



**City Council – Meeting Agenda
May 17, 2021 – 2:30 P.M. – Foley City Hall**

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.

4. Ordinance #456 – Correcting Ordinance #455 Permitting Annexation by Ordinance.
 - This change is to correct an error from an annexation that occurred in 2000 that was discovered by the State of MN when we filed Ordinance #455.

5. Discussion on fiber project.

6. Discussion on purchase of PID 020049300 & PID 020050000 & PID 020051211
 - Close the meeting per Minn. Stat. 13D.05 Subd. 3(c) 13D.05 – discussion on potential land price of PID 020049300 & PID 020050000.

7. Other Business

8. Adjourn

**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA**

ORDINANCE NUMBER 456

**AN ORDINANCE CORRECTING ORDINANCE NUMBER 455 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.

Except that portion of Trunk Highway 25 and less any portion of the Property already located within the municipal limits of the City of Foley.

(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, filed with Municipal Boundary Adjustment in the Office of Administrative Hearings, and assigned docket number A-8335 ; and

WHEREAS, the description of the Property has since been determined to include a small portion of land already within the municipal limits of the City of Foley;

WHEREAS, the description of the Property to be annexed into the City of Foley should be 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 Southeast Quarter (SW ¼ SE ¼) in Section Thirty-five (35), Township Thirty-seven (37), Range Twenty-nine (29), Benton County, Minnesota.

Except that portion of Trunk Highway 25 and less any portion of the Property already located within the municipal limits of the City of Foley.

(the “Corrected Property”); and

WHEREAS, all other recitals and findings adopted by the Foley City Council in Ordinance 455 remain accurate.

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

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

2. None of the Corrected 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 Corrected Property, said land abutting the City of Foley. 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 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.

5. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota, this 17th day of May, 2021.

Gerard L. Bettendorf, Mayor

ATTEST:

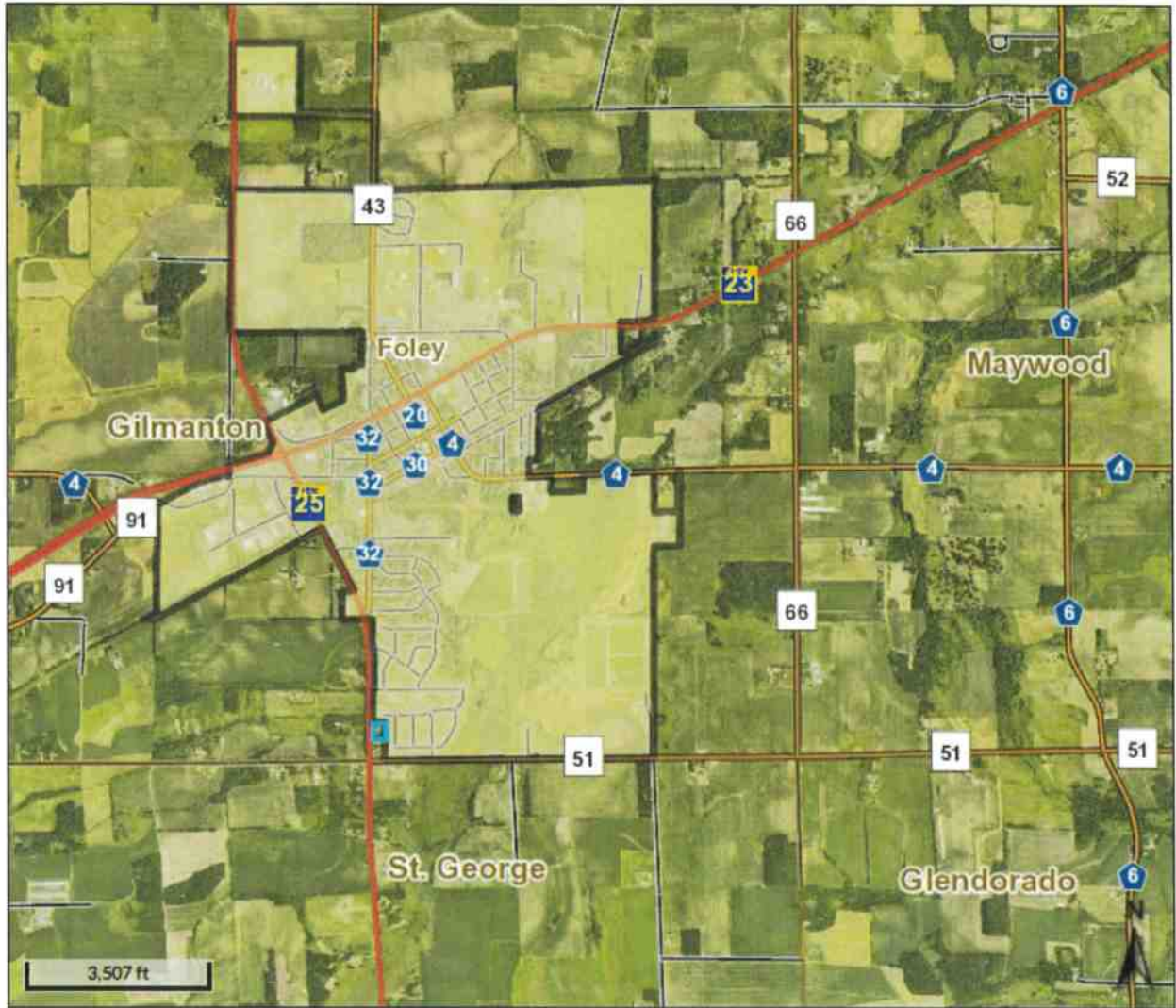
Sarah A. Brunn, City Administrator

(City Seal)

EXHIBIT A

(Map of Property to be annexed)





TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 05-17-21 –COUNCIL MEETING
DATE: MAY 14, 2021

Forcemain/Fiber Project

We need the council to discuss a potential change in the wastewater forcemain plans to include an armored fiber run that would potentially be owned by Benton County. At the early stages of the wastewater project, we discussed and the council supported, including fiber in the plans. Since we were not able to get a financial commitment from the county or school, we continued to press on with the city owning the conduit for the fiber. We also developed a relationship working with a provider that already had fiber almost halfway down the route as an additional way to save costs on the infrastructure.

There has been a change in elected officials at the county board level. There is also the potential for significant federal funding to become available so the county has now indicated an interest in becoming involved, as an owner.

I want to remind the council that our plans were due to the state the end of March. Any changes at this point would be an additional cost and are causing significant work on the staff end. I'm working with our engineer on some cost estimates to provide you at the meeting on Monday. With that being said, staff does recognize the value of expanding fiber into the community of Foley and broader Benton County.

The council needs to discuss if they are willing to authorize an amendment to the plans and the costs associated with that. Right now, Benton County has not officially committed to any dollar of participation but needs our plans and easements to move ahead. We own these plans and will own the easements. The second question becomes what role the City plays in the future of this project? If we move ahead, we need to determine our cost participation and what we would expect from the county in the future as far as financial compensation. Staff would recommend this look like free services to our facilities and a portion of profits made by the utility owned by the county. Staff would also recommend we get a timeline on the buildout of our own city limits.

I will be inviting the county to attend our meeting if they so choose. We would then update the county board on Tuesday morning on what was discussed. I also want to add that this is a time-sensitive issue in order to maintain our timeline of bidding this project late summer.