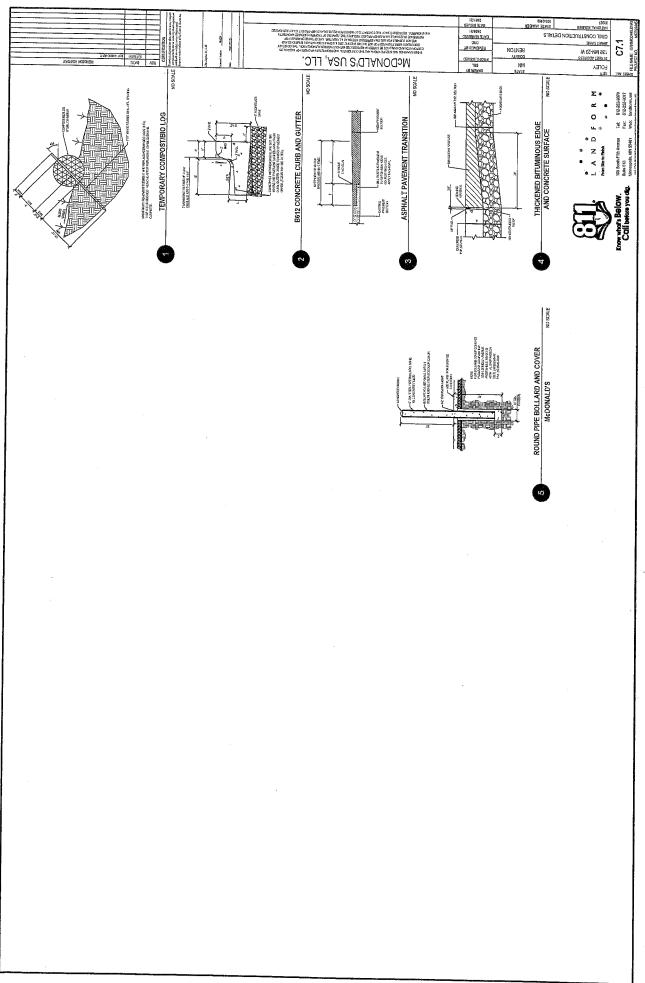












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death of the left of the grows the RESOLUTION 2006-18

A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION OF DAVID ROTHFORK AND KEYSTONE DESIGN BUILDERS, INC.

WHEREAS; an application was made by David Rothfork and Keystone Design Builders Inc., for a conditional use permit to construct and operate a drive in and drive through restaurant in a "B-2" Highway Business District and

921, 144, 146 WHEREAS, a notice of public hearing was given according to State law and the Foley Zoning Ordinance. Said notice was published at least once in the Official Newspaper, of the City of Foley, and was mailed to individual properties within 350 feet of the parcel included in the application; and

WHEREAS, a public hearing was held by the City Council on November 21, 2006 at 7:00 P.M., at which the possible adverse effects of the proposed conditional use and any additional requirements necessary to reduce any adverse effects were considered.

WHEREAS, after the City Council has found that:

and the state of the state of the state of the state of : 1). That a preliminary plat and final plat of the site must be submitted and approved by the City Council.

7 , 1

- 2) A sign permit must be issued for all signage planned for the parcel:
- The number and width of the parking stalls must be in compliance with the City Ordinance.
- To proved a major trought of the scholars of white of the contract of the contract of the . . . 4) Any, free standing signs shall be outside of existing roadway and utility easements,
 - 5) Stop signs shall be installed at exits onto the private frontage road.
 - The developer shall provide for a minimum of three parking stalls for larger vehicles.
 - 7) The development shall be in compliance with all City Ordinances.
 - That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
 - 9) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

a Langillanti

- 10) That adequate utilities, access roads, drainage and other necessary facilities will be provided.
- 11) That adequate measures will be taken to provide sufficient off street parking and loading spaces to serve the proposed use.
- 12) That adequate measures will be taken to prevent and/or control offensive in functions and vibrations so that none of those will constitute nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- 13) That proper facilities will be provided which would eliminate any traffic congestion or traffic hazard that might result from the proposed use.
- 14) That there has been demonstrated need for the proposed use.
- by the City of the compliance with all other land use plans adopted

