

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 be 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

Jarrold 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 as 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 by Gondeck, to adjourn the meeting.
Motion carried, unanimous.

Meeting adjourned at 6:57 p.m.

Sarah A Brunn

Sarah A. Brunn, Administrator