

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – May 4, 2021

The Foley City Council held a regular meeting on May 4, 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 Musachio, to approve the consent agenda, which includes the following:

- Approve minutes of April 6, 2021.
- Accept resignation of police officer, Tom Pitzen.
- Approve Hwy 23 Utility Work – Design Services.
- Adopt Resolution #2021-12 Accepting Compost Donation.
- Approve payment of bills.

Gondeck spoke of his reluctance to approve Officer Pitzen's resignation, but understood the reasons for doing so. Officer Pitzen has served with honor and distinction and it is a loss but I understand why.

Motion carried, unanimous.

Public Hearing – Annexation Petition

At 5:32 p.m., Mayor Bettendorf recessed the regular meeting for the public hearing on the adoption of Ordinance #455 Annexation of Property. Musachio asked questions regarding the terms of the annexation, especially regarding the city offering seven years of property taxes to Gilmanton Township for the property. The state does not require the city to give seven years of property taxes after annexation. Discussion followed.

City Administrator Sarah Brunn explained that by offering the township seven years it was consistent with the properties in the Orderly Annexation area. The state requires the city offer at least two years and no more than seven. Musachio stressed that she was opposed to offering more than the two years of property taxes required by the state.

Mike Saylor, 6818 Hwy 25, addressed the council as the owner of the property. He expressed his desire to move forward with the annexation regardless of what the council decided on the property tax question so they could be receive city sewer service. Brunn explained that the council's decision on the property tax question would not affect what he as the owner would pay, it is a just an item of negotiation on reimbursement between the City and Gilmanton Township. Discussion followed.

Mayor Bettendorf reconvened the regular council meeting at 5:41 p.m. Motion by Gondeck, seconded to Swanson, to adopt Ordinance #455 Annexation of Property. Motion carried.

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

Motion carried.

Public Hearing – Conditional Use Permit for McDonald’s Drive-Thru Addition

At 5:42 p.m., Bettendorf recessed the regular council meeting for the public hearing on the adoption of Resolution #2021-11 Amending CUP.

Todd Meyer, Landform Professional Services, spoke on behalf of McDonald’s. He thanked the council for their consideration of allowing the second drive-thru and was open to questions. Discussion followed. Swanson commented that it didn’t sound like any utilities would need to be moved to accommodate the drive-thru. Gondeck said that the Planning Commission looked at the application and didn’t see any issues.

At 5:44 p.m, Bettendorf reconvened the regular city council meeting. Motion by Swanson, seconded by Musachio, to adopt Resolution #2021-11.

Motion carried, unanimous.

Mayor’s Comments & Open Forum

No one spoke.

Department Reports

Police Department

Police Chief Katie McMillin gave an overview to the council on the April calls for service report. April calls were higher than last year’s during the same time period with 293 calls. Medical calls, harassment, and animal complaints were up. No TZD hours were done for April given that the state put the project on pause last month.

McMillin also gave the council an overview on some other things coming up. She is doing final touches for the bike rodeo at Lion’s Park on June 19. The program is for children 10-years-old and under. The department’s new hire, Officer Russell Lipinski, started today. He will be riding with other officers for during his training. Park cameras have been activated. McMillin also let the council know that two officers on staff are being backgrounded by other agencies.

There were 21 calls for ordinance violations in April – fewer calls than March. The department is staying proactive on parking violations as the council requested. McMillin said she had received a lot of push back from residents, but that the majority were in compliance.

Discussion followed. Gondeck asked about the state of the part-time list. Might be wise to add to the list. McMillin said the job posting would need to be posted again whenever the council was ready. The council agreed to move forward with the posting in the near future.

Sarah Moulzolf, 238 Elm Drive, asked to address the council and stated that she felt that sending parking violation letters to residents was a waste of the police department's time and that the parking ordinance should be reconsidered.

City Engineer

Jon Halter from SEH gave a brief update to the council regarding the repairs to the sidewalk in front of the police department. The heaving of the sidewalk has been caused by an ongoing freeze and thaw issue. Halter recommended replacing 8 – 10 feet of sidewalk and replace the clay underneath with sand. Total project was estimated at \$10,000. City's cost was estimated to be \$2,000 - \$3,000. Project would take about a week and would occur over the summer. Discussion followed.

