

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – June 1, 2021

The Foley City Council held a special meeting on June 1, 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 May 4, 2021.
- Approve minutes of May 17, 2021.
- Approve hiring of seasonal, part-time office employee.
- Accept resignation of firefighter Tom Kaproth.
- Accept resignation of police officer Dylan Kleinsasser.
- Approve School Resource Officer Agreement – 7/1/21-6/30/21.
- Approve payment of bills

Gondeck expressed his thanks to Tom Kaproth for his 47 years of service on the fire department.

Motion carried, unanimous.

**Public Hearing – Liquor Licenses (contingent on background)**

At 5:32 p.m. Mayor Bettendorf recessed the regular council meeting for the public hearing on Liquor Licenses. No one spoke.

At 5:33 p.m. Mayor Bettendorf reconvened the regular council meeting.

Motion by Swanson, seconded by Gondeck, to approve the liquor licenses. Motion carried, unanimous.

**Approve Tobacco Licenses (contingent on background)**

No public hearing is required for tobacco licenses. Motion by Gondeck, seconded by Swanson, to approve the tobacco licenses. Motion carried, unanimous.

**2020 Audit Report – Schlenner & Wenner**

Ashley Meagher from Schlenner & Wenner gave an overview of the 2020 audit report and referred the council to the summary of the full report in their packets. The audit found no significant areas of concern. Audit went very smoothly.

She listed several items for the council including the recommendation for separation of duties. The general fund saw a \$221,000 increase, a 21% increase over 2019. The general fund also saw significant

changes in property taxes and intergovernmental revenues. There was a decrease in licenses and permits. Expenditures saw significant changes in general government and capital outlay. This was due to spending from the coronavirus and incoming/outgoing dollars. Cash for the general fund has gradually increased over the past few years. The fire service fund has decreased due to the fire truck purchase. Gear purchases for the fire department came from a FEMA grant. The EDA fund consisted of receipts. The 2018 capital improvement fund will next year be renamed as a debt service fund. There was nothing major to report in the governmental column. There was a decrease in activity in the pool fund due to the pool being closed in 2020. Water and sewer funds increased by \$217,000 from an increase in charges for services from rate increases. Sewer fund saw a slight increase of \$28,000 due to service rates and I&I study costs. The cash enterprise fund is increasing. Assets for the city increased with capital assets with the fire truck. Liabilities decreased from previous year. Changes in debt shows \$4.45 million in total city debt.

Questions from the council and discussion followed.

### **Consider Purchase of PIDs 020049300 & PID 020050000**

Bettendorf explained that all four items connected to the land purchase could be made under one motion. Brunn explained that any motion should be made contingent on the legal descriptions being accurate and that staff makes sure they are recorded properly because we're taking a big piece and splitting it.

Motion by Gondeck, seconded by Musachio, to approve under the purchase of the land a Contract for Deed, Farm Lease, Option Agreement, and Memorandum of Purchase Agreement contingent on the staff recording the accurate legal descriptions.

Discussion and questions followed.

Motion carried, unanimous.

### **Mayor's Comments and Open Forum**

Joshua Beutz, 420 Norway Drive, addressed the council regarding the letters about parking ordinance violations and not being allowed to park vehicles in the grass. Beutz said he put down a hard surface, but it doesn't meet requirement. He questioned the ordinance description of what is allowed. He said if the city tows his trailer he will get a lawyer.

Britney Winkleman, 268 Balsam Drive, addressed the council regarding the parking ordinance. She said she'd been approached multiple times and that other people had supposedly mentioned her property in being in violation. She said she installed a hard surface and spent time and money. She also told the council she was new to town. She was trying to keep her yard nice, but it was a work in progress. She also said it makes her mad that other properties are not being addressed. She is on a strict deadline to fix the issue.

### **Department Reports**

#### **Police Department**

Chief Katie McMillin updated the council. May was the busiest month she'd ever seen with 397 calls including 26 calls for suspicious activity and 14 welfare checks and medical calls. Harassment calls were down, but criminal damage to property was up. The department completed background checks for tobacco and liquor licenses. TDZ hours totaled 30.75 hours.