Therefore, be it resolved that the City Council of Foley, makes the following

- is the live 1): That the findings and recommendations of the City Council are hereby adopted by the City.
 - 2) That a conditional use permit is granted to David Rothfork and Keystone Design Builders Inc., according to the application for the conditional use permit.
 - 3). That the property involved is legally described as follows:

west fire and 139 Highway 23 West, in the City of Foley.

4) That the conditional use permit is granted solely for the project described in the application for the permit, and that any variance by the developer from the project shall be approved by the City Council.

Considering which are and interest a policy of the articles of the entire of the considering of the constant of

Adopted by the City Council of Foley this 21st day of November 2006.

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Richard Zimmer, Clerk

From:

Mark Pappenfus

To:

Jon Halter; Adam Ripple; Sarah Brunn; Nancy Scott

Subject:

RE: 04313-0108 City of Foley: General Zoning Matters: CUP Amendment - McDonald"s Drive-Thru

Date:

Monday, March 22, 2021 1:04:41 PM

Attachments:

image001.png image002.png

I reviewed this with Jon and I also agree the utility location is noted and the location is acceptable to the sign locations. I have no other issues.

Thanks, Mark

Mark Pappenfus
City of Foley Public Works Director
320-290-9186

From: Jon Halter < jhalter@sehinc.com> Sent: Monday, March 22, 2021 12:50 PM

To: Adam Ripple <ARipple@rinkenoonan.com>; Sarah Brunn <sbrunn@ci.foley.mn.us>; Mark

Pappenfus <mpappenfus@ci.foley.mn.us>; Nancy Scott <nscott64@hotmail.com>

Subject: RE: 04313-0108 City of Foley: General Zoning Matters: CUP Amendment - McDonald's

Drive-Thru

Mark pointed out that they are showing the existing are shown on some of the sheets, and I just wasn't seeing it.

The utility issue is ok as they are not under the planned message boards...... so with that resolved, I have no further concerns

From: Adam Ripple < ARipple@rinkenoonan.com>

Sent: Monday, March 22, 2021 9:31 AM

To: Jon Halter < jhalter@sehinc.com >; Sarah Brunn < sbrunn@ci.foley.mn.us >; Mark Pappenfus

<mpappenfus@ci.folev.mn.us>; Nancy Scott <nscott64@hotmail.com>

Subject: RE: 04313-0108 City of Foley: General Zoning Matters: CUP Amendment - McDonald's

Drive-Thru

I agree with John's comments. Also, I cannot tell, based on their drawing, if the improvements are going to be fully located within their limited common element area. We need them to (1) demonstrate that the improvements are located within the limited common area or (2) attest that they have approval to extend improvements into the general common area.

Adam A. Ripple 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: Jon Halter < ihalter@sehinc.com > Sent: Thursday, March 18, 2021 1:54 PM

To: Sarah Brunn <<u>sbrunn@ci.foley.mn.us</u>>; Mark Pappenfus <<u>mpappenfus@ci.foley.mn.us</u>>; Adam

Ripple <<u>ARipple@rinkenoonan.com</u>>; Nancy Scott <<u>nscott64@hotmail.com</u>>

Subject: RE: CUP Amendment - McDonald's Drive-Thru

My only comment is that there is a sewer and water main running under the drive thru area.... They should show those utilities in there plans so that we can confirm that no physical structures (message boards) are on top of the sewer / water main easement. It looks like the message boards as shown will essentially be on top of the sewer and water, which would be an issue. The concern would be if / when maint is needed on the utilities that the message boards would need to be removed and reinstalled just to get access to repair the utilities. Depending on how close the message boards are to the sewer and water main, we may want to ask them to adjust their design.