Public Works and Fire Department

Public Works Director Mark Pappenfus gave an overview to the council regarding the parking issue on Pine Street with the increase in traffic coming into the hatchery. The frequency of the deliveries and the increase in the size of the trucks were causing an issue with parking. He spoke to the manager and recommended that Public Works paint yellow curb by each driveway. There will still be parking available for everyone. The map of the area is in the council packet. Discussion followed. The painted curb area would cover 115 feet total and would be done as part of the yearly yellow painting. Public Works would also notify the nearby apartment residents.

Pappenfus also gave an update on the compost site. Officer Lindgren is following up on leads on who dumped the garbage at the site. Pappenfus suggested limiting the compost site's open hours to Tuesday, Thursday, and Saturday's to 10:00 a.m. to 6:00 p.m. The council agreed. Discussion followed. Gondeck expressed that he would like to pursue charges against the person who did the illegal dumping.

Pappenfus gave an overview to the council regarding the owners at 301 Murphy Street. The owners completed a sewer project last fall and need to redo their sidewalk. In two years, the city is due to redo the street and sidewalk which would tear out all existing sidewalks. The owners have asked to use hot crushed asphalt for the sidewalk repair as a temporary measure knowing that the sidewalk will be torn up and replaced in two years. The council agreed.

Pappenfus updated the council on the pool. The maintenance on the coping is scheduled for the week of May 24. Staff is still planning for a June 9 tentative open date for the pool. Public Works has also hired one seasonal, part-time worker with two more hires possible. Discussion followed.

Pappenfus asked the council with the return of Foley Fun Days if the council was okay with the Fire Department continuing the tradition of the Water Ball fight. The council was okay with the department using city equipment. Pappenfus said the department was busy last month with 34 calls.

Administrative

Sarah Brunn gave an overview to the council regarding the pool and the seasonal employee pay raise. We usually pay minimum water – currently \$10.08 – but it's becoming harder to compete with other businesses and attract applicants. Staff recommended to the council that we raise the minimum pay to \$11 with swimming teachers receiving \$1 more. Returning employees would get an additional .50 per hour. Council agreed.

Brunn explained some changes to the Lion's Club liquor license for Foley Fun Days. The liquor licenses will be approved during the June meeting but she wanted to draw the council's attention to the Lion's application. The license was switched from a 3.2 beer to a full temporary on-sale license because the state no longer offers a 3.2 beer license. The state must certify so staff was presenting this to the council now to make sure there are no issues and it can be presented. Does the council have any concerns? Discussion followed. Brosh asked if that meant they could sell anything in a can but no glass. Brunn explained the city authorizes the license but it is certified by the state. The city can say no glass. No concerns from the council. The Lion's license will be included with the other licenses for approval during the June meeting.

Brunn also reminded the council the Joint Planning Board meeting with Gilmanton Township is scheduled for that night. The agenda included a lot of organizational items and applications currently in review. Staff is getting inquiries and will keep the council updated. The Joint Planning Board will only meet as needed. Staff is working on developing a web page on the city's webpage to help people find more information.

Brunn updated the council on several other items. Audit went well and staff expects to see a report by June 1. Planning is moving forward with Foley Fun Days. People are excited. Musachio asked when Public Works would be opening the park bathrooms. Pappenfus said they would be opened as soon as the weather stayed above freezing. The new playground equipment would hopefully be assembled in May.

Old Business

Brunn gave an update on the wastewater project. The State Historical Preservation Office (SHPO) investigated four areas of archeological concern and did not find anything. Staff expected to see final determination from SHPO in 30 days. Brunn reminded the council this was a requirement in order to receive state funding. This added another \$10,000.00 to the project costs. Staff expects to open the project for bids in late August. Plans are getting very close to final with another meeting tomorrow. Staff talked to the project engineer and he was confident it would stay on schedule.

Other updates: Benton County moved forward expressing support for the fiber project. Staff has a meeting next week on the Land Use Plan and will hopefully see survey results. Staff will report back to the council.

New Business

No new business.

Discussion on purchase of PID 020049300 & PID 020050000.

At 6:23 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 6:43 p.m. the meeting reconvened. The public was invited back into the chambers.

Motion by Brosh, seconded by Swanson, to adjourn the meeting.
Motion carried, unanimous.

Meeting adjourned at 6:44 p.m.

Saraha Brunn

Sarah A. Brunn, Administrator