The Bike Safety Rodeo currently has 75 pre-registrations – the most ever. An illegal dumping citation was issued for the compost site – petty misdemeanor. If the council wants to take the next step, then a civil suit could also be added to the petty misdemeanor charge. The suspect would not have to appear in court. He could pay the fine and it would be closed out. Discussion and questions from the council followed.

McMillin also said that officer Kleinsasser had resigned (resignation appeared in the consent agenda). We might need to hire another to replace, but if everyone else stays through October we should be okay. Another officer is also getting backgrounded by another agency. Part-timers are required to work two shifts per month.

Ordinance violation letters were sent out in May, including parking and storage, garbage, trailers, and tall grass. 98% are now compliant. McMillin explained to the council that she works with everyone she sends a letter to and asks what timelines work best for them. Regarding the trailer at 420 Norway Drive she spoke with the city attorney and he said that having the trailer on blocks does not meet the parking surface requirements. Discussion followed.

Bettendorf addressed the council stating that the city had been battling the issue for a long time. He asked each councilmember to state for the record their opinion of the ordinance.

McMillin asked the council to please keep in mind that many residents had already complied with the parking and storage ordinance and spent a lot of money to do so.

Gondeck reminded the council that the Planning Commission had reviewed the ordinance previously and made changes to make it feasible for everyone. 10-12 residents attended the commission's meeting and agreed with the direction we decided to go. Only two people complained tonight. The chief says we have 98% compliance. Gondeck said to keep the ordinance.

Musachio – Said to keep the ordinance. It is not out of line with other cities in Minnesota. We are not doing anything super different. Musachio asked if the ordinance could be changed so the police department could issue tickets.

Brunn reminded the council that as a statutory city we are not able to issue tickets. Letters and prosecution were our only option.

Swanson – We need an ordinance. I don't want to create a burden on these people. Maybe change the ordinance to modify to make it better.

Brosh asked why the owner at 420 Norway was not prosecuted as discussed last fall. McMillin explained that the owner became compliant by moving their trailer, but now they are no longer in compliance which starts the process over again.

Brunn also reminded the council that when the original ordinance was passed any property with gravel driveways (now disallowed by the current ordinance) were grandfathered in (legal non-conforming) and it gave the homeowner the right to maintain the existing class 5 gravel driveway, but they could not alter (expand) the driveway.

Bettendorf stated that in his opinion the city has a few residents who are not complying, but we have to enforce the ordinance. If we don't, he is concerned what could happen.

The council took an informal vote with a majority (3) voting for continued enforcement.

Gondeck asked if the Planning Commission should look at the ordinance one more time. Discussion followed with the council deciding to ask the Planning Commission to look at it one more time. Bettendorf tabled the issue until the next meeting when the council will vote on it. He asked the police department to not pursue any further until after the council decides what to do after the July meeting.

### **City Engineer**

The city engineer gave the council a quick update. The Hwy 23 project design is done and waiting on comments from the state.

### **Public Works/Fire Department**

Public Works Director Mark Pappenfus updated the council regarding the coping project for the pool. The project is running about a week behind and the planned pool opening date of June 9 is in jeopardy. We will keep the council informed. He is meeting with the Department of Health on water testing. No action is needed at this time. The installation of the salt shed on Broadway is moving forward. Pappenfus directed the council the bid from Graystone in their packets for and asked for their approval. Discussion followed.

Motion by Brosh, seconded by Swanson, to accept the Graystone bid as presented.  
Motion carried, unanimous.

Pappenfus also presented a chip and seal maintenance program for south of town.

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

### **Administration**

Brunn informed the council of a garbage rate contract adjustment that will be going into effect in July. She also mentioned that staff would be looking at a housing study county wide with Benton County.

### **Old Business**

Brunn gave an update on the wastewater project and presented a plan to purchase a parcel of land discussed at the land meeting for \$7,500 for the project.

Motion by Swanson, seconded by Gondeck, to purchase the land.  
Motion carried, unanimous.

### **New Business**

No new business.

### **Discussion on purchase of PID 020049300 & PID 020050000.**

At 6:30 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 6:33 p.m. the meeting reconvened. The public was invited back into the chambers.

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

Meeting adjourned at 6:33 p.m.

*Sarah A Brunn*

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Sarah A. Brunn, Administrator