Also of note, but non-issues

- No significant increase in impervious, and drainage patterns remain the same. So no issue there.
- Drive thru is already there, so no real impact on traffic

From: Sarah Brunn < sbrunn@ci.foley.mn.us > Sent: Thursday, March 18, 2021 11:35 AM

To: Mark Pappenfus < mpappenfus@ci.foley.mn.us>; Ripple, Adam < aripple@rinkenoonan.com>; Jon

Halter < ihalter@sehinc.com >; Nancy Scott < nscott64@hotmail.com >

Subject: CUP Amendment - McDonald's Drive-Thru

Good morning.

Attached is an application for an amendment to the CUP for the drive-thru at McDonald's. They are looking to install a 2-lane drive-thru. The council recently passed an amendment which excludes menu boards from the freestanding sign calculation. They are limited by a total of 32 square feet in size for each. If the updated ordinance isn't online yet it will be very soon.

The strip mall is also part of a common interest community but my understand is the drive-thru parcel is considered part of the McDonald's restaurant location.

Please review the materials and provide me any comments by April 2^{nd} . They will be placed on the April 12^{th} planning commission agenda.

Thanks.

Sarah A. Brunn City Administrator sbrunn@ci.foley.mn.us



City of Foley

251 4th Avenue North P.O. Box 709 Foley, MN 56329 <u>www.ci.foley.mn.us</u> 320-968-7260 Office 320-968-6325 Fax

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City of Foley

251 4th Avenue North • P.O. Box 709 Foley, Minnesota 56329 (320) 968-7260 • Fax (320) 968-6325

www.ci.foley.mn.us • email: contactus@ci.foley.mn.us

April 13, 2021

Dear Property Owner,

Enclosed you will find a Notice of Public Hearing scheduled for 5:30 p.m. on May 4, 2021 on the application of David Cheney and Carter Mann, McDonald's to obtain an amended conditional use permit for the addition of a second drive-thru land and menu board located at 139 Highway 23 W.

You are receiving the enclosed Notice of Public Hearing according to the City of Foley Zoning Ordinance, Section 22, whereby individual property owners within 350 feet of the property included in the request shall receive written notice of the public hearing's time, place and purpose for the opportunity to comment on the request.

If you have any questions concerning this notice, please contact the Foley City Hall, 968-7260. Thank you for your time in this matter.

Sincerely,

Sarah A. Brunn City Administrator

NOTICE OF PUBLIC HEARING ON A REQUEST TO AMEND A CONDITIONAL USE PERMIT

Notice is hereby given that on the 4th day of May, 2021 at 5:30pm or soon thereafter, at the Foley City Hall, in the City of Foley, pursuant to the City of Foley Zoning Ordinance Section 22, the City Council and the Planning Commission will hold a joint public hearing relating to the request of David Cheney and Carter Mann, McDonald's to amend a conditional use permit to construct an additional drive-thru lane and menu board for the property located at 139 Highway 23 W, Foley, MN 56329.

Anyone wishing to appear with reference to the above conditional use permit request will be heard as this meeting.

Sarah A. Brunn City Administrator

City of Foley Conditional Use Permit <u>Findings & Order</u>

Applicant Nam	
Date of Compl	lete Application: 3/15/21
Property Loca	ition: 139 Huy 23 W
Zoning of Pro	perty: 16-2
Type and Desc	19 dne thru land Cup fix dne thw - addition
The Foley Pla	anning Commission/City Council makes the following findings:
1.	Will the use create an excessive burden on existing parks, schools, streets and other public
	facilities and utilities, which serve or are proposed to serve the area?
	Yes □ No ⊠
	Describe why or why not: allows more Mm for Stacking-reduce Linguistion of adjacent roads
	If yes, are there any conditions or restrictions that could address this issue?
	Yes No No
	List the conditions or restrictions:
	List the conductions of restrictions.
2.	Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area? Yes No Describe why or why not: Aleady dueloped - No language and planned uses in the area? What
	If yes, are there any conditions or restrictions that could address this issue?
	Yes □ No □
	List the conditions or restrictions:
3.	Will the use have an adverse effect on adjacent properties because of its appearance, traffic, noise, odors, fumes, dust, vibration, light levels, emission levels, or other features? Yes No Describe why or why not: NO MAY OXCOPT VOLUM CUSTOMER TIME Sto
	If yes, are there any conditions or restrictions that could address this issue?
*	Yes □ No □
	List the conditions or restrictions:

