

CITY OF FOLEY, MINNESOTA  
CITY COUNCIL MEETING – July 13, 2021

The Foley City Council held its regular meeting on July 13, 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 Gondeck, seconded by Swanson, to approve the agenda. Motion carried, unanimous.

**Consent Agenda**

Motion by Gondeck, seconded by Brosh, to approve the consent agenda, which includes the following:

- Approve minutes of June 1, 2021.
- Adopt Resolution #2021-13 Accepting Donation.
- Adopt Resolution #2021-14 Accepting ARPA Funds.
- Adopt Resolution #2021- 15 PSIG Application
- Approve engineering agreement for new industrial park plat.
- Approve purchase agreement for portion of PID 020051211.
- Accept resignation of pool manager Amelia Winkelman effective July 24, 2021.
- Approve payment of bills.

**Public Hearing**

The regular city council meeting was recessed at 5:32 p.m. for the public hearing regarding Ordinance #457 – Amending Zoning Ordinance Related to Solar Gardens and Ordinance #458 – Amending Zoning Ordinance Relating to Interim Use Permits.

Deb Olson, 600 Dewey Street, addressed the council regarding Ordinance #457 with questions about the specific language of the ordinance. Discussion followed with council members and the city administrator clarifying that the ordinance allows for solar panels on the roof and no more than 2 x 2 foot free-standing panels in the backyard for items such as a weather station. The spirit of the ordinance is that it does not allow for a solar garden within city limits.

The city council's regular meeting was reconvened at 5:37.

Motion by Gondeck, seconded by Swanson, to approve the amendment to Ordinance #457.

Motion carried, unanimous.

Motion by Gondeck, seconded by Musachio, to approve the amendment to Ordinance #458.

Motion carried, unanimous.

**Consider Ordinance #459 – Amending Code Related to Driveway Access onto Right-Of-Way**

City Administrator Sarah Brunn gave an overview of the amendment to the council stating that the only change is an incorrect reference and changing the allowed driveway width.

Motion by Gondeck, seconded by Swanson, to approve the amendment.

Motion carried, unanimous.

Motion by Bettendorf, seconded by Gondeck, to move the fiber project discussion up in the order of the agenda.

Motion carried, unanimous.

### **Benton County Fiber Agreement Discussion**

Mayor Bettendorf opened the discussion by stating that Benton County is not following through with the original conditions laid out by the city at the May meeting. If the county wants to own the fiber project, they must meet the demands of the city.

Brunn gave an overview of the current state of negotiations. The request from the county is at a standstill. The county and the city need to work together to create a fiber build out plan that will meet three conditions 1) the city of Foley is prioritized in the county's build out plan 2) city properties are provided free fiber services 3) a plan for revenue sharing with the city if the county makes money by owning the fiber.

City Attorney Adam Ripple agreed that there were some misunderstandings with the county and that more discussion was needed.

County Commissioner Jared Gapinski addressed the city council stating that he believes the city and the county are on the same page and that the two attorneys should meet to overcome the miscommunication.

Discussion followed with Gapinski offering reassurances to the city council, but he was unable to guarantee that the three conditions the council had requested back in May would be approved by the county. At the time of the meeting, the county did not have a plan in place to show what the fiber build out would look like or even if the city of Foley would be prioritized ahead of the rest of the county.

Mayor Bettendorf and the rest of the council stated again that the three conditions previously stated were non-negotiable. The city must move forward with the wastewater/fiber project with or without the county in order to meet construction deadlines. The council wanted what was best for Foley and would move forward on their own with the fiber project if an agreement could not be made in time. Discussion continued at length.

Brunn asked the council for a motion to put a deadline for an agreement with the county. Staff needs to have direction in order to meet construction deadlines. Staff needs plans finalized by August to proceed with the bidding process.

Motion by Swanson, seconded by Gondeck, to set a deadline of Aug. 3 to have an agreement with the county in front of the council for approval.

Motion carried, unanimous.

### **Mayor's Open forum**

Deb Olson, 600 Dewey Street, addressed the council with questions regarding the industrial park plat is comparable to the downtown examples in the land use plan.

Brunn explained that the items were two different issues and the land use plan was part of a preliminary findings that would be presented later during the meeting.

### **Department Reports**

Interim Chief Bart Kothman gave an update to the council. June saw 352 calls which is continuing the trend of increased calls. Suspicious activity, welfare checks, assaults and domestics, and animal complaints were all up. The department has more TZD hours to use. The bike rodeo during Foley Fun Days went well. No issues to report from Fun Days. The new squad is getting graphics applied on Friday at Murphy's. The additional electronics will be installed in another week.

The city council decided to keep the parking and storage ordinance issues tabled until the Aug. 3 council meeting.

### **City Engineer**

The city engineer thanked the council for approving the engineering agreement in the consent agenda and gave an overview of next steps. The platting for the industrial park lots will begin next week.

### **Public Works and Fire Department**

Mark Pappenfus gave the council a brief overview. Pool maintenance is going well. Some flow issues may need to be addressed. Summer projects are getting done. The Hwy 23 lighting at the end of trail on the east side of 13<sup>th</sup> Avenue is moving forward and the council was asked to include taking on the maintenance costs. The goal of the project is safety. Brunn reminded the council that the city has grant dollars that will pay for the actual lights. Discussion followed. The council agreed to paying for the lighting costs.

### **Planning Commission Joint Meeting**

At 6:30 p.m, the regular council meeting was recessed so the Planning Commission could join the meeting for the Land Use Presentation.

Lance Bernard from HKGi gave a presentation to the council and the Planning Commission regarding the preliminary findings from the Land Use survey. Bernard explained that the study helps to plan for land use 20 years out. It's a visionary process and looks at trends and opportunities. Discussion and questions followed.

### **Administration**

Sarah Brunn provided an update to the council regarding the compost site cleanup and asked for direction on whether we should pursue monetary damages in addition to the citation that the court will issue. Brunn explained that based on attorney fees and other limitations staff did not want to spend more than what the possible reimbursement could be. Discussion followed with the council deciding to let the court issue the citation without asking for additional monetary damages.

Brunn addressed the council regarding the resignation of the current pool manager and recommended the internal promotion of the current assistant manager. Brunn also gave an overview regarding current staffing levels at the pool and what Red Cross guidelines recommend. It is possible to reduce one

guard per shift with the goal of keeping the pool open for the public without running the risk of burning out staff while still meeting safety standards.

Motion by Bettendorf, seconded by Musachio, to appoint Emma Brenny to the position of Pool Manager and reduce staffing levels by one.

Motion carried, unanimous.

Brunn also updated the council on the current level of part-time police officers. Staff has posted a job listing advertising for part-time officers (2 positions) as well as filling our eligibility list.

Motion by Gondeck, seconded by Musachio, to authorize a new eligibility list.

Motion carried, unanimous.

Brunn gave an overview of the compensation study and budget – still in process. Should be ready in early August. The budget workshop will be held mid-August with the preliminary levy by September.

### **Old Business**

Brunn gave an update on the wastewater project. The city of St. Cloud passed the user agreement, which was critical to keeping our timeline and getting the project certified by the state. Our attorney has reviewed the agreement with no concerns. We should have a bid and contract before the connection fee is due. The state is coordinating with St. Cloud, and we are moving ahead with interim financing while we wait for PSIG money.

Motion by Gondeck, seconded by Musachio, to approve the wastewater agreement.

Motion carried unanimous.

### **New Business**

No new business.

Motion by Swanson, seconded by Gondeck to adjourn.

Motion carried, unanimous.

Meeting adjourned 7:45 p.m.



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Sarah A. Brunn, Administrator