

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – May 17, 2021

The Foley City Council held a special meeting on May 17, 2021, at 2:30 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 Gondeck, seconded by Swanson, to approve the agenda. Motion carried, unanimous.

Ordinance #456 – Correcting Ordinance #455 Permitting Annexation by Ordinance

Sarah Brunn gave an overview that the change is to correct an error from an annexation that occurred in 2000 that was discovered by the State of Minnesota when the city filed Ordinance #455.

Motion by Gondeck, seconded by Musachio, to approve Ordinance #456.

Motion carried, unanimous.

Discussion of Fiber Project

Brunn gave an overview of the fiber project that is running concurrently with the wastewater project so the same trench can be used for both projects. Brunn explained that to date plans were submitted to the state for the wastewater project and staff had been working with Arvig as a possible contractor for the fiber portion. No financial commitment at this time and no partnership has been confirmed.

Benton County has now expressed an interest in the fiber project, but their needs would require that the city change the wastewater plans (already submitted to the state) and would cost the city \$35,000 to change/resubmit the plans. The city has spent to date a total of \$451,000 on the wastewater project plan.

Brunn went on to explain that there is value in bringing fiber to the county, but the county has not yet officially committed funding for the project. The County Board will meet tomorrow. State funding is possibly available. It would still cost the city \$35,000 to change the plans. It would also require separate permitting from the county and state. Staff needs direction from the council on how to proceed.

Discussion followed. If the council agreed to let Benton County own the fiber, the plans would need to be altered. The county would also need access to the city's construction plans. The county has not yet committed any funds to the project, but are meeting tomorrow to discuss it. Originally, the city planned to own the fiber to ensure that city businesses and residents would benefit from the project.

Bettendorf stated that if the county wanted to take ownership then they should pay the \$35,000 to redo the plans, but the city still needed to benefit since we did all the groundwork on it. If we need to pay extra, the county should throw in on that.

Swanson agreed stating that the county should also reimburse the city for the \$10,000 the city had already invested in the fiber project.

Discussion followed. Several council members expressed concerns on the timeline if the plans had to be resubmitted along with time required by staff.

County Administrator Montgomery Headley and County Board member Scott Johnson both addressed the council and reassured them that the county would make sure the city's businesses and residents would benefit from the fiber.

Discussion followed. Brunn reminded the council that a formal agreement would be required and that staff was already talking with the city attorney. The county will need to use six easements the city is purchasing. The agreement will specify the easements will be used for the wastewater and fiber projects. The county would need to apply for permits to use the right-of-way.

Brunn reminded the council that there are several other issues that would need to be addressed with the county even if the county agrees to the fees to resubmit the wastewater plan. Brunn asked the council if the council would consider moving forward if the county agreed to paying \$35,000 for the change in the plans and an additional \$10,000 to reimburse the city for what we'd already spent. The other issues would need to be addressed with the county at a future date.

Gondeck and other councilmembers expressed an interest in working with the county and having a written formal agreement.

Motion by Bettendorf, seconded by Musachio, to ask the county to pay \$45,000 and pursue a written formal agreement with the county to address future issues.

Discussion followed.

Motion carried, unanimous.

Discussion on purchase of PID 020049300 & PID 020050000.

At 3:12 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 3:17 p.m. the meeting reconvened. The public was invited back into the chambers.

Other Business

Brunn gave an update on the Land Use Survey, directing the council to their packets.

Brunn also discussed the governor's recent order to lift the state-wide mask mandate and how the council would like staff to proceed. The council directed staff to continue to social distance and quarantine (10 days) as needed for unvaccinated staff, but masks would not be required. Staff is encouraged to use individual responsibility when determining mask use. Staff is required to follow masking policy of private businesses when representing the city. Staff is able to resume riding in the same vehicles for short trips without wearing masks.

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

Motion carried, unanimous.

Meeting adjourned at 3:29 p.m.

Sarah A. Brunn

Sarah A. Brunn, Administrator