If no, are List the co	e there es conditions propose	any co	No ndition No rictions:	a traffic hazard or congestions?
If no, are List the co	e there es enditions propos es	any co	ondition No rictions:	ns or restrictions that could address this issue?
Will the p	es propos es why or v	or restr	No rictions:	
Will the p	propos /es	s or restr	cause	
Will the p	oropos 'es	ed use	cause	
Describe v	es why or v			a traffic hazard or congestions?
Describe v	es why or v			
<u> </u>	why or v			Æ
If yes, ar	<u> </u>	vhy not:	No	increase in congestion - likely to door
) e there	any c	onditio	ns or restrictions that could address this issue?
	'es		No	
List the co	nditions	or restr	ictions: .	
serve the				en taken to provide sufficient off-street parking and loading space
	es	is.	No	
Describe v	why or w	/hy not:		change to existing parking on site
If no, are	there	anv co	ndition	s or restrictions that could address this issue?
	es		No	
List the co	nditions	or restr		

	If yes, are there any conditions or restrictions that could address this issue? Yes No If yes, list the conditions or restrictions:
9.	If the property is located in a Floodplain District, have the criteria set out in the Floodplain Ordinance been met? Yes No Explain:
*	Facts supporting the answer to each question above are hereby certified to be the Findings.
	THE FOLEY PLANNING COMMISSION RECOMMENDS THE CONDITIONAL USE: Approved □ Not Approved □
	Subject to the conditions above and the following conditions and restrictions:
	1. With confirmation of CIC common over ability to construct within
	2
	3.
	4.
<u>Ц-</u> <u>Э</u> - <u>Э</u>	Chair, Foley Planning Commission
	THE FOLEY CITY COUNCIL DETERMINES THE CONDITIONAL USE: Approved □ Not Approved □
	Hearing: Time:
	to Conditions and Restrictions as Attached: Yes □ No □
Date	Mayor

CITY OF FOLEY COUNTY OF BENTON STATE OF MINNESOTA

RESOLUTION 2021-11

A RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION OF DAVID CHENEY AND CARTER MANN

WHEREAS, an application was made by David Cheney and Carter Mann, for a conditional use permit to construct and operate a second drive in and drive through lane and menu board for the McDonald's restaurant in a "B-2" Highway Business District and

WHEREAS, a notice of public hearing was given according to State law and the Foley Zoning Ordinance. Said notice was published at least once in the Official Newspaper, of the City of Foley, and was mailed to individual properties within 350 feet of the parcel included in the application; and

WHEREAS, a public hearing was held by the City Council on May 4, 2021, at 5:30 P.M, at which the possible adverse effects of the proposed conditional use and any additional requirements necessary to reduce any adverse effects were considered.

WHEREAS, after the City Council has found that:

- 1) That a preliminary plat and final plat of the site we previously submitted and approved by the City Council.
- 2) A sign permit must be issued for all signage planned for the parcel.
- 3) The number and width of the parking stalls must be in compliance with the City Ordinance.
- 4) Any free standing signs shall be outside of existing roadway and utility easements,
- 5) Stop signs are required at exits onto the private frontage road.
- 6) The developer shall provide for a minimum of three parking stalls for larger vehicles.
- 7) The development shall be in compliance with all City Ordinances.
- 8) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
- 9) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

- 10) That adequate utilities, access roads, drainage and other necessary facilities will continue to be provided.
- 11) That adequate measures will be taken to provide sufficient off street parking and loading spaces to serve the proposed use.
- 12) That adequate measures will be taken to prevent and/or control offensive fumes, dust, noises and vibrations so that none of those will constitute nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- 13) That proper facilities will be provided which would eliminate any traffic congestion or traffic hazard that might result from the proposed use.
- 14) That there has been demonstrated need for the proposed use.
- 15) That the proposed use is in compliance with all other land use plans adopted by the City.

Therefore, be it resolved that the City Council of Foley, makes the following findings:

- 1) That the findings and recommendations of the City Council are hereby adopted by the City.
- 2) That a conditional use permit is granted to David Cheney and Carter Mann, according to the application for the conditional use permit, but only after confirming authorization to install in the common area of the common interest community plat.
- 3). That the property involved is legally described as follows:

139 Highway 23 West, in the City of Foley.

4) That the conditional use permit is granted solely for the project described in the application for the permit, and that any variance by the developer from the project shall be approved by the City Council.

Adopted by the City Council of Foley this 4th day of May 2021.

A TEXTUS COTO	Gerard Bettendorf, Mayor	
ATTEST:	•	
Sarah Brunn, City Administrator		

From:

Jon Halter

To:

Mark Pappenfus; Sarah Brunn

Cc:

Jarod Griffith

Subject: Date: Update on Sidewalk by Police Garage Wednesday, April 28, 2021 3:04:04 PM

Sarah / Mark-

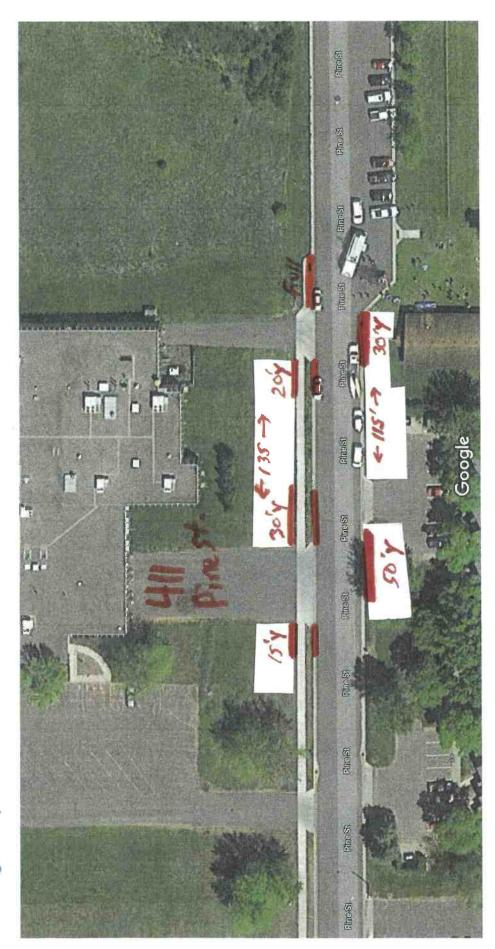
Not sure if you want to provide an update on this to the council next week, in case you do, here is a brief summary.

City Staff, SEH, and the contractors met recently to review the current issues and come up with a plan to remedy.

- The issue is pretty clearly a freeze / thaw issue due to poor subgrade soils that are in place below the concrete and gravel section that was constructed as a part of the project.
- The solution discussed is for the concrete area in front of the police doors, a small section at the north end of the alley, and a portion of the John Street Pavement to be replaced. Since the issue is with the subgrade soils, the plan this time will be replace the subgrade soils to an approximate depth of 5' below finished grade, which is below the typical frost depths.
- The contractors and SEH would cover the costs to remove and replace the work that was completed with the original project.
- The city would cover the cost for the "additional" work which is the extra sub cut and backfill with soil that is not frost susceptible. The thought here is that this would have been a project cost if this work would have done originally.
- The contractor plans to complete this work in the middle of the summer to be able to complete this work during dry weather conditions.

Thanks

Jon M. Halter, PE (MN)
Principal, Senior Engineer II
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



Imagery ©2021 Maxar Technologies, Map data ©2021 20 ft

OTHER POSTS



City of Foley, Minnesota

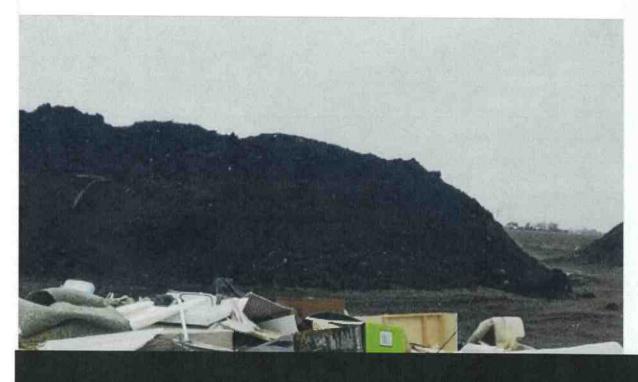
Published by Foley City-Hall 2 · 10m · S

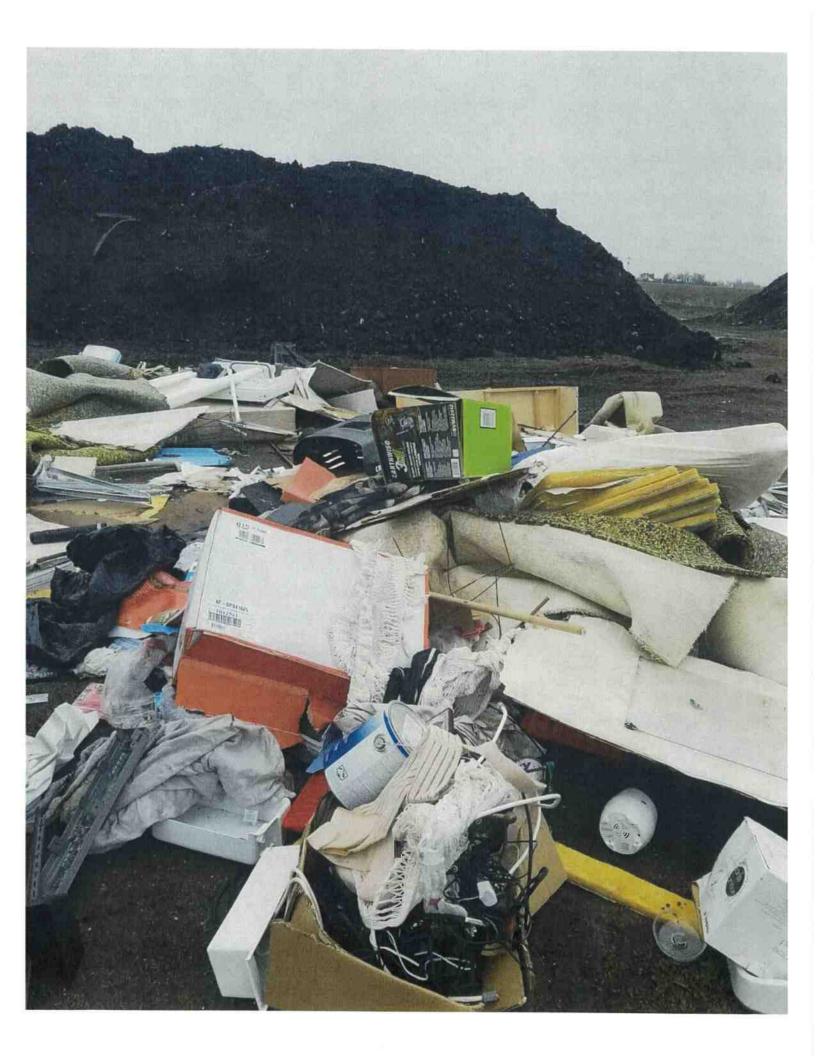
Attention, Foley Friends. A lot of people have called City Hall to ask why the compost site is closed. The picture below explains why.

The compost site is for compostable materials only. It's not a dump. Public Works has to take time to clean up what other people leave behind.

If you know who did this or have any information, please contact the Foley Police Department at 320-968-0800.

We're sorry for the inconvenience. We're sorry that the actions of one person (or several people) have caused us to temporarily close the compost site. At this time, we're not sure when Public Works will be able to reopen the site.







Minnesota Department of Public Safety Alcohol and Gambling Enforcement Division 445 Minnesota Street, Suite 1600, St. Paul, MN 55101 651-201-7507 Fax 651-297-5259 TTY 651-282-6555

APPLICATION AND PERMIT FOR A 1 DAY TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE

Name of organization		Date organiz	ed	Tax exemi	ot number
FOLEY LIONS		1950			
Address	City		State		Zip Code
P.O. Box 13	FOL	Ey	MN		56329
Name of person making application		Business pho	one	Home ph	•
RON ZIMMER			·	1 (************************************	980 1500
Date(s) of event	Type of org	anization 🔲	Microdistille		all Brewer
6/21/21 - 6/23/21		 Charitable		-	
Organization officer's name	City		State		Zip Code
Leo Smitz	FOL	£.Y	MN		56329
Organization officer's name	City		State		Zip Code
		······································	MN		
Organization officer's name	City		State		Zip Code
		**************************************	MN		
Approx. 400 Devey 5t. If the applicant will contract for intoxicating liquor service give the If the applicant will carry liquor liability insurance please provide the MJ4A 50,000		/ Idress of the li			he service.
APP APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE	ROVAL ORE SUBMITTIN	G TO ALCOHOL A	ND GAMBLING F	ENFORCEMENT	
City or County approving the license		and the second s	Date App	roved	
Fee Amount			Permit [Date	
Date Fee Paid		City	or County E-	mail Addre	SS
		City	or County Ph	one Numb	er
Signature City Clerk or County Official CLERKS NOTICE: Submit this form to Alcohol and 6		rint Name of C			

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO <u>AGE.TEMPORARYAPPLICATION@STATE.MN.US</u>

LIQUOR LIABILITY

MINNESOTA JOINT UNDERWRITING ASSOCIATION

CERTIFICATE OF INSURANCE

12400 PORTLAND AVE S, STE 190 BURNSVILLE, MN 55337

Page 1

This certificate of insurance is issued as a matter of information only and confers no rights upon the Certificate Holder. This certificate does not amend, extend or alter the coverage afforded by the policy listed below.

Policy Number:

L210039

Policy Period: FROM 6/21/2021 TO 6/24/2021

12:01 AM Standard Time

INSURED:

FOLEY LIONS CLUB

PO BOX 13

FOLEY MN 56329

AGENT:

6843

THE INSURANCE SHOPPE

415 DEWEY ST.

FOLEY MN 56329

PHONE: 320/968-6217

1

THE MJUA IS PROHIBITED BY STATUTE FROM PROVIDING PRODUCTS AND COMPLETED OPERATIONS COVERAGE NEW POLICY

LIQUOR LIABILITY

This is an audited policy and premium adjustments are made at the end of the policy period.

This is to certify that the Policy described herein has been issued to the Insured named above and is in force at this time. Notwithstanding any requirement, term or condition of any Policy or other document with respect to which this certificate may be issued or may pertain, the coverage afforded by the Policy described herein is subject to all terms, exclusions and conditions of such Policy.

The Described Location(s) covered by this policy are as follows:

400 DEWEY ST. SOUTH SIDE OF DEWEY ST.

Dodasatible Terrent store

COVERAGE

LIMIT

Dodd I T. J.		
. Bodily Injury	(Each Person)	\$50,000
	(Each Occurrence)	\$100,000
Property Damage	(Each Occurrence)	\$10,000
Loss of Means of Support	(Each Person)	\$50,000
	(Each Occurrence)	\$100,000
Pecuniary Loss	(Each Person)	\$50,000
	(Each Occurrence)	\$100,000
Annual Aggregate	•	\$310,000
Per Claimant		NONE

Business Description: SPECIAL EVENT - SHORT TERM, LIQUOR LIQUOR LIABILITY

Certificate Holder:

CITY OF FOLEY PO BOX 709 FOLEY MN 56329

Should the above policy be cancelled before the expiration date thereof, the Association will endeavor to mail 60 days written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the Association. In the event the cancellation is for non payment of premium, the Association will mail a 10 day written notice

4/26/21

any Hordon OUR EXECUTIVE DIRECTOR

COUNTERSIGNATURE DATE

OUR AUTHORIZED REPRESENTATIVE * CERTIFICATE HOLDER *

TO:

FOLEY CITY COUNCIL

FROM:

SARAH BRUNN, CITY ADMINISTRATOR

SUBJECT:

05-04-21 -COUNCIL MEETING

DATE:

APRIL 30, 2021

Consent Agenda

We did have a part-time officer choose to resign. Chief McMillin can provide you a better update on how we look with part-time officers during her report. We also will be finalizing arrangements for the interim chief in the next month.

There is an agreement in your packet for the engineering for the utility work on Highway 23. This has been discussed with the council prior about incorporating the work into the larger MnDOT roadway plan.

Public Hearing - Annexation Petition

The council and township are being asked to formally approve this annexation request. Once approved I will file with the state, pay the township taxes, and collect the trunk/connection fees from the homeowner prior to a sewer connection being made.

Public Hearing - CUP Amendment for McDonald's

The planning commission has approved moving forward with an amendment to the CUP for McDonald's. This would add a second drive-thru lane and menu board. The conditions of approval being recommended are included in the resolution along with the full application and staff comments.

Police Garage Sidewalk

City Engineer Jon Halter has provided the council with an email on the meeting that was held with the contractors and city regarding the issues of these improvements which were constructed during the city hall alley project. He will provide more information at the council meeting.

Hatchery/Pine Street Parking

A map is included in your packet on proposed striping additions near the hatchery located on Pine Street. The owners have requested us to consider these improvements to help with issues their drivers are experiencing coming in and out of the facility. Staff can provide more detail at the meeting.

Compost Site

We continue to have problems with people dumping garbage and junk at the compost site. We have started to limit the hours and police are currently investigating the latest issue. Pictures are included in your packet.

Pool Update

We are working on finalizing the pool open swim and lesson schedule. Opening will be June 9.

Seasonal Pay Rates

We are having some difficulty with hiring due to the limited number of people looking for jobs and other wage rates in the area. Staff is recommending we increase the wage rates to \$11 starting for

lifeguards and seasonal public works and \$12.00 starting for swim instructors. We find this necessary in order to fill the positions. If the council has any concerns with this please let me know. I will also bring it up at the council meeting on Tuesday.

Lion's Club Liquor License

The lion's club needs to change their fun days liquor license to a temporary on-sale rather than a 3.2 beer because of limited availability of 3.2 beer. I have included the application in your packet. I want to run this by the council early to address any concerns because the state requires a on-sale be certified to them at least 30 days in advance. We will run this approval with the other liquor licenses in June but I need to give the state a heads up prior to that date and want to be certain there are no other council concerns.

Update on Joint Planning Board

We will hold our first joint planning board meeting on May 4th @ 7:00pm at Gilmanton Town Hall. We need to discuss a couple ordinances items and give the board a heads up on two in-progress applications. We will report back to the council on the activities of the board.

Update on Highway 23 Project

Staff did meet with Foley Schools on the storm sewer relocation item but has yet to year back from them. I don't anticipate we will until they discuss with their board.

Discussion on PID 020049300& PID 020050000

Staff will update the council on recent discussions with the property owner.

Upcoming Reminders:

May 4, 2021 - Joint Planning Board - 7pm - Gilmanton Town Hall

May 10, 2021 - Planning Commission Meeting

June 1, 2021 - Council Meeting

June 1, 2021 - Joint Planning Board - 6:30pm - Gilmanton Town